

COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR) HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Lindsay Darden, Planner II

Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SP-20-001

Project Name: Solace of Colorado Springs

Parcel No.: 54072-00-052

OWNER:	REPRESENTATIVE:
Butler and Peetz, LLC 6625 Delmonico Drive Colorado Springs, CO 80919	Dane Olmstead Jackson Dearborn Partners 53 W. Jackson Blvd., Suite 1756
	Chicago, IL 60604

Commissioner District: 2

Planning Commission Hearing Date:	11/5/2020
Board of County Commissioners Hearing Date	11/10/2020

EXECUTIVE SUMMARY

A request by Butler and Peetz, LLC, for approval of a preliminary plan to create one multi-family residential lot. The 28.99 acre property is zoned RM-12 (CAD-O) (Residential, Multi-Dwelling; Commercial Airport Overlay District) and is located at the northeast corner of the Galley Road and North Powers Boulevard intersection and is



within Section 7, Township 14 South, Range 65 West of the 6th P.M. The property is not located within a small area plan.

The preliminary plan depicts a 342-unit multi-family residential development including fifteen (15) residential structures, carports and uncovered parking, a swimming pool and clubhouse, and several open space areas that will be constructed in two phases. Phase 1 includes 234 multi-family dwelling units (10 residential structures), a swimming pool, and a clubhouse. Phase 2 includes 108 multi-family dwelling units (5 residential structures). In conjunction with the preliminary plan, the applicant is requesting the Board of County Commissioners to make a finding of water sufficiency in terms of quality, quantity and dependability for Phase 1 and is also requesting authorization of administrative final plat approval for Phase 2. The applicant has requested to defer the water finding for Phase 2 until the final plat which would preclude an administrative final plat approval for Phase 2.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Butler and Peetz, LLC, for approval of a preliminary plan to create one multi-family residential lot and a finding of sufficient water quality, quantity, and dependability for Phase 1 thereby authorizing administrative approval of the subsequent final plat for Phase 1.

Waiver(s)/Deviation(s):

Deviations

The following deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the ECM Administrator:

1. Section 2.2.4.B.4: The typical cross-section for an urban non-residential Collector includes a paved width of 48 feet, curb/gutter, and an 8-foot landscape area with a 5-foot detached sidewalk on each side. The applicant has submitted a deviation request to allow for the proposed Paonia Street to have a paved width of 36 feet as required of a residential collector roadway and to omit the sidewalk on the east side. This request has been approved as the applicant will provide the 80 foot of right-of-way required of an urban non-residential collector while matching the existing 36 feet of paved width that Paonia Street has along this corridor. The average daily traffic anticipated on Paonia Street is below the limits of a residential collector roadway. The east side of Paonia Street will be encumbered with extended detention ponds and the Sand Creek Center Tributary Drainageway. Additionally, no sidewalk exists on the east side of the existing developed Paonia Street north and south of the development.

- 2. Section 2.3.7.E: The required left turn deceleration lane length for a 40 MPH design speed roadway per <u>ECM</u> table 2-26 is 155 feet. The applicant has submitted a deviation request to allow for a 105-foot deceleration lane length for the northbound left turn lane at the southernmost site access along Paonia Street. The request has been approved as the required lane is limited by the planned construction of a required southbound left turn lane approaching Galley Road. The proposed design will provide some storage capacity for northbound traffic turning left into the site, and it is anticipated that additional traffic will bypass the first entrance and go to the second.
- 3. Section 2.3.7.E: The required left turn deceleration lane length and taper for a 40 MPH design speed roadway per <u>ECM</u> table 2-26 is 155 feet and 160 feet. The applicant has submitted a deviation request to allow for a 100 foot deceleration lane length and 100 foot taper for the westbound left turn lane on Galley Road at the intersection of Paonia Street. The request has been approved as the smaller left turn lane will prevent restricting the turn movements of the existing access points utilized by businesses along Galley Road.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a Preliminary Plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this <u>Code</u>;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this <u>Code</u>;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions.
 [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this <u>Code</u> and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-ofway or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

 The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North: CC (Commercial Community) Industrial/Commercial

I-2 (Limited Industrial) Industrial/Commercial

South: I-2 (Limited Industrial) Commercial

East: I-2 (Limited Industrial) Industrial/ Commercial

West: CC (Commercial Community) Vacant (CDOT Right-of-Way)

E. BACKGROUND

The property was zoned A-3 (Agricultural) on May 11, 1942, when zoning was first established for this area of the County. The property was then rezoned to the M (Manufacturing) zoning district and then to the PBP (Planned Business Park) zoning district. Due to changes of the nomenclature of the El Paso County Land Development Code (2019), the PBP zoning district was renamed as the CC (Commercial Community) zoning district. On April 11, 2017, the property was rezoned from CC (CAD-O) (Commercial Community, Commercial Airport Overlay District) to RM-12 (CAD-O) (Residential, Multi-Dwelling; Commercial Airport Overlay District) (PCD file no: P-16-007). In addition to the traditional map amendment (rezone) conditions of approval, further conditions and notations were added regarding road improvements, impacts from adjacent industrial development, noise mitigation, setbacks, and fencing. Staff recommends that those same conditions be added to any approval of the proposed preliminary plan application (See specifically Recommended Conditions of Approval Nos. 7-11 and Notation No. 5 below).

The subject parcel is within the ADNL (Airport Noise Subzone) of the CAD-O (Commercial Airport Overlay District) overlay district. The ADNL identifies areas of the County where aircraft noise impacts may exceed 65 dB(A). The ADNL does not allow for residential uses as a permitted use. Section 4.3.1.F.2.b of the El Paso County Land Development Code (2019) states (emphasis added):

"Land should not be rezoned to a residential or multifamily district which allows a higher density than the current zoning of the property. In the event of a rezoning or variance action to allow a residential zoning with a higher density than the current zoning of the property, the BoCC shall include specific findings relative to airport noise within the approval resolution and shall require appropriate noise mitigation measures."

At the time of the rezoning, the BoCC made the following specific finding:

"Multi-family development is appropriate at this location, despite being located in the ADNL subzone, as a result of the applicant using construction techniques to decrease indoor noise levels to 30 dB(A) or lower."

The Board of County Commissioners approved the rezoning with a specific condition and notation related to aircraft noise which staff recommends be included within the preliminary plan (See Recommended Condition of Approval No. 6 and Notation No. 6 below).

The proposed development is adjacent to properties within the I-2 (Limited Industrial) zoning district to the north and east. The I-2 (Limited Industrial) zoning district has setback requirements of 50 feet in the front and rear and 30 feet on the sides except when adjacent to a residential zoning district where the setback is increased to 125 feet.

Pursuant to Table 5-5 of the Code:

"The Planning and Community Development (PCD) Director may allow a reduction in setback where appropriate actions are taken including landscaping, fencing, berms, or building design, or where the use can be limited to mitigate potential impacts."

At the time of rezoning, to mitigate impacts to the adjacent developed industrial property, the applicant elected to absorb the 125-foot setback requirement that would otherwise be applied to the neighboring I-2 zoned properties as a result of the proposed infill residential development. The 125-foot setback would effectively eliminate expansion and/or future development on those adjacent industrial properties due to the setback comprising nearly half of the depth of most of the industrial parcels that adjoin the subject parcel. An administrative determination for the I-2 (Limited Industrial) parcels that adjoin the subject parcel to the east and north was approved in 2017 to document the required 125 foot setback from the proposed residential development being provided on the subject parcel and would not be applied to the industrial zoned properties that were included in the administrative determination (PCD File No. ADM-17-016).

The 28.99-acre parcel is an illegal division of land created in 1991 after a 13,722 square foot parcel (Parcel No. 54072-00-048, not included with this request) was severed by deed from the subject parcel. The El Paso County subdivision

regulations, adopted by the El Paso County Board of County Commissioners on July 17, 1972, pursuant to C.R.S. §§30-28-101, requires divisions of land less than 35 acres in size that occurred after the effective date of the subdivision regulations be legalized through the subdivision process prior to building permit authorization. Condition of Approval No. 1 of the map amendment (rezone) requires that the illegal division of land be legalized through the El Paso County subdivision process prior to site development plan approval. The proposed preliminary plan is the first step of the process to legalize the parcel and will be followed by subsequent final plats for the two development phases.

The preliminary plan depicts a 342-unit multi-family residential development including fifteen (15) residential structures, carports and uncovered parking, a swimming pool and clubhouse, and several open space areas that will be constructed in two phases. Phase 1 includes 234 multi-family dwelling units (10 residential structures), a swimming pool, and a clubhouse. Phase 2 includes 108 multi-family dwelling units (5 residential structures). In conjunction with preliminary plan approval, the applicant is requesting the Board of County Commissioners make a finding of water sufficiency in terms of quality, quantity and dependability for Phase 1 thereby authorizing administrative final plat approval for Phase 2 until the final plat, which would preclude administrative final plat approval for Phase 2.

F. ANALYSIS

1. Land Development Code Compliance

The subject parcel is zoned RM-12 (CAD-O) (Residential Multi-family, Commercial Airport Overlay District) and is located within the airport noise sub zone (ADNL) of the CAD-O. There are a variety of land uses in the vicinity of the subject parcel, including industrial properties to the north and east and commercial properties to the south and west. Immediately northwest of the subject parcel, within the incorporated boundaries of the City of Colorado Springs, is a multi-family apartment complex. There is some single-family residential development located within one quarter (1/4) of a mile to the east and west, outside of the ADNL subzone. The proposed multi-family development is compatible with the assortment of uses in the general vicinity of the site and is allowed under the current zoning of the subject parcel.

As discussed in the background section above, the 125 foot setbacks that were approved with the rezoning and that are proposed adjacent to the I-2 (Limited Industrial) zoned property to the north and east will help transition from the more intense industrial uses to the proposed multi-family residential development. The applicant is proposing a six (6) foot tall opaque fence along the north property line

and a five (5) foot tall berm in the area between the north property line and the parking area that parallels the north property line within the 125 foot setback as depicted on the proposed preliminary plan and described in the applicant's letter of intent. These design elements will buffer the adjacent industrial properties to the north and will be further detailed during the site development plan process.

The ADNL subzone in the <u>Land Development Code</u> does not allow for residential uses as a permitted use. Section 4.3.1.F.2.b, ADNL Subdistrict, Rezoning, of the <u>Code</u> states:

"Land should not be rezoned to a residential or multifamily district which allows a higher density than the current zoning of the property. In the event of a rezoning or variance action to allow a residential zoning with a higher density than the current zoning of the property, the BoCC shall include specific findings relative to airport noise within the approval resolution and shall require appropriate noise mitigation measures."

In approving the rezoning, the BoCC was required to make a specific finding that multi-family development was appropriate within the ADNL subdistrict as detailed in the Background section of this report above. The Board of County Commissioners approved the rezoning with a specific condition and notation related to aircraft noise, which staff recommends also be included with the preliminary plan (See Recommended Condition of Approval No. 6 and Notation No. 6 below). The Colorado Springs Airport Advisory Commission was sent a referral for this preliminary plan request and provided review comments which are attached below. The Colorado Springs Airport Advisory Commission has no objection to the preliminary plan provided the conditions related to airport noise and FAA approval that were previously approved with the rezoning also be applied to this request. The Commission also requested that the developer meet with airport staff.

Central wastewater service will be provided by Cherokee Metropolitan District. The District has issued a commitment letter to serve the development and indicated that it has sufficient capacity to provide the service. Legal access to the proposed development and related roadway improvements are detailed in the transportation section below.

The preliminary plan depicts several areas of usable open space that are located centrally within the site for the residents of the development, which include the following: a playground/park area, a dog park area, a fenced dog run, and a

swimming pool adjacent to the clubhouse. The preliminary plan proposes approximately 4.73 acres of open space along the eastern property line, of which a portion is encumbered by floodplain and a drainage channel that was included in the Sand Creek Basin Planning Study. This open space area is proposed to include two private water quality and detention ponds. Channel improvements identified in the Sand Creek Drainage Basin Planning Study are being proposed with this development. Protection of the open space area along the east property line will preserve the portion of the site that is encumbered by the floodplain and the drainage channel from more intense development and will also buffer the proposed multi-family residential from the more intense industrial uses to the east.

2. Zoning Compliance

The RM-12 (Residential Multi-Dwelling) zoning district is intended to accommodate moderate density single-family attached and low-density multi-dwelling development. The RM-12 (Residential Multi-Dwelling) zoning district density and dimensional standards are as follows:

- Minimum lot size 3,500 square feet
- Maximum density 12 dwelling units per acre
- Setbacks front 15, sides 10 feet, and rear 20 feet
- Maximum building height 40 feet
- Maximum lot coverage 70 percent

The subject parcel includes 28.99 acres, which would permit a maximum of 346 residential dwelling units. The applicant is proposing 342 dwelling units, which would result in a density that is less than the maximum allowed in the zoning district.

A site development plan will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards as well as the general development standards of the <u>Land Development Code</u> and the requirements of the <u>Engineering Criteria Manual</u>.

3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

- **Policy 6.1.1** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.
- **Policy 6.1.7-** Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.
- **Policy 6.1.8** Encourage incorporating buffers or transitions between areas of varying use or density where possible.
- **Policy 6.1.11** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.
- **Policy 6.2.10** Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.
- **Policy 6.3.4 -** Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.
- **Policy 13.1.2-** Support the provision of land use availability to meet the housing needs of county residents.

The 28.99-acre parcel is surrounded by industrial and commercial properties. Immediately across Powers Boulevard to the northwest of the subject parcel is an apartment complex within the incorporated limits of the City of Colorado Springs. There is some single-family residential development located within one quarter (1/4) of a mile to the east and west, outside of the ADNL subzone. The proposed infill multi-family development is compatible with the variety of uses in the general vicinity of the site. The development, once constructed, will also provide additional rental housing within the County and will help serve those who work in the nearby commercial and industrial areas.

As mentioned above, the applicant previously agreed to absorb the 125 foot setback requirement onto the subject property which would otherwise be applied to the neighboring I-2 (Limited Industrial) zoned properties. If the increased setback was not absorbed by the subject property and it were instead applied to the adjoining industrial properties, then it would have significantly limited any

future development of those industrial properties. The preliminary plan depicts the 125-foot setback adjacent to the I-2 (Limited Industrial) zoning district. Provision of the 125-foot setback on the subject property will also help to buffer and transition the multi-family residential use from the more intense industrial uses adjacent to the subject parcel.

Policy 6.3.4 recommends uses be compatible with surrounding land uses in terms of scale, intensity and potential impacts. Industrial and commercial developments are generally characterized by larger buildings and higher volumes of traffic. Similarly, multi-family residential is a denser form of residential development that is also characterized by higher volumes of traffic. Multi-family residential structures are generally more comparable in scale to commercial and industrial building footprints than detached single family development but may be less compatible in terms of appearance if they provide more architecturally diverse building elevations and/or are constructed of materials that are more commonly utilized in residential development. For the reasons specified above, the proposed infill residential development is anticipated to be complementary to the general area in terms of the impacts of the use and size and scale of the structures and can be made to be more consistent with the surrounding uses via implementation of the increased setback requirement and the various screening and buffering measures, which will need to be planned for and depicted at the site development plan stage of development.

Paonia Street terminates at the northern boundary of the subject parcel and provides access from Omaha Boulevard to the industrial properties located north of the subject parcel. The proposed infill development will not only extend and connect Paonia Street through the subject parcel to provide access for the multifamily development but will also provide a connection to Galley Road for the commercial and industrial developments that are located north of the subject parcel.

A site development plan will be required prior to building permit authorization. During the review process of the site development plan staff will require that the property meet all of the requirements of the <u>Code</u> and the <u>ECM</u> to ensure that the site is functionally and aesthetically integrated into the existing developed area and compatible with the adjacent uses. Roadway landscaping will be required along Powers Boulevard and along the proposed extension of Paonia Street in order to buffer and screen the residential properties from the two roadways and the nearby land uses. Landscape buffers and an opaque fence or wall with a

minimum height of six (6) feet will be required along property lines where non-residential development is adjacent to the residential zoning district.

4. Small Area Plan Analysis

The subject parcel is not located within the boundaries of a small area plan.

5. Water Master Plan Analysis

The <u>El Paso County Water Master Plan</u> (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

- Policy 6.0.7 Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process, as allowed under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.
- Policy 6.0.11 Continue to limit urban level development to those areas served by centralized utilities.
- Policy 3.1.1 Reuse of wastewater flows should be encouraged, to the greatest extent feasible, in order to increase water supply and to help diversify the supply portfolios of the water providers.

The subject property is located within Region 5, the Cherokee Metropolitan District Service Area, which is not anticipated to experience significant growth through 2060, however, the District could consider expanding water and sewer service to growth areas outside of Region 5. Cherokee Metropolitan District obtains recharged water from wells drawing from the Upper Black Squirrel Creek Basin alluvial aquifer, which is recharged with seasonal precipitation and reclaimed water from both the Cherokee and Meridian Service Metropolitan Districts' wastewater treatment plants.

In year 2018, Region 5 had a water supply of 4,849-acre feet per year and a demand of 4,396-acre feet per year. The 2040 water supply is projected to be 4,849-acre feet per year and the projected demand is 6,468-acre feet. The 2060 water supply is projected to be 4,849-acre feet per year, whereas the demand is

anticipated to be 9,608-acre feet per year. It should be emphasized that a potential shortage of water supplies for this region is expected as early as 2040.

During the review process for the preliminary plan, the applicant provided reports and analysis for the proposed water source for Phase 1 of the development, which will be via central services provided by the Cherokee Metropolitan District. The Phase 1 development includes 234 multi-family residential dwelling units, a swimming pool, and a clubhouse. The information was reviewed by staff, El Paso County Public Health, and the County Attorney's Office. A conditional recommendation of sufficiency in regard to water quantity and dependability for Phase 1 was made by the County Attorney's Office on August 18, 2020. EPC Public Health made a finding of water quality for Phase 1 on March 29, 2020. A water finding for Phase 2, including water quantity, dependability, and quality will need to be made at the time of application for approval of a final plat for the Phase 2 development.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies eolian deposits (windblown sands) and coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the 2016 <u>Major Transportation Corridor Plan (MTCP)</u>.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The subject parcel is partially encumbered by the FEMA Floodplain (see subsection 3 below). As discussed in this report, the property is within the ADNL (Airport Noise Subzone) subzone of the CAD-O (Commercial Airport Overlay District) overlay district, which means that noise associated with aircraft operation could prove to be a hazard if not appropriately mitigated. The parcel is also adjacent to Powers Boulevard to the west, which generates highway noise. At the

time of rezoning, a noise study was required due to the location of the site within the ADNL. Due to sound mitigation being required for the aircraft noise, the noise study did not specify that additional mitigation would be required for highway noise resulting from the proximity of the development to Powers Boulevard.

The soils and geology report prepared by CTL Thompson, Inc., identifies that there are no hazards present on the property except for along the eastern edge of the property, which is encumbered by floodplain and a drainageway. Due to the 125-foot setback requirement, this area is not proposed to include structures but instead will be maintained as open space and accommodate two (2) private water quality and detention ponds.

2. Wildlife

The <u>El Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral for this project and has no outstanding issues.

3. Floodplain

The FEMA Flood Insurance Rate Map panel number 08041C0752G, dated December 7, 2018 shows that the Zone AE 100-year floodplain of the Sand Creek Center Tributary Drainageway flows along the eastern portion of the property. There is a second Zone AE 100-year floodplain that is west of the Sand Creek Center Tributary Drainageway, which flows along the existing Paonia Street and enters the northern portion of the property where Paonia Street is proposed to be extended. A floodplain development permit and a no-rise letter for work in the drainageway will need to be provided with the final plat.

4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) Drainage Basin, which was studied in 1996. Drainage and bridge fees are required with the final plat application. The Sand Creek Center Tributary Drainageway and a secondary drainageway flow through the property. The Sand Creek Drainage Basin Planning Study (DBPS) identifies improvements to the Sand Creek Center Tributary Drainageway within the property consisting of check and drop structures as well as a concrete lined channel. A channel analysis of the existing conditions of the drainageway was submitted that confirmed that improvements are needed for this section of the drainageway. A channel analysis of the proposed conditions shall be submitted with the final plat application. Channel improvements indicated in the DBPS that are constructed are eligible for reimbursement.

The site generally drains to the south and southeast. It is anticipated that the secondary drainageway that flows along Paonia Street will be diverted to the Sand Creek Center Tributary Drainageway at the northern property line. Stormwater runoff from the site will be conveyed via private streets to at-grade and sump inlets throughout the site. Stormwater runoff will then be routed via private storm pipes to two private full spectrum detention ponds that will mitigate the developed runoff and release flows at or below historic rates to the Sand Creek Center Tributary Drainageway along the eastern property line. The ponds will be maintained by the property owner. Per the associated preliminary drainage report the proposed development will not adversely affect the offsite major drainageways or surrounding developments.

5. Transportation

The site is located within the northeast quadrant of the intersection of Galley Road and Powers Boulevard. The proposed residential development is anticipated to extend Paonia Street from the existing terminus located south of Omaha Boulevard to Galley Road.

Paonia Street will be constructed as a collector roadway. Paonia Street is intended to be a public roadway that will be dedicated to El Paso County for ownership and maintenance. The final plat shall also dedicate additional right-of-way to El Paso County along Galley Road.

The development will provide two access points along the new section of Paonia Street. All interior roadways/drive aisles are anticipated to be private and will be maintained by the property owner.

The associated traffic impact study (TIS) identified improvements at the intersection of Paonia Street and Galley Road. Additionally, the TIS identified that current and future conditions at this intersection would meet traffic signal warrants. Per the TIS, the intersection should be monitored to determine when signalization is necessary. The applicant shall contact the Road Impact Fee Advisory Committee for possible reimbursement of intersection improvements as indicated in the 2019 Road Impact Fee Implementation Document.

There are no improvements identified in the 2016 <u>Major Transportation Corridor Plan</u> (MTCP) in the immediate vicinity of the site.

The development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Road impact fees shall be paid at the time of building permit authorization.

Staff has added recommended conditions of approval related to traffic improvements which have been carried over from the rezoning resolution (See Conditions 9 and 10 below).

H. SERVICES

1. Water

Sufficiency: Conditional Sufficiency for Phase 1

Quality: Sufficiency for Phase 1

Quantity: Conditional Sufficiency for Phase 1
Dependability: Conditional Sufficiency for Phase 1

Attorney's summary: Water service is to be provided by Cherokee Metropolitan District. The District has provided a commitment letter to serve the proposed development. The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of conditional sufficiency with regard to water quantity and dependability for Phase 1, which is graphically depicted on the preliminary plan. A separate finding of water quality, quantity, and dependability will be required at a later date with the final plat for Phase 2 of the development.

2. Sanitation

The property will be served by Cherokee Metropolitan District. The district has provided a commitment letter to serve Phase 1 of the development.

3. Emergency Services

The site is located within the boundaries of the Cimarron Hills Fire Protection District. The District was sent a referral and indicated that they will provide fire, rescue, and medical emergency response to the residential multi-family development. They also provided a separate commitment letter to serve the development.

4. Utilities

Colorado Springs Utilities will provide natural gas and electrical service to the property.

5. Metropolitan Districts

The property is within the service area of Cherokee Metropolitan District. The District will provide water and sanitation services to the property. Cherokee Metropolitan District service area does not include a property tax mill levy.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) does not depict any parks or trails in vicinity of the subject parcel. Fees in lieu of park land dedication will be due at the time of recording the final plat(s). During the review process, the Parks Advisory Board provided a recommendation for those park fees to be due at the time of final plat approval; however, the number of proposed dwelling units has been reduced by the applicant. The Park Advisory Board will need to provide a final recommendation for those fees to be due at recording at the time of the final plat application(s). The anticipated fees for the 342 dwelling unit multi-family development are \$159,714 for regional park fees and \$100,890 for urban park fees.

7. Schools

The site is within the boundaries of Colorado Springs School District No. 11. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

- 1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
- 2. Applicable school and park fees shall be paid with each final plat.

- 3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
- 4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- 6. A 30 db(A) indoor noise reduction shall be achieved by approved construction techniques as evidenced by a Noise Reduction Certificate prior to site development plan approval.
- 7. The applicant shall place a plat note on all final plats providing notice and disclosure that the properties may be impacted by air quality, lighting, noise, and other potential nuisances created by existing and future industrial land uses and activities conducted on the nearby industrially zoned properties. Such disclosure shall also be recorded by separate instrument in the office of the El Paso County Clerk and Recorder. The disclosure shall be reviewed and approved by the Planning and Community Development Director prior to inclusion into the records of the El Paso County Clerk and Recorder.
- 8. The applicant shall submit a Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment.
- 9. Additional right-of-way for Paonia Street and Galley Road shall be dedicated to El Paso County with the final plat and the necessary road improvements, including construction of Paonia Street as a collector road through the site to the south end of the existing Paonia Street, shall be completed by the developer and

- preliminarily accepted by the County prior to County authorization of a Certificate of Occupancy for the site.
- 10. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in the upgrading/construction of the surrounding roads and intersections impacted by the traffic generated by this development, including Paonia Street and Galley Road, as well as any other offsite impacts as identified in the applicable traffic impact analysis. With any subsequent final plat(s), the developer's design and financial responsibilities for completing offsite improvements shall include a pro-rata share of the following improvements if not already completed by others:
 - Design, construction, contribution and/or escrow of funds as appropriate to construct the traffic signals, as warranted, at the Galley Road and Paonia Street intersection.
 - b. Design and construction of a six (6) foot wide sidewalk along the north side of Galley Road from Powers Boulevard to an appropriate connection or termination on the east side of Paonia Street.
 - c. Design and construction of westbound auxiliary lanes as warranted on Galley Road at Paonia Street.
 - d. Design and construction of the necessary improvements on Paonia Street immediately north of the project site as appropriate to connect to the existing segment of Paonia Street.
 - e. Other offsite impacts as identified in any new/updated traffic impact analysis for the development of the property pursuant to the RM-12 (CAD-O) zoning.
- 11. The applicant shall construct a four to six-foot tall decorative fence along the perimeter of the site development. The material and location shall be provided with the site development plan, which may be approved by the Planning and Community Development Director.
- 12. At the time of making an application for approval of the final plat, site development plan, and construction documents for Phase 1, the applicant shall provide a floodplain development permit and no-rise letter for work in the Sand Creek Floodway channel.

NOTATIONS

1. The subsequent final plat application for Phase 1 may be approved administratively by the Planning and Community Development Director.

- 2. This preliminary plan approval does not authorize administrative approval for future final plat filing for Phase 2.
- 3. Approval of the preliminary plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
- 4. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
- 5. The applicant has elected not to place any structures within 125 feet of the north and east property lines. The Planning and Community Development Department has issued an administrative determination which has been incorporated into the permitting system for all properties adjacent to the subject parcel. The administrative determination identifies and memorializes the additional setback requirement and acknowledges that the applicant has chosen not to build within 125 feet of these properties.
- 6. A noise barrier fence is not a requirement along Powers Boulevard so long as development of the site is in compliance with Condition of Approval No. 6 above.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty (20) adjoining property owners on October 14, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Plat Drawing

Rezoning Resolution (PCD File No. P-16-007)

Colorado Springs Airport Advisory Comments

State Engineer's Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

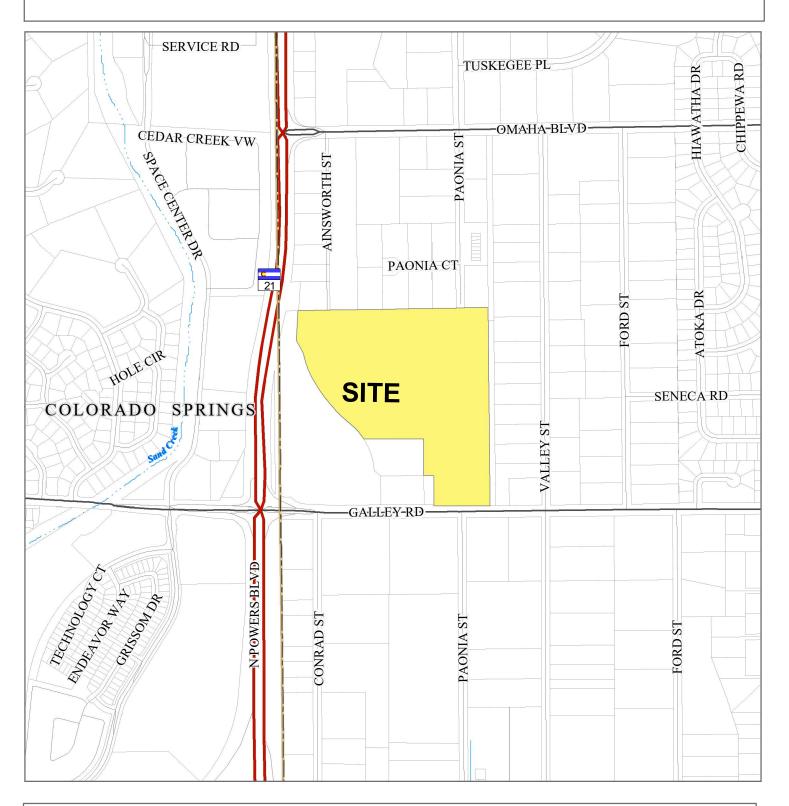
El Paso County Parcel Information

PARCEL NAME
5407200052 BUTLER & PEETZ LLC

File Name: SP-20-001

Zone Map No. --

Date: October 14, 2020



SOLACE OF COLORADO SPRINGS: PRELIMINARY PLAN

LETTER OF INTENT

FEBRUARY 2020, UPDATED MAY 2020; JULY 2020; OCTOBER 2020

PROPERTY OWNER
Butler & Peetz LLC
6625 Delmonico Drive
Colorado Springs, CO 80919

APPLICANT:
Jackson Dearborn Partners
404 S Wells Street, Ste 400
Chicago, IL 60607

N.E.S. Inc. 619 North Cascade Ave. Colorado Springs, CO 80903

CONSULTANT:

REQUEST

Jackson Dearborn Partners requests approval of the following application:

- 1. A Preliminary Plan for Solace of Colorado Springs, consisting of 342 multi-family units within 15 buildings on approximately 28.82 acres. *The Applicant requests the following:*
 - Lot 1 (Phase 1) consisting of 234 units: the finding of sufficiency for water quantity, dependability and quality with this Preliminary Plan so that the Final Plat for Lot 1 (Phase 1) can be approved administratively.
 - Lot 2 (Phase 2) consisting of 108 units: the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.
- 2. The following Deviation Requests:
 - Section 2.2.4.B.4 of the Engineering Criteria Manual (ECM) for Roadway Cross Sections for Paonia Street
 - b. Section 2.3.7.E of the ECM for Turn Lane Design along Paonia Street
 - c. Section 2.3.7.E of the ECM for Turn Lane Design along Galley Street

The justification for these requests is provided in this Letter of Intent.

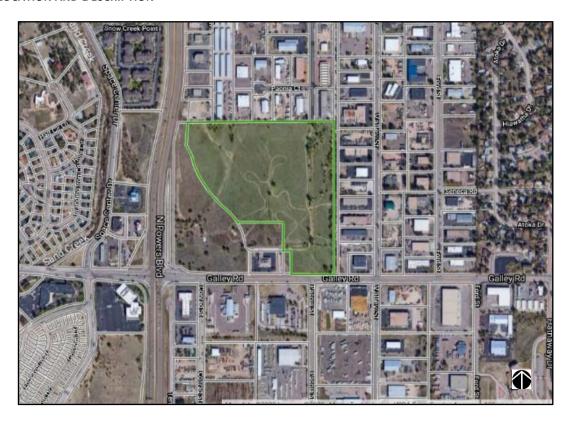
SUPPORTING DOCUMENTS

The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- FEMA CLOMR Report prepared by JR Engineering LLC
- Fire Protection Report prepared by N.E.S. Inc.
- Geologic Hazards Evaluation and Preliminary Geotechnical Investigation prepared by CTL Thompson, Inc.
- Natural Features Report prepared by N.E.S. Inc.
- Noise Study prepared by ASTI Engineering
- Sand Creek Center Tributary Channel Analysis Report prepared by JR Engineering LLC
- Traffic Impact Study prepared by Felsburg Holt and Ullevig (FHU)
- Water Resources and Wastewater Report prepared by JR Engineering LLC

- Wildland Fire & Hazard Mitigation Plan prepared by N.E.S. Inc
- Preliminary Drainage Report prepared by JR Engineering LLC

SITE LOCATION AND DESCRIPTION



Solace of Colorado Springs will be located northeast of N Powers Boulevard and Galley Road, and west of the Paonia Street extension in El Paso County. The site is approximately 28.82 acres. Most of the area has been developed with commercial and light industrial uses. The surrounding properties are all in El Paso County and include:

- **North:** To the immediate north is O K Subdivision and Powers Pointe Filing No 1, light industrial use parcels.
- East: To the immediate east is Cimarron Industrial No 2 and Mcelhinny Subdivisions, light industrial use parcels.
- **South:** To the south (south of Galley) is Kay Tee Subdivision No 4 and 5 and Powers & Galley Plaza Fil No 1, light industrial use parcels. To the southeast is a vacant parcel.
- **West:** To the immediate west is a vacant parcel owned by the State of Colorado Transportation Department.

The site is currently unoccupied and undeveloped. The property slopes from the northwest to the southeast. The site is mostly native prairie grassland and weeds with scattered deciduous trees. The Sand Creek — Center Tributary Drainageway traverses the eastern portion of the property and is heavily

wooded. The drainageway within the site is typically deep and narrow with a well-defined flow path in most areas. JR Engineering prepared a Sand Creek-Center Tributary Channel Analysis which recommends potential channel improvements.

PROJECT DESCRIPTION

Property Zone History

The property was rezoned to RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay District) in 2017 in accordance with Resolution No. 17-118. This Resolution noted that "multifamily development is appropriate at this location, despite being located within the ADNL subzone, as a result of the applicant using construction techniques to decrease indoor noise levels to 30 dB(A) or lower." The Resolution provided a list of conditions and notations of approval which have been observed with this project.

An Administrative Decision was issued July 3, 2017. This Decision pertained to the 125' setback along the north and east zoning district boundaries. As part of the rezone of this property, building setbacks established for the I2 zoning district for the front and rear increase to 125 feet adjacent to residential property. To mitigate potential impacts to the existing industrial properties, the rezone applicant elected to absorb the 125-foot setback requirement which would otherwise burden the neighboring I-2 zoned private properties, preventing them from any future construction.

Preliminary Plan

The request is for a Preliminary Plan for Solace of Colorado Springs, consisting of 342 multi-family units in 15 buildings which will consist of one-, two- and three-bedroom units. In Phase 1, 234 units will be constructed and in Phase 2, 108 units will be constructed. Lot 1 (Phase 1) consists of 21.31acres and Lot 2 (Phase 2) consists of 7.51 acres. The RM-12 zoning district is a 12-dwelling unit per acre district. The site is approximately 28.82 acres and 342 units are proposed; thus the gross density is 11.87 dwelling units per acre. Density and dimensional standards for the RM-12 zone set forth in the Land Development Code ("LDC") have been adhered to.

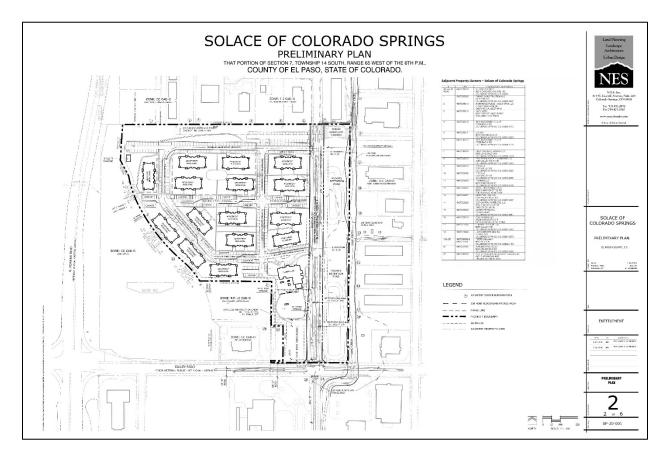
Access and Traffic

Access to the site will be off Paonia Street which will be extended north from Galley Road to Paonia Street south of Omaha Boulevard. Site access will be provided via two full movement access points along the extension of Paonia Street east of the residential development. Based on current design, internal circulation or safety issues are not expected.

The 2040 Major Transportation Corridors Plan (MTCP) classifies Galley Road as minor arterial, Powers Boulevard as a freeway, and Paonia Street an urban non-residential collector. No roadway improvements in the area are identified on the 'Improvements Map' in the MTCP. A Transportation Impact Study ("TIS") prepared by FHU assess the trips generated by the proposed development in context of 2021 short-term and 2040 long -term background traffic. The TIS provides recommendations related to the analysis for

the development based on two future scenarios: Short Term Future (Y2021) and Long-Term Future (Y2040).

Mountain Metropolitan Transit provides bus service in El Paso County. Currently there are existing bus stops located adjacent to the project site. Route #23 runs east/west on Galley Rd and have frequent stops that are less than 0.2 mile apart.



Open Space and Trails

The open area east of Paonia Street, approximately 4.73 acres, will be preserved. Two natural marshland detention areas will be constructed within this open area. A network of internal pathways will be constructed through the development. The natural area and the pathways will be owned and maintained by the development associations.

A detached sidewalk along Paonia will be constructed. This sidewalk will connect to a detached sidewalk along Galley which will extend to Powers.

Park land dedication or fees in lieu of land dedication will be due at the time of final plat recordation.

Drainage

The Preliminary Drainage Report prepared by JR Engineering analyses the existing drainage characteristics of the site and any required improvements. The proposed Solace of Colorado Springs project is part of

the Sand Creek Drainage Basin which is a tributary to Fountain Creek. The report notes that the on-site, existing basin drainage patterns are generally from northwest to southeast by way of on-site swales. Existing on-site areas flow directly into the Sand Creek Drainageway. According to the report, the proposed development will not adversely affect the offsite major Drainageways or surrounding development. In order to safely convey flow through the Sand Creek Drainageway, channel improvements will be necessary to ensure channel stability and prevent channel degradation. The Preliminary Drainage Report meets the latest El Paso County Drainage Criteria requirements for the site.

Utilities

<u>Water and Sewer</u>: The Water Resources Report and a Wastewater Disposal Report were prepared by JR Engineering. This project is located in the service area for the Cherokee Metropolitan District ("District").

The District will supply water to the proposed development via its existing water supply system via three connections discussed in the Water Resources Report. According to the Wastewater Disposal Report, the proposed wastewater discharge of the project is within the acceptance capacity of the District. The sanitary sewer system, design and modeling results conform to all applicable criteria set forth by El Paso County and the District.

The District issued an initial letter of commitment dated February 12, 2020. This project is located within the District's established boundaries and is eligible for service connections from the District. The District indicated that it can provide water and sewer services for Lot 1 (Phase 1) of the project. To confirm this commitment, a copy of the final plat approved by El Paso County Planning and Community Development must be provided to the District within 12 months of the date of this letter. An updated letter of commitment was reissued by the District on June 15, 2020. A new commitment letter from the District will be required for Lot 2 (Phase 2) of this development.

The Applicant requests the following:

- Lot 1 (Phase 1) consisting of 234 units: the finding of sufficiency for water quantity, dependability and quality with this Preliminary Plan so that the Final Plat for Lot 1 (Phase 1) can be approved administratively.
- Lot 2 (Phase 2) consisting of 108 units: the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.

<u>Gas & Electric</u>: The property is located outside of the City of Colorado Springs city limits, yet it is located within the Colorado Springs Utilities' ("CSU") electric and gas service territories. CSU provided a letter of availability of utility services to the property, letter dated December 17, 2019. Services are presently available to meet the demands anticipated. Connection to CSU system are contingent upon meeting all requirements of CSU tariffs and City of Colorado Springs ordinances that are in effect for each requested utility service at the time application for service is made by the customer and formally accepted by CSU.

Natural Features

The property slopes from northwest to southeast at grades between 2 and 3 percent. The topography of the property can be characterized by rolling rangeland. There is one major Drainageway that runs along the east boundary of the site: Sand Creek (Center Tributary) Drainageway. The Sand Creek Drainage Basin covers approximately 54 square miles in unincorporated El Paso County, CO. The Sand Creek Drainage Basin is tributary to Fountain Creek. The Drainageway within the site is typically deep and narrow with

well-defined flow path in most areas. Based on the Sand Creek Channel Analysis Report prepared by JR Engineering, the existing channel sections will need protection from erosion as a result of the development. Current conditions of the channel are inadequate as velocities in the channel exceed allowable limits and overtopping occurs at Galley Road. The Report recommends several improvements to ensure channel stability. These improvements will ensure the drainageway functions properly as a primary drainage conveyance system for the development.

Vegetation

The existing ground cover on site is sparse vegetation consisting of a slight to moderate stand of mostly grasses and weeds and scattered deciduous trees. Somewhat heavier vegetation and a thicker concentration of deciduous trees are present along the eastern edge of the property in the vicinity of an existing drainage channel that runs in a generally north-to-south direction and separates the property from existing commercial buildings to the east of the site. The parcel is crisscrossed by several narrow, dirt paths. Low earth berms (maximum height of about 5 feet) are present in the center of the property and near the southern edge of the parcel. The berms appear to have been constructed at some point in the property history to control storm runoff. This property will be completely redeveloped and a final landscape plan will be submitted with the Site Development Plan to address the pathways, common area landscaping, and the open area to the east of Paonia Street.

Noxious Weeds

The site is unoccupied and undeveloped. Noxious weeds exist throughout the property. Weed control prior to and during construction shall take place to eliminate existing weeds and to prevent introducing new weeds. Following construction, the property owner/manager will be responsible for weed control in the open area and throughout the development.

Floodplain

Currently a portion of the Solace site lies within Zone AE at the extension of Paonia Street to Galley Road, as seen in FEMA FIRM Map number 08041C0558G. Based on the FEMA FIRM Map number 08041C0558G, dated December 7, 2018, a portion of the existing drainageway lies also within Zone AE and Zone X. Zone AE is defined as areas subject to inundation by the 1-percent-annual-chance flood event and is a flood hazard area. Zone X is defined as areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood. A floodplain boundary has been assessed by JR Engineering as described in the FEMA CLOMR Report and is depicted on the Preliminary Plan. The proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained entirely within the open space area to the east of the Paonia extension, which will be platted as a separate tract and will not impact the residential development.

Wildlife

The <u>El Paso County Wildlife Habitat Descriptors (1996)</u> identifies the property as having a low wildlife impact potential probably as it is surrounded by urban industrial development. Birds are the most common wildlife, with mammals in the treed areas. Reptiles and amphibians in and around the creek. There are no known protected species on the site.

Wetlands

The Sand Creek Drainage Basin covers approximately 54 square miles in unincorporated El Paso County, CO. The Sand Creek Drainage Basin is tributary to Fountain Creek. In its existing condition, the basin is

comprised of developed land with the exception of the site which is comprised of rolling rangeland with fair to good vegetative cover associated with Colorado's semi-arid climate. The natural Drainageway within the site limits is typically deep and narrow with a well-defined flow path in most areas. No wetlands have been delineated on the site.

Soils and Geology

The Soils and Geology Report prepared by CTL Thompson ("CTL") dated December 10, 2019. CTL noted that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismicity and radioactivity which can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation and landscaping irrigation. CTL indicated that site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment.

Wildfire Hazard Mitigation

According to the Wildfire Hazard Potential (WHP), developed by the U.S. Forest Service (USFS) and Fire Modeling Institute to help inform assessments of wildfire risk or prioritization of fuels management needs across large landscapes, the site is identified as 'non-burnable'. The site is surrounded by urban development and has limited vegetation. The development will comply with County Development Standards for Fire Protection and standards of the Cimarron Hills Fire Department.

The Colorado Wildfire Risk Assessment Portal (CO-WRAP) was developed by the Colorado State Forest Service in 2012. The primary goal stated for this project is to "provide a consistent, comparable set of scientific results to be used as a foundation for wildfire mitigation and prevention planning..." This resulted in a web-based mapping tool that provides wildfire risk assessment for Colorado. This tool was also used to assess the relative wildfire risk to the property. Within the CO-WRAP, the proposed development area is rated at the lowest wildfire threat level.

PROJECT JUSTIFICATION

Preliminary Plan

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

The property does not lie within a Master Plan Small Area Plan. The following County Policy Plan policies are relevant to this project:

- **Policy 6.1.1**: Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.
- **Policy 6.1.7**: Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.
- **Policy 6.1.8**: Encourage incorporating buffers or transitions between areas of varying use or density where possible.

- **Policy 6.1.11**: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.
- **Policy 6.2.10**: Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.
- **Policy 6.3.4**: Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.
- **Policy 13.1.1:** Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.
- **Policy 13.1.2**: Support the provision of land use availability to meet the housing needs of county residents.
- **Goal 13.4:** Encourage a positive relationship between housing development, land use planning and transportation systems.

The proposed project is consistent with the policies of the County Plan which encourages infill development which complements existing uses. The County Plan encourages a variety of housing options that allows for a balance of mutually supported land uses in a more urban area of the County. This project is in a location that is accessible to employment and public transportation. A buffer area of 125' from the industrial uses to the north will be maintained.

2. The subdivision is consistent with the purposes of this Code;

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed project is consistent with the County Policy Plan as it will provide housing choice in a location accessible to employment, commercial services and public transportation.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- Adequate provision for traffic, drainage, open space, recreation and parks;
- Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- Adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

The proposed development is located in the service area for the Cherokee Metropolitan District. The District provided a 'Letter of Commitment', dated February 12, 2020 and June 15, 2020, for Lot 1 (Phase

1) of the project. It was determined by the District, based on the data provided by JR Engineering, that the following total water demand supply by this Lot 1 (Phase 1) occupancy:

Type of Use	Demand (AF/yr)
Domestic	47.0
Irrigation	14.8
Total	61.8

The Applicant requests the following:

- Lot 1 (Phase 1) consisting of 234 units: the finding of sufficiency for water quantity, dependability and quality with this Preliminary Plan so that the Final Plat for Lot 1 (Phase 1) can be approved administratively.
- Lot 2 (Phase 2) consisting of 108 units: the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.
- 5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;

JR Engineering prepared a Wastewater Disposal Report. The purpose of the report is to show that the proposed wastewater discharge is within the acceptance capacity of the Cherokee Hills Metropolitan District and satisfies the requirements set forth by the El Paso County Land Development Code, Section 8.4.8.D (Wastewater Disposal - Public System). No waivers are necessary. The District provided a 'Letter of Commitment' for municipal water and sewer service for Lot 1 (Phase 1) of this development project.

6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

The Geologic Hazards Evaluation and Preliminary Geotechnical Investigation report prepared by CTL Thompson evaluates the site for the occurrence of geologic hazards that may impact development of the property, and to provide preliminary geotechnical design concepts. In summary, the report notes the following:

- Geologic Hazards were not identified that would preclude the development as planned.
- Regional geologic conditions that impact the site include seismicity and radioactivity. These
 conditions can be mitigated with engineering design and construction methods commonly
 employed in the area.
- The near-surface soils consisted of 25-feet of clean silty, sand soils with widely-scattered lenses of clayey sand and sandy clay.
- Groundwater will vary with seasonal precipitation and landscaping irrigation.
- Site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment.
- It is likely that spread footing foundations and conventional, slab-on-grade floors for at-grade levels will be appropriate for this site.
- Overall plans should provide for rapid conveyance of surface runoff to the storm sewer system.

7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;

These matters are addressed in the Preliminary Drainage Report prepared by Jr Engineering. The proposed stormwater conveyance system was designed to convey the developed project runoff to two proposed full spectrum water quality and detention ponds via private storm sewer. The proposed ponds are designed to release at less than historic rates to minimize adverse impacts downstream. Treated water will outfall directly into the Sand Creek Drainageway, where it will eventually outfall into Fountain Creek.

8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

Site access is proposed to be provided via two full movement accesses to the extension of Paonia St east of the residential development within the project site. Internal roadways will be private. Internal circulation or safety based on the current design of the site should not cause any issues. Street names have been approved by the Pikes Peak Regional Building Enumeration and are reflected on the Preliminary Plan.

- 9. The proposed subdivision has established an adequate level of compatibility by
- 1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;

An approximately 4.73 open space area east of the Paonia extension will be preserved. Two natural marshland detention areas will be constructed. The Sand Creek -Center Tributary Drainageway channel will be improved in order to provide adequate capacity and prevent further erosion. These recommended improvements include widening and riprap lining to ensure the Sand Creek Drainageway remains stable during 100-year event. This open space area will be maintained by the project owner or manager. The project will have sufficient open space areas throughout the development for the residents. There is a perimeter pathway, landscaped areas around the proposed buildings, a park/playground area, two dog park areas, and a clubhouse and pool area.

2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost-effective delivery of other services consistent with adopted plans, policies and regulations of the County;

An internal perimeter pathway will be located throughout the project which will be maintained by the property owner or manager. Internal concrete sidewalks will be located throughout the project which will connect to a detached sidewalk along Paonia Street and Galley Road. Mountain Metropolitan Transit provides bus service in El Paso County. Currently there are existing bus stops located adjacent to the project site. This site is a great location for multi-family development as its close to transit, employment, commercial services and McAuliffe Elementary School is within walking distance. The County has previously supported a multi-family development at this location in accordance with Resolution No. 17-118.

3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

As part of the previous rezoning and site development plan approval (Resolution No. 17-118) for a multifamily project, a 125' building setback was established along the north and east zoning district boundaries. The project includes these setbacks and proposes a 5' berm along the northern property line in addition to the installation of a 6' opaque fence along the north property boundary.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The open area to the east of Paonia Street will remain un-developed except for Drainageway channel improvements and the construction of two full spectrum water quality and detention ponds. Neither wetlands nor wildlife corridors are known on this site.

5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads and proposed access improvements on Galley Road and Paonia Street will accommodate the site development traffic. The proposed project will not negatively impact the levels of service of County services and facilities as well as of Cherokee Metropolitan District, CSU or Cimarron Hills Fire Department.

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Cherokee Metropolitan District has provided a formal Letter of Commitment for water and sewer services for Lot 1 (Phase 1) of the development. The Applicant requests that the finding of sufficiency for water quantity, dependability and quality for Lot 2 (Phase 2) be deferred to Final Plat. Colorado Springs Utilities has provided a commitment letter for electric and gas services. Copies of these letters have been included with this submittal.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The Cimarron Hills Fire Department has provided a Will Serve letter which indicated that emergency services requested from the CHFPD will be provided from our full-time staffed facilities, with the closest located at 1885 Peterson Road, approximately 1.5 miles away. A copy of this letter has been included with this submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The proposed subdivision meets the applicable sections of the Code. Deviation requests from the Engineering Criteria Manual (ECM) have been submitted with this application.

Deviation Requests

The following Deviations request of the Engineering Criteria Manual (ECM) are requested:

- Section 2.2.4.B.4 of the Engineering Criteria Manual (ECM) for Roadway Cross Sections for Paonia Street
- 2. Section 2.3.7.E of the ECM for Turn Lane Design along Paonia Street
- 3. Section 2.3.7.E of the ECM for Turn Lane Design along Galley Street
- 1. Section 2.2.4.B.4 Deviation Request: The ECM criterion for an 80' ROW width (Urban Non-Residential Collector) typical section is 48' of pavement (lip-lip) typical, typical curb and gutter, and 8' tree lawns with 5' detached sidewalk on the west side. The request for the deviation is that Paonia Street to the north and south of the development exists as a 60' ROW with 36' (lip-lip) pavement area. The proposed design is to maintain a consistent section through the development and the entire Paonia corridor while still providing the requested 80' ROW of an Urban Non-Residential Collector. The proposed alternative is for Paonia Street to have an 80' ROW but the same road section as the "Typical Urban Residential Collector Cross Section" listed in Chapter 2, section 2.2.4.B.5 of the ECM. The only difference will be a 14' tree lawn instead of an 8' tree lawn due to the extra ROW width.
- 2. Section 2.3.7.E Deviation (Paonia): The required deceleration length ECM criteria for a 155' deceleration lane length from Table 2-26 for a 40 MPH design speed. The ability to provide the required northbound left turn lane length for the left turn lane required at the southernmost site access to Paonia Street is limited by the planned construction of a required southbound left turn lane approaching Galley Road. The intersection spacing does not provide sufficient distance to provide the full required length. The deviation for the proposed design will provide adequate storage capacity for northbound traffic turning left into the development while protecting the required southbound left turn lane at Galley Road. The deviation will provide a comparable design and quality to a full standard turn lane because deceleration length will only be limited by 50 feet.
- 3. Section 2.3.7.E Deviation (Galley): A smaller left turn lane is needed to prevent restricting turn movements in and out of the surrounding businesses along Galley Road. Access for an existing parcel located at 6020 Galley Road and a parcel located at 6035 Galley Road would be directly impacted by the proposed turn lane. The deviation for the proposed design will provide adequate capacity for westbound traffic turning left onto Paonia Street while still providing full movement access to the businesses on the north and south side of Galley Road. The deviation will prevent any negative impacts to the surrounding properties. By shortening the left turn lane's deceleration lengths, any negative impacts to the existing businesses will be resolved whole also removing conflict points at these access locations that will improve public safety.

NOTES

- SIGNAGE IS NOT APPROVED WITH THIS PLAN. A SEPARATE SIGN PERMIT IS REQUIRED. CONTACT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AT 2880 INTERNATIONAL CIRCLE FOR A SIGN PLAN
- RETAINING WALLS EXCEEDING 4-FEET WILL NEED TO BE STRUCTURALLY ENGINEERED.
- 3. ALL "STOP SIGNS" AND OTHER TRAFFIC CONTROL SIGNAGE SHALL BE INSTALLED BY THE DEVELOPER AT LOCATIONS SHOWN ON THE SITE DEVELOPMENT PLAN TO MEET MUTCD STANDARDS. GALLEY ROADWAY IS A COUNTY ROADWAY AT THIS LOCATION.
- 4. PRIOR TO BUILDING PERMIT APPROVAL, A FINAL SUBDIVISION PLAT SHALL BE SUBMITTED FOR REVIEW BY THE EL PASO COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT, AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, AND THE PLAT MUST BE RECORDED.
- 5. LANDSCAPE IMPROVEMENTS AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER.
- 6. FOUR TO SIX FOOT TALL DECORATIVE FENCE WILL BE CONSTRUCTED ALONG THE PERIMETER OF THE AREA OF DEVELOPMENT. THE MATERIAL AND LOCATION SHALL BE PROVIDED WITH THE SITE DEVELOPMENT PLAN.
- 7. ALL STREETS SHALL BE NAMED AND CONSTRUCTED TO EL PASO COUNTY STANDARDS AND ANY APPROVED
- DEVIATIONS. UPON ACCEPTANCE BY EL PASO COUNTY, PUBLIC STREETS SHALL BE MAINTAINED BY THE COUNTY, 8. NOTWITHSTANDING ANYTHING DEPICTED IN THIS PLAN IN WORDS OR GRAPHIC REPRESENTATION, ALL DESIGN AND CONSTRUCTION RELATED TO ROADS, STORM DRAINAGE AND EROSION CONTROL SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS OF THE MOST RECENT VERSION OF THE RELEVANT ADOPTED EL PASO COUNTY STANDARDS, INCLUDING THE LAND DEVELOPMENT CODE (LDC), THE ENGINEERING CRITERIA MANUAL, THE DRAINAGE CRITERIA MANUAL (DCM), AND DCM VOLUME 2. ANY DEVIATIONS FROM THESE STANDARDS MUST BE SPECIFICALLY REQUESTED AND APPROVED IN WRITING TO BE ACCEPTABLE. THE APPROVAL OF THIS PRELIMINARY PLAN DOES NOT IMPLICITLY ALLOW ANY DEVIATIONS OR WAIVERS THAT HAVE NOT BEEN OTHERWISE APPROVED THROUGH THE DEVIATION APPROVAL PROCESS.
- 9. DEVELOPMENT OF THE PROPERTY WILL BE IN ACCORDANCE WITH THE MOST RECENT VERSION OF THE EL PASO COUNTY LAND DEVELOPMENT CODE FOR RM-12 ZONING.
- D. THIS PARCEL IS PARTIALLY WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS IDENTIFIED ON FEMA MAPPING PANEL NO.
- 08041C0752 G, DATED DECEMBER 7, 2018, THE LIMITS OF WHICH ARE SHOWN ON THE SURVEY. AREAS WITHIN THE FLOODPLAIN ARE ZONE AE, AREAS OUTSIDE THE FLOODPLAIN ARE ZONE X. 11. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRANSPORTATION IMPACT STUDY;
- DRAINAGE REPORT: WATER RESOURCES REPORT: WASTEWATER DISPOSAL REPORT: GEOLOGY AND SOILS REPORT: FIRE PROTECTION REPORT: WILDFIRE HAZARD REPORT: NATURAL FEATURES REPORT: NOISE STUDY: SAND CREEK CENTER TRIBUTARY CHANNEL ANALYSIS REPORT: 12. THE PROPERTY IS LOCATED IN THE AIRPORT OVERLAY ZONE. THIS SERVES AS NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT
- AND NOISE IMPACTS ON THIS PROPERTY DUE TO ITS CLOSE PROXIMITY TO AN AIRPORT, WHICH IS BEING DISCLOSED TO ALL PROSPECTIVE PURCHASERS CONSIDERING THE USE OF THIS PROPERTY FOR RESIDENTIAL AND OTHER PURPOSES. THIS PROPERTY IS SUBJECT TO THE OVERFLIGHT AND ASSOCIATED NOISE OF ARRIVING AND DEPARTING AIRCRAFT DURING THE COURSE OF NORMAL AIRPORT OPERATIONS. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED IN BOOK 2478 AT PAGE 304, OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- 13. WATER AND WASTEWATER SERVICES FOR THIS SUBDIVISION ARE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT (CHEROKEE) SUBJECT TO THE DISTRICT'S RULES, REGULATIONS AND SPECIFICATIONS. THE OFFICE OF THE STATE ENGINEER HAS ISSUED AN OPINION OF WATER INADEQUACY BASED ON ITS ANALYSIS AND INTERPRETATION OF A STIPULATED AGREEMENT CONCERNING THE AVAILABILITY OF CERTAIN WATER RIGHTS FOR USE OUTSIDE OF THE UPPER BLACK SQUIRREL CREEK DESIGNATED BASIN, AND THUS FOUND INSUFFICIENCY OF WATER RESOURCES FOR THIS SUBDIVISION BASED ON THAT AGREEMENT. THIS INTERPRETATION DIFFERS FROM CERTAIN OPINIONS ISSUED BY THE OFFICE IN THE PAST. BASED ON ITS OWN REVIEW OF THE STIPULATED AGREEMENT AND ITS HISTORY (AND NOT THE AMOUNT OF WATER ACTUALLY AVAILABLE) THE BOARD OF COUNTY COMMISSIONERS IN AN OPEN AND PUBLIC HEARING DID NOT ACCEPT THE INTERPRETATION OF THE STATE ENGINEER'S OFFICE. THE BOARD OF COUNTY COMMISSIONERS FOUND THAT CHEROKEE HAS COMMITTED TO PROVIDE WATER SERVICE TO THE SUBDIVISION AND ASSERTED THAT ITS LONG TERM WATER SERVICE CAPABILITIES ARE SUFFICIENT. THE BOARD OF COUNTY COMMISSIONERS MADE THIS DETERMINATION IN RELIANCE UPON THE TESTIMONY AND EXPERTISE PROVIDED BY CHEROKEE AT THE PUBLIC HEARING THEREON. AT THE HEARING, CHEROKEE ASSERTED THAT ITS PLANS AND CONTINUED FINANCIAL INVESTMENT IN INFRASTRUCTURE ARE DESIGNED TO ALLOW CHEROKEE TO CONTINUE TO PROVIDE THIS SUBDIVISION AND ITS EXISTING CUSTOMERS WITH WATER AND WASTEWATER SERVICES FOR 300 YEARS OR MORE.
- 14. A 30 DB(A) INDOOR NOISE REDUCTION SHALL BE ACHIEVED BY APPROVED CONSTRUCTION TECHNIQUES AS EVIDENCED BY A
- NOISE REDUCTION CERTIFICATE PRIOR TO SITE DEVELOPMENT PLAN APPROVAL 15. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A RECIPROCAL ACCESS/PARKING AGREEMENT AS RECORDED AT
- , OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER. 16. A TITLE 32 SPECIAL DISTRICT ANNUAL REPORT AND DISCLOSURE FORM SATISFACTORY TO THE PLANNING AND COMMUNITY
- DEVELOPMENT DEPARTMENT SHALL BE RECORDED WITH EACH PLAT.
- 17. STORMWATER DRAINAGE: ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNER UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- 18. EASEMENTS: UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT (USE 5 FEET FOR LOTS SMALLER THAN 2.5 ACRES) PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT (USE 7 FEET FOR LOTS SMALLER THAN 2.5 ACRES) PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
- 19. MAILBOXES: MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL
- 20. THIS PROPERTY MAY BE ADVERSELY IMPACTED BY NOISE, DUST, FUMES, AND LIGHT POLLUTION CAUSED BY ADJACENT INDUSTRIAL PROPERTIES AND ACTIVITIES. THE BUYER SHOULD RESEARCH AND BE AWARE OF THIS POTENTIALITY AND THE RAMIFICATION THEREOF.
- 21. THE APPLICANT IS PROPOSING FEES IN LIEU OF SCHOOL AND PARK LAND DEDICATION. THE ANTICIPATED FEES FOR 342 DWELLING UNITS IS \$159,714 IN REGIONAL PARK FEES, \$100,890 IN URBAN PARK FEES, AND \$34,884 IN SCHOOL DISTRICT 11
- 22. A FLOODPLAIN DEVELOPMENT PERMIT AND NO-RISE LETTER FOR WORK IN THE SAND CREEK FLOODWAY CHANNEL IMPROVEMENTS WILL BE PROVIDED AT THE TIME OF THE SITE DEVELOPMENT PLAN, FINAL PLAT AND CONSTRUCTION
- DRAWINGS FOR LOT 1 (PHASE 1) 23. THE APPLICANT REQUESTS THE FOLLOWING: LOT 1 (PHASE 1) CONSISTING OF 234 UNITS: THE FINDING OF SUFFICIENCY FOR WATER QUANTITY, DEPENDABILITY
 - LOT 2 (PHASE 2) CONSISTING OF 108 UNITS: THE FINDING OF SUFFICIENCY FOR WATER QUANTITY, DEPENDABILITY AND QUALITY BE DEFERRED TO THE FINAL PLAT.

AND QUALITY WITH THIS PRELIMINARY PLAN SO THAT THE FINAL PLAT FOR LOT 1 (PHASE 1) CAN BE APPROVED

SOLACE OF COLORADO SPRINGS

PRELIMINARY PLAN

THAT PORTION OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO.

LEGAL DESCRIPTION

THAT PORTION OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, DESCRIBED IN BOOK 5046 AT PAGE 748; AND POWERS AND GALLEY PLAZA FILING NO. 1 AS RECORDED IN PLAT BOOK A-4 AT PAGE 30 OF THE RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE N00°27'46"E, 1407.69 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N89°59'53"E, 1435.46 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 3845 AT PAGE 126 OF SAID RECORDS, AND ALONG THE SOUTHERLY BOUNDARY LINE OF O.K. SUBDIVISION AS DESCRIBED IN PLAT BOOK G- 3 AT PAGE 42 OF SAID RECORDS TO THE SOUTHEASTERLY CORNER OF SAID O.K. SUBDIVISION, A POINT ON THE WESTERLY BOUNDARY LINE OF CIMARRON INDUSTRIAL NO. 2 AS DESCRIBED IN PLAT BOOK Y-2 AT PAGE 22 OF SAID RECORDS; THENCE S00°29'25"W, 1375.25 FEET ALONG SAID WESTERLY BOUNDARY LINE OF CIMARRON INDUSTRIAL NO. 2, AND ALONG THE WESTERLY BOUNDARY LINE OF CIMARRON INDUSTRIAL NO. 1 AS DESCRIBED IN PLAT BOOK N-2 AT PAGE 6 TO THE SOUTHWEST CORNER THEREOF, A POINT ON THE NORTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 2230 AT PAGE 932 OF SAID RECORDS; THENCE N89°42'00"W, 444.88 FEET ALONG SAID NORTHERLY LINE AND ALONG THE NORTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 2388 AT PAGE 982 OF SAID RECORDS TO THE NORTHWEST CORNER THEREOF; THENCE S00°18'00"W, 40.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF, A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 7: THENCE N89°42'00"W, 990.00 FEET ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER TO THE POINT OF BEGINNING.

EXCEPT THE SOUTHERLY 40 FEET OF THE WESTERLY 990 FEET THEREOF AS CONVEYED TO EL PASO COUNTY BY DEED RECORDED JANUARY 15, 1965 IN BOOK 2053 AT PAGE 135 AND BY DEED RECORDED FEBRUARY 9, 1970 IN BOOK 2388 AT PAGE 981. AND EXCEPT ANY PORTION HEREOF TAKEN OR USED AS POWERS BOULEVARD INCLUDING, BUT NOT LIMITED TO THAT CERTAIN TRACT CONVEYED TO THE CITY OF COLORADO SPRINGS BY DEED RECORDED OCTOBER 27, 1987 IN BOOK 5437 AT PAGE 983. AND EXCEPT THAT PORTION OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND THAT PORTION OF POWERS AND GALLEY PLAZA NO. 1 AS RECORDED IN PLAT BOOK A4 AT PAGE 30 OF THE RECORDS OF SAID COUNTY ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT OF WAY PARCEL AS RECORDED IN SAID POWERS AND GALLEY PLAZA FILING NO. 1; (THE FOLLOWING SIX (6) COURSES ARE ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF THE ADDITIONAL RIGHT OF WAY FOR GALLEY ROAD AS RECORDED IN SAID POWERS AND GALLEY PLAZA FILING NO. 1); (1) THENCE N89°42'00"W, 960.06 FEET; (2) THENCE N00°27'47"E, 170.42 FEET; (3) THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CHORD BEARING OF S44°37'07"E, A CENTRAL ANGLE OF 90°09'47" AND A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 236.05 FEET; (4) THENCE S89°42'00"E, 29.52 FEET; (5) THENCE S85°53'09"E, 150.33 FEET; (6) THENCE S89°42'00"E, 330.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, SAID POWERS AND GALLEY PLAZA FILING NO. 1; (THE FOLLOWING TWO (2) COURSES ARE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID LOT 1); (1) THENCE N00°27'47"E, 200.00 FEET; (2) THENCE S89°42'00"E, 300.09 FEET TO THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 5168 AT PAGE 1257 OF SAID RECORDS; (THE FOLLOWING THREE (3) COURSES ARE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID TRACT); (1) THENCE S89°42'00"E, 68.61 FEET; (2) THENCE S00°27'47"W, 200.00 FEET; (3) THENCE N89°42'00"W, 68.61 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID POWERS AND GALLEY PLAZA FILING NO. 1; THENCE S00°27'47"W,

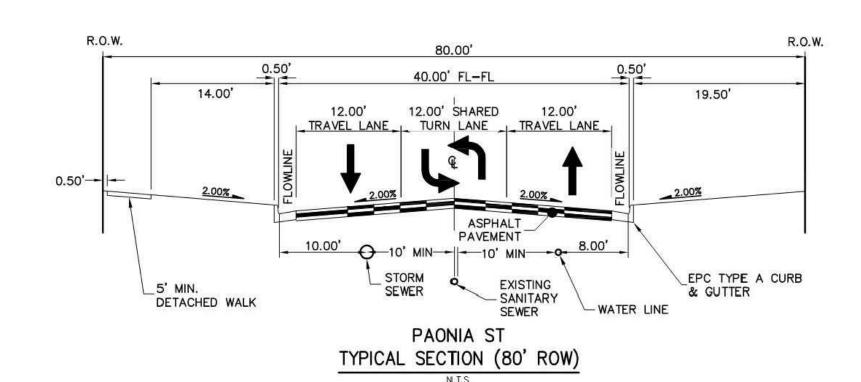
10.00 FEET ALONG SAID EASTERLY BOUNDARY LINE TO THE POINT OF BEGINNING. AND EXCEPT THAT PORTION CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO BY DEED RECORDED APRIL 16, 2010 UNDER RECEPTION NO. 210035525

AND EXCEPT THAT PORTION OF LOT 2 OF POWERS & GALLEY PLAZA FILING NO. 1 BY DEED RECORDED FEBRUARY 17, 2016 UNDER RECEPTION NO. 216015634.

PARCEL B:

TEMPORARY NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER AND ACROSS THAT PORTION OF LOT 1 IN POWERS AND GALLEY PLAZA NO. 1 AS DESCRIBED IN EASEMENT AGREEMENT RECORDED DECEMBER 13, 1991 IN BOOK 5913 AT PAGE 713.

TOTAL ACREAGE: 28.82



URBAN NON RESIDENTIAL COLLECTOR (PER APPROVED DEVIATION REQUEST DATED 6-30-2020 FILED UNDER SP201)

SITE DATA

Owner: **Butler & Peetz LLC** 6625 Delmonico Dr

Colorado Springs, CO 80919

Jackson Dearborn Partners Developer: 404 S. Wells Street, Suite 400

Chicago, IL 60607

Land Planner NES Inc.

> 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903

JR Engineering Engineer:

5475 Tech Center Dr, Suite 235 Colorado Springs, CO 80919

LCM Architects

819 S Wabash Ave, 5th Floor

Chicago, IL 60605

Tax ID Number: 5407200052

RM-12 CAD-O (Resolution No. 17-118) **Current Zoning:**

Site Area: 28.82 Acres

21.31 Acres (234 Dwelling Units) Phase 1 Area: 7.51 Acres (108 Dwelling Units) Phase 2 Area:

Residential Multi-Dwelling (342 Units) **Proposed Land Use:**

11.87 DU/AC **Proposed Density:** 3,500 sf

Minimum Lot Size: Lot Setbacks

> Front: Side: 10'

*There is a 125' setback to any structure from the North and East Zone

SHEET INDEX

Cover

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Preliminary Grading Plan

Preliminary Grading Plan

Overall Utility Plans

Overall Utility Plans

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Sheet 6 of 6:

Landscape Setbacks

Architect:

10' Setback Paonia:

70% Maximum Lot Coverage: Maximum Building Height: 40'

Lot Coverage

-110,560 SF (14.4%) Building -210,280 SF (27.3%) Impervious -449,039 SF (58.3%) Landscape

Utility Providers

Water/Sewer: Cherokee Metro District Electric/Gas: Colorado Springs Utilities Fire: Cimarron Hills Fire Protection District

PER COUNTY COMMENT 10-21-2020 JBS

619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903 Tel. 719.471.0073 Fax 719.471.0267 www.nescolorado.com © 2012. All Rights Reserved.

Land Planning

Landscape

Architecture

Urban Design

SOLACE OF COLORADO SPRINGS

PRELIMINARY PLAN

EL PASO COUNTY, CO

2-26-2020 PROJECT MGR: T. BAXTER PREPARED BY B. SWENSON

ENTITLEMENT

PER COUNTY COMMENTS PER COUNTY COMMENTS PER COUNTY COMMENT

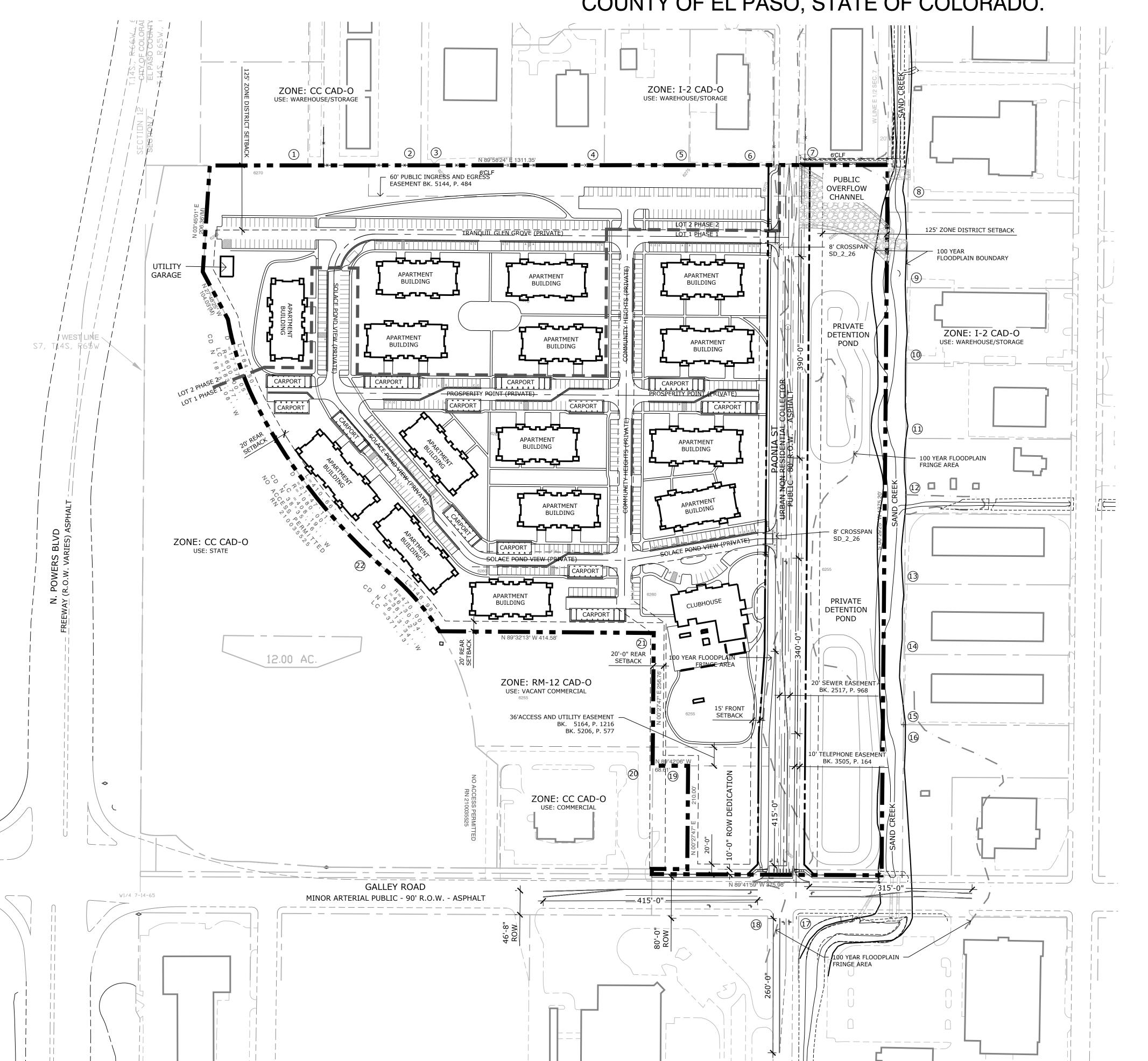
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SP-20-001

SOLACE OF COLORADO SPRINGS

PRELIMINARY PLAN

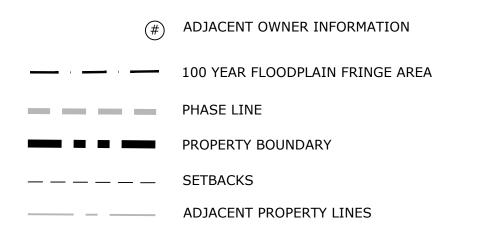
THAT PORTION OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

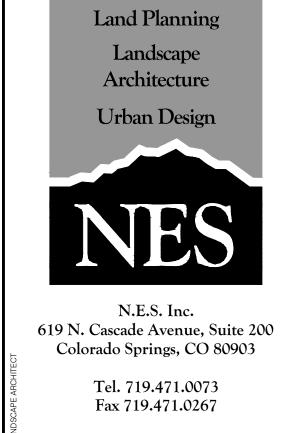


Adjacent Property Owners – Solace of Colorado Springs

	T =	
#	TSN	Property Owner and Address
[Paonia St	5407203018	EL PASO COUNTY
ROW]		200 S CASCADE AVE STE 150
	5407005045	COLORADO SPRINGS CO, 80903
1	5407205045	T-BONE CONSTRUCTION INC
		1310 FORD ST
		COLORADO SPRINGS CO, 80915-2937
2	5407205013	A STORAGE PLACE - COLO SPGS LLC
		PO BOX 9443 RANCHO
		SANTA FE CA, 92067-4443
3	5407205013	KING KEITH
		3254 FOREST LAKES DRIVE
		MONUMENT CO, 80132
4	5407205010	GPM INVESTMENTS LLLP
		17655 BAR X RD
		COLORADO SPRINGS CO, 80908-1576
		,
5	5407205011	JLG INC
5	3407203011	3070 WANDERING CT
		COLORADO SPRINGS CO, 80917-3216
6	5407205012	GPM INVESTMENTS LLLP
J	3407203012	17655 BAR X RD
		COLORADO SPRINGS CO, 80908-1576
		00L0NAD0 0FNING0 00, 00300-1070
		<u> </u>
7	5407206004	CREATIVE REAL ESTATE LLC
		5130 LANGDALE WAY
		COLORADO SPRINGS CO, 80906-7674
8	5407203015	PIVOT REAL ESTATE COMPANY LLC
		1260 VALLEY ST STE B
		COLORADO SPRINGS CO, 80915-2806
9	5407203016	FFR2 LLC
		1220 VALLEY ST
		COLORADO SPRINGS CO, 80915-2806
10	5407203006	FFR1 LLC
		1220 VALLEY ST
4.4	E40700000	COLORADO SPRINGS CO, 80915-2806
11 54072030	5407203003	POWERS LLC 6675 PARKRIDGE CT
12	5407203004	COLORADO SPRINGS CO, 80915-3156 GRELL INVESTMENTS LLC
12	3407203004	8225 S MARKSHEFFEL RD
		FOUNTAIN CO, 80817-2935
13	5407203007	WEBSTER 1130 LLC
13	3407203007	1255 HALF CIRCLE LN
		COLORADO SPRINGS CO, 80915-2527
14	5407203008	SCR CAPITAL PARTNERS LLC
1-4	J401203000	7935 FOREST KEEP CR
		PARKER CO, 80134
15 5407203	5407203009	DOBRY PRITEL INC
10	070720000	PO BOX 38451
		COLORADO SPRINGS CO, 80937-8451
16	5407203010	7250 FRASER LLC
10	370, 200010	20609 OAKSBORO CIR
		WOODLAND HILLS CA, 91364
17	5407314005	TLB REAL ESTATE LLC
	3 10, 01 4000	6035 GALLEY RD
		COLORADO SPRINGS CO, 80915-3742
18	5407315006	J B R ENTERPRISES INC
10	0407010000	PO BOX 373
		COLORADO SPRINGS CO, 80901-0373
19 & 20	5407200048 &	PEETZ WILLIAM H
.0 5 20	5407207001	3925 HILL CIR
	5.5.25.501	COLORADO SPRINGS CO, 80904-1183
21	5407207004	BUTLER & PEETZ LLC
	3.5.25,554	6625 DELMONICO DR
		COLORADO SPRINGS CO, 80919-1809
	5407200053	State of Colorado Department of Transportation
22		
22	3407200033	4201 E ARKANSAS AVE

LEGEND





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SOLACE OF COLORADO SPRINGS

PRELIMINARY PLAN

EL PASO COUNTY, CO

DATE: 2-26-2020
PROJECT MGR: T. BAXTER
PREPARED BY: B. SWENSON

ENTITLEMENT

DATE: BY: DESCRIPTION:

5-13-2020 JBS PER COUNTY COMMENTS

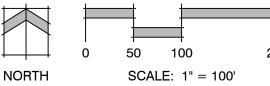
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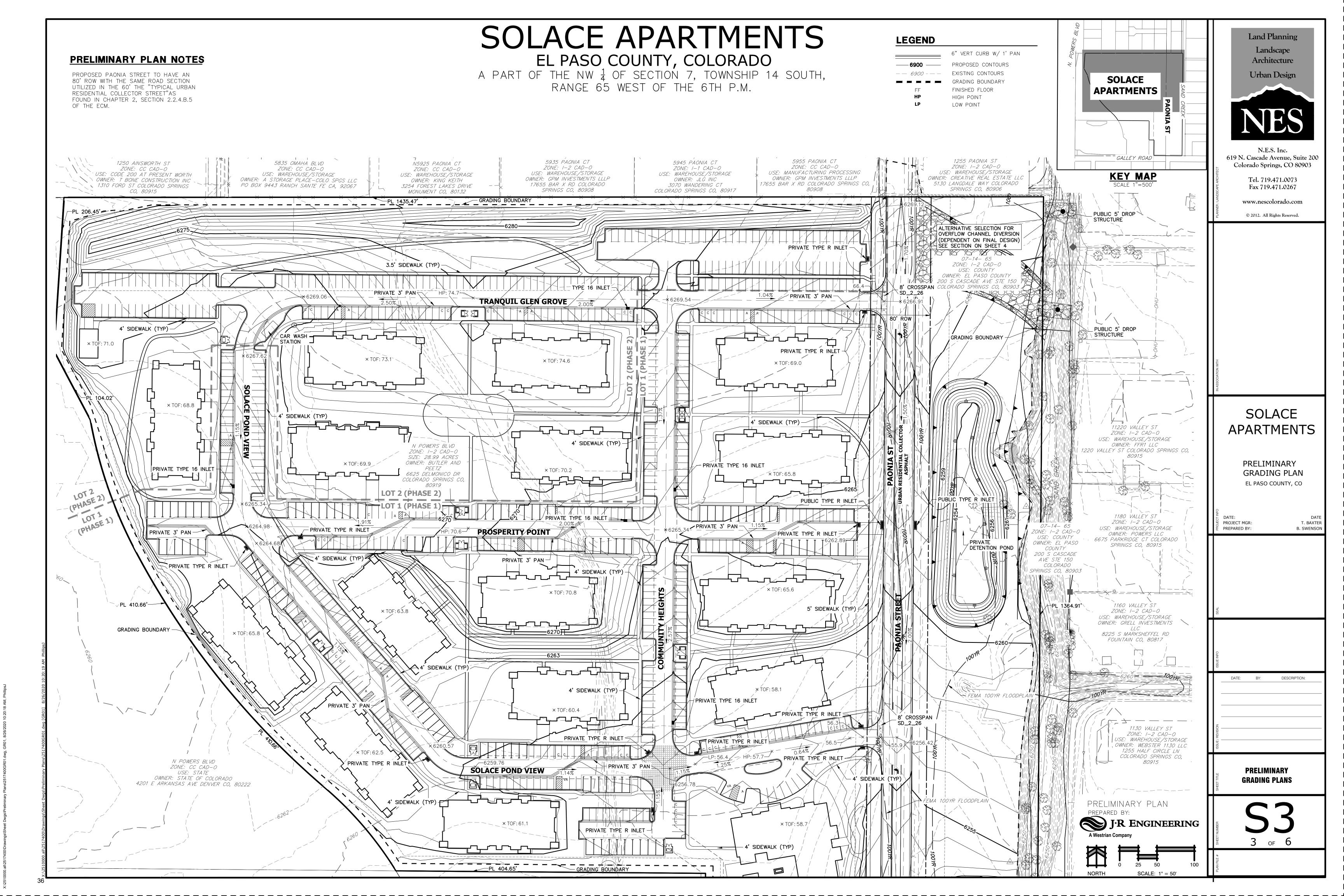
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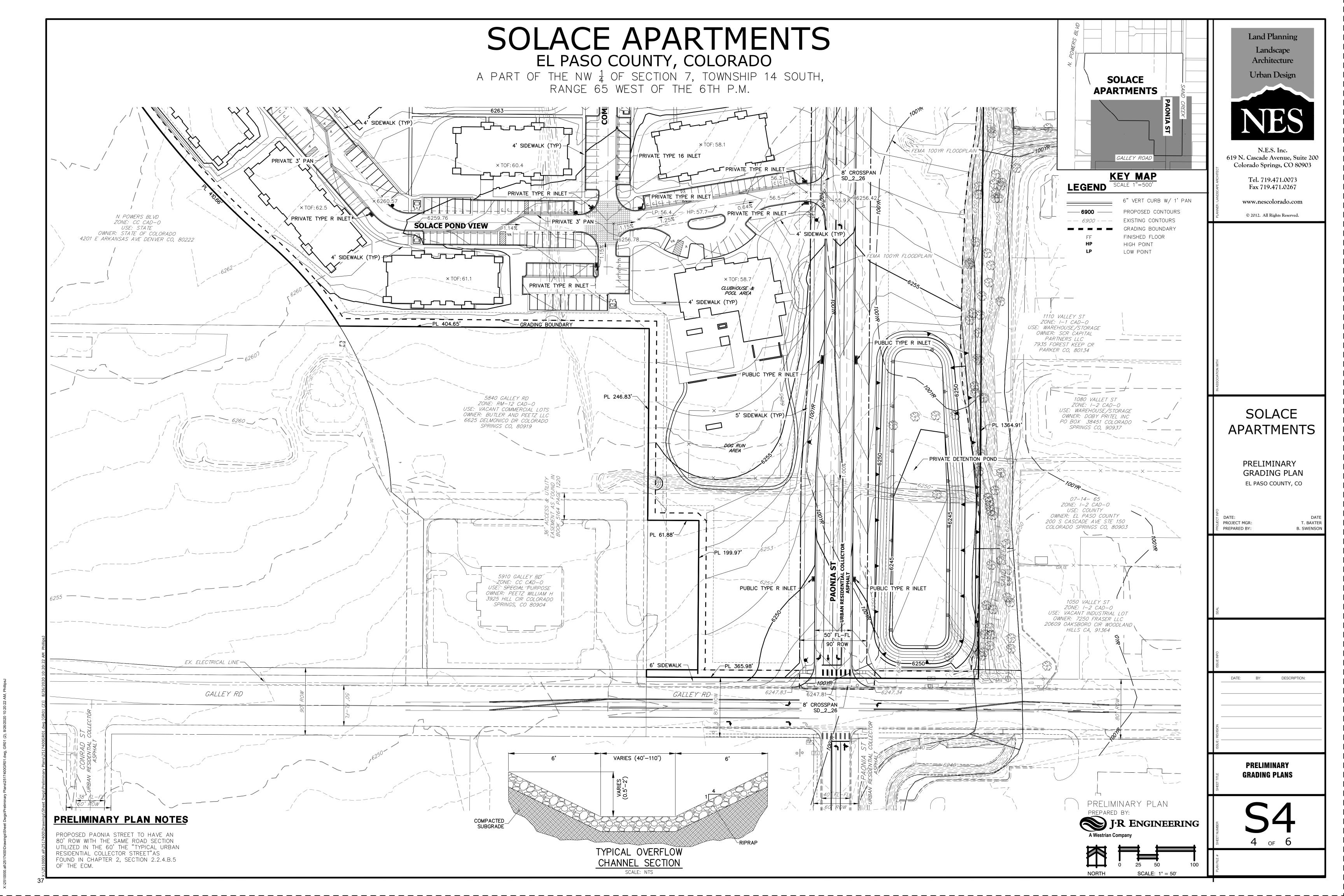
10-21-2020 JBS PER COUNTY COMMENTS

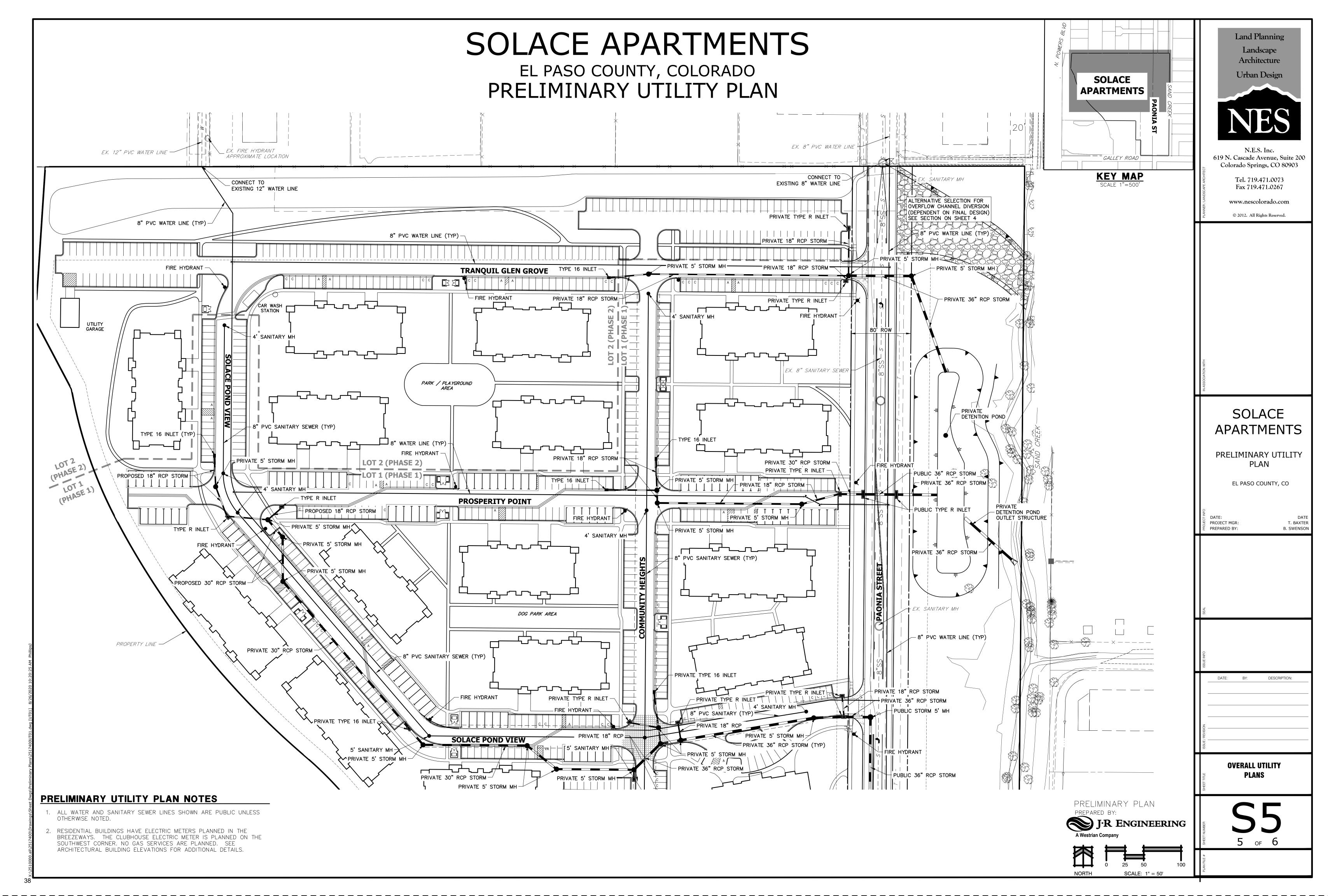
PRELIMINARY Plan

2 OF 6

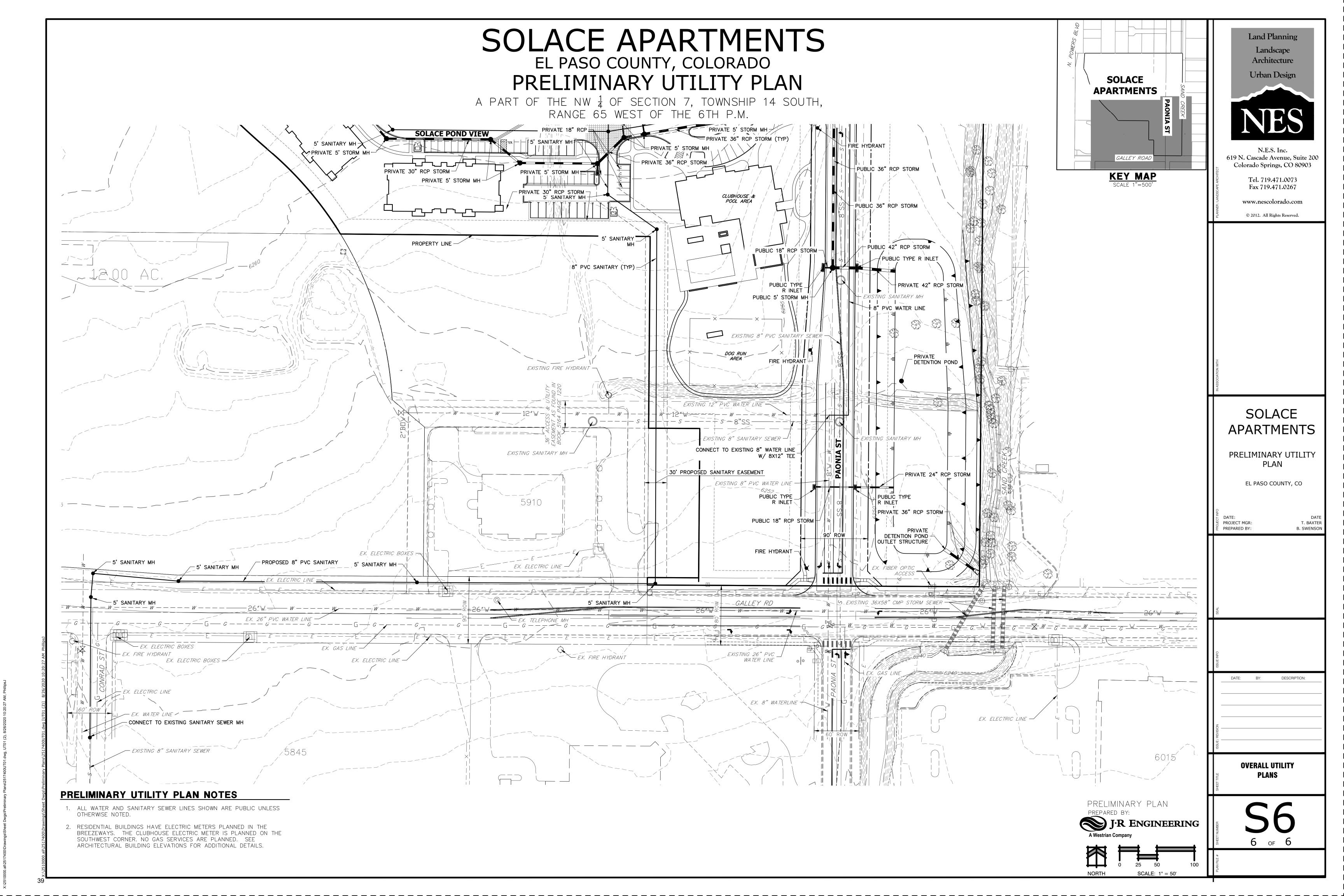








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Rec \$0.00 Pages



RESOLUTION NO. 17-118

BOARD OF COUNTY COMMISSIONERS COUNTY OF EL PASO. STATE OF COLORADO

APPROVAL HERMAN AND KITTLE REZONE (P-16-007)

WHEREAS Buller and Peetz, LLC, did file a petition with the Planning and Community Development Department of El Paso County to Rezone the herein described property in El Paso County from the CC (CAD-O) Commercial Community, Commercial Airport Overlay) Zone District to the RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay) and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 7, 2017, upon which date the Planning Commission did by formal resolution recommend denial of the subject Zone change petition with; and

WHEREAS, a public hearing was held by this Board on April 11, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning and Community Development Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.

The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.

The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

The proposed land use will be compatible with existing and permitted land uses in the area.

The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.

Multifamily development is appropriate at this location, despite being located within the ADNL subzone, as a result of the applicant using construction techniques to decrease indoor noise levels to 30 dB(A) or lower.

For the above-stated and other reasons, the proposed Zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Buller and Peetz, LLC, for a Zone change from the CC (CAD-O) Commercial Community, Commercial Airport Overlay) Zone District to the RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions/notation shall be placed upon this approval:

CONDITIONS AND NOTATIONS OF APPROVAL

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in 5.3.5 (Map Amendment) as well as Section 4.3.1.F.2.b of the El Paso County Land Development Code (2016), staff recommends the following conditions and notations:

- 1. The applicant shall apply for and receive approval of a preliminary plan and final plat prior to receiving approval of a site development plan. The final plat shall be recorded prior to approval of a site development plan.
- 2. A 30 dB(A) indoor noise reduction shall be achieved by approved construction techniques as evidenced by a Noise Reduction Certificate prior to site development plan approval.
- 3. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency

requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

- 4. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-12 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
- 5. The applicant shall place a plat note on all final plats providing notice and disclosure that the properties may be impacted by air quality, lighting, noise, and other potential nuisances created by existing and future industrial land uses and activities conducted on the nearby industrially zoned properties. Such disclosure shall also be recorded by a separate instrument in the office of the El Paso County Clerk and Recorder. The disclosure shall be reviewed and approved by the Planning and Community Development Director.
- 6. The applicant shall submit a Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment.
- 7. Rights-of-way for Paonia Street and Galley Road shall be dedicated to El Paso County with the final plat and the necessary road improvements, including construction of Paonia Street as a collector road through the site to the south end of the existing Paonia Street, shall be completed by the developer and preliminarily accepted by the County prior to County authorization of a Certificate of Occupancy for the site.
- 8. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in the upgrading/construction of the surrounding roads and intersections impacted by the traffic generated by this development, including Paonia Street and Galley Road, as well as any other offsite impacts as identified in the applicable traffic impact analysis. With any subsequent final plat, the developer's design and financial responsibilities for completing offsite improvements shall include

a pro-rata share of the following improvements, if not previously completed by others:

- a. Design, construction, contribution and/or escrow of funds as appropriate to construct the traffic signals, as warranted, at the Galley Road and Paonia Street intersection.
- b. Design and construction of a six (6) foot wide sidewalk along the north side of Galley Road from Powers Boulevard to an appropriate connection or termination on the east side of Paonia Street.
- c. Design and construction of westbound auxiliary lanes as warranted on Galley Road at Paonia Street.
- d. Design and construction of the necessary improvements on Paonia Street immediately north of the project site as appropriate to connect to the existing segment of Paonia Street.
- e. Other offsite impacts as identified in any new/updated traffic impact analysis for the development of the property pursuant to the RM-12 (CAD-O) zoning.
- 9. At the time of final plat recordation, the applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 10. The applicant shall construct a four to six foot tall decorative fence along the perimeter of the area of development. The material and location shall be provided with the site development plan, which may be approved by the Planning and Community Development Director.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1)

year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

- 2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
- 3. The applicant has elected to not place any structures within 125 feet of the north and east zoning district boundaries. The Planning and Community Development Department shall enter an administrative determination into the permitting system for all properties adjacent to the subject parcel identifying the additional setback requirement and the applicant choosing not to build within 125 feet of these properties and the potential for relief of the setback from the Director.
- 4. A noise barrier fence is not a requirement along Powers Boulevard so long as development of the site is in compliance with Condition No. 2 above.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 11TH day of April 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO

ATTEST

President

EXHIBIT A

That portion of Section 7, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described in Book 5046, Page 748; and all of Powers and Galley Plaza Filing No. 1 as recorded in Plat Book A-4 at Page 30 of the records of said County, all being more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 7; thence N 00°27'46" East, 1407.69 feet along the West line of said Northwest Quarter; thence N 89°59'53" E, 1435.46 feet along the Southerly boundary line of the Tract of land described in Book 3845 at Page 126 of said records, and along the Southerly boundary line of O.K. Subdivision as described in Plat Book G-3 at Page 42 of said records to the Southeasterly corner of said O.K. Subdivision, a point on the Westerly boundary line of Cimarron Industrial No. 2 as described in Plat Book Y-2 at Page 22 of said records; thence S 00°29'25" West, 1375.25 feet along said Westerly boundary line of Cimarron Industrial No. 2, and along the Westerly boundary line of Cimarron Industrial No. 1 as described in Plat Book N-2 at Page 6 to the Southwest corner thereof, a point on the Northerly line of the Tract of land described in Book 2230 at Page 932 of said records; thence N 89°42'00" West, 444,88 feet along said Northerly line and along the Northerly line of the Tract of land described in Book 2388 at Page 982 of said records to the Northwest corner thereof; thence S 00°18'00" West, 40.00 feet along the Westerly line of said Tract to the Southwest corner thereof, a point on the South line of said Northwest Quarter of Section 7; thence N 89°42'00" West, 990.00 feet along said South line of the Northwest Quarter to the point of beginning. Except the Southerly 40 feet of the Westerly 990 feet thereof as conveyed to El Paso County by deed recorded January 15, 1965 in Book 2053 at Page 135 and by deed recorded February 9, 1971 in Book 2388 at Page 981.

And except any portion hereof taken or used as Powers Boulevard including, but not limited to that certain Tract conveyed to the City of Colorado Springs by deed recorded October 27, 1987 in Book 5437 at Page 983.

And except that portion of Section 7, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, and that portion of Powers and Galley Plaza No. 1 as recorded in Plat Book A-4 at Page 30 of the records of said County all being more particularly described as follows:

Beginning at the Southeast corner of the additional right of way parcel as

recorded in said Powers and Galley Plaza Filing No. 1 the following six (6) courses are along the Southerly, Westerly and Northerly lines of the additional right of way for Galley Road as recorded in said Powers and Galley Plaza Filing No. 1: (1) thence N 89°42'00" W, 960.06 feet; (2) thence N 00°27'47" E, 170.42 feet; (3) thence along the arc of a curve concave to the Northeast, said curve having a chord bearing of S 44°37'07" E, a central angle of 90°09'47" and a radius of 150.00 feet for an arc distance of 236.05 feet; (4) thence S 89°42'00" E, 29.52 feet; (5) thence S 85°53'09" E, 150.33 feet; (6) thence S 89°42'00" E, 330.00 feet to the Southwest corner of Lot 1, said Powers and Galley Plaza Filing No, 1 (the following two (2) courses are along the Westerly and Northerly lines of said Lot 1); (1) thence N 00°27'47" E, 200.00 feet; (2) thence S 89°42'00" E,

300.09 feet to the Northwest corner of the Tract of land described in Book 5168 at Page 1257 of said records (the following three (3) courses are along the Northerly, Easterly and Southerly boundary lines of said Tract); (1) thence S 89°42'00" E, 68.61 feet; (2) thence S 00°27'47" W, 200.00 feet; (3) thence N 89°42'00" W, 68.61 feet to a point on the Easterly boundary line of said Powers and Galley Plaza Filing No. 1; thence S 00°27'47" W, 10.00 feet along said Easterly boundary line to the point of beginning.

And except that portion as conveyed in Warranty Deed recorded April 16, 2010 at Reception No. 210035525.

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): SP201 RESIDENTIAL DEVELOPMENT PLAN

DESCRIPTION:

Request by Jackson Dearborn Partners and N.E.S. Inc., on behalf of Butler and Peetz LLC for approval of the Solace of Colorado Springs preliminary plan. The plan consists of 348 multi-family units on approximately 29 acres. The site is zoned RM-12/CAD-O (Residential multi-dwelling and Commercial Airport Overlay District). The site is located northeast of Powers Boulevard and Galley Road.

<u>Review Note:</u> A rezone of this property from CC (Commercial Community) to RM-12 (Residential Multifamily) to allow for an apartment complex was conditionally approved by the Commission in October 2016.

CONSTRUCTION/ALTERATION OF MORE THAN1 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 1.5 miles north of Rwy 17R
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:
40 feet above ground level; 6,315 feet above mean sea level	Airport Noise Subzone (ADNL), Accident Potential Zone 2 (APZ-2)

ATTACHMENTS:

SOLACE OF COLORADO SPRINGS PRELIMINARY PLAN AND NOISE STUDY

CLICK ON VIEW PRELIMINARY PLAN DRAWINGS (24"X36") UNDER DOCUMENT LIST CLICK ON VIEW NOISE STUDY UNDER DOCUMENT LIST

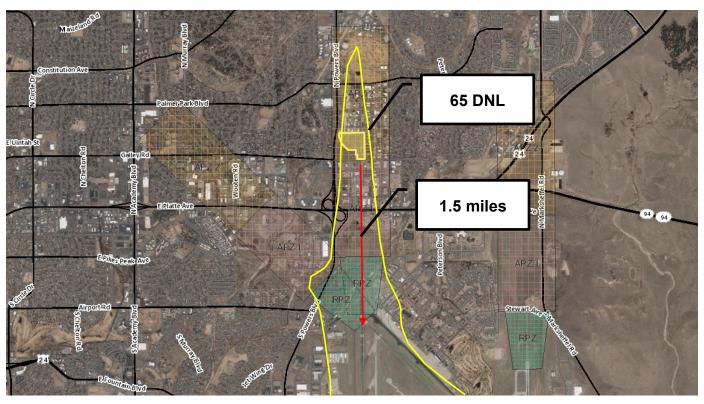
STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

Subject to Airport Advisory Commission Action

Airport staff recommends no objection with the following conditions:

- Owner/Developer previously agreed to provide Airport Noise Lease Notice and Acknowledgement to tenants.
- Developer to meet with Airport Staff.

PROJECT LOCATION EXHIBIT:





El Paso County Buckslip Number(s):

P-16-007

Sponsor:

Herman & Kittle Properties, Inc. on behalf of Butler & Peetz, LLC

Tax Schedule #(s):

5407200052

Description:

Request for approval to rezone 28.9 acres of property from CC (Commercial Community) to RM-12 (Residential Multifamily) to allow for an apartment complex. The property is located northeast of Galley Road and Powers Boulevard.

US REVIEW

Construction or alteration of more than 200 feet above ground level?

No

Distance/direction from COS:

8.500 feet north

Total structure height at the estimated highest point:

40 feet above ground level; 6,315 feet above mean sea level

Commercial Airport Overlay Surface penetrated:

Airport Noise Subzone (ADNL), Accident Potential Zone 2 (APZ-2)

Submittal of FAA Form 7460-1 requested?

See comment below

Avigation Easement requested?

See comment below

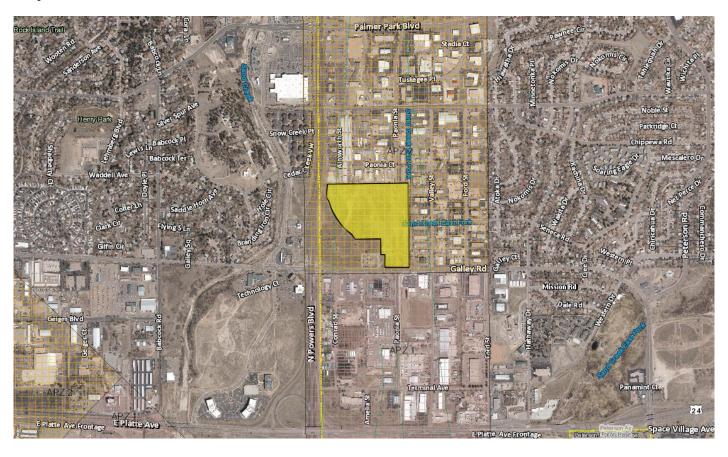
Project location exhibit on facing page

Staff Recommendation and Conditions of Approval (Subject to Airport Advisory Commission Action):

- Based on elevation data, the Airport requests that the applicant file Federal Aviation Administration (FAA) Form
 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including
 temporary construction equipment, and provide FAA documentation to the Airport before the commencement of
 construction activities.
- More information about the airspace evaluation submittal process is available on the FAA's Obstruction Evaluation/Airport Airspace Analysis website (https://oeaaa.faa.gov/oeaaa/external/portal.jsp).

PREVIOUS REVIEW

Project location exhibit:



March 17, 2020

Gabe Sevigny
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Solace of Colorado Springs Preliminary Plan Sec. 7, Twp. 14S, Rng. 65W, Sixth P.M. Water Division 2, Water District 10 CDWR Assigned Referral No. 27045

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal for 348 multi-family units within 15 buildings on a site of approximately 29 acres. Phase 1 of the plan consists of 234 units on 21.37 acres and Phase 2 of the plan consists of 114 units on 7.62 acres. The applicant proposes to irrigate 11.8 acres on the site. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal references a demand of 100.6 acre-feet/year the proposed development. The referral documents estimate a water use rate of 0.20 acre-foot/year/unit and 2.4 acre-foot/year/acre of irrigation.

Source of Water Supply

The source of water for the proposed development is to be served by the Cherokee Metropolitan District ("Cherokee"), and an August 5, 2019 letter of commitment from Cherokee was provided with the submittal confirming 61.8 acre-feet have been committed to Solace of Colorado Springs, which is sufficient for Phase 1 of the proposed development and 6 acres of irrigation. The application documents indicate that the water supply for Phase 2 will be addressed in the Final Plat.

Information in our files indicates that Cherokee has sufficient resources to serve the property without injury to decreed water rights.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in

section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, available online at: http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

According to this office's records, it appears Cherokee has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.

Sincerely,

K. Fully

Kate Fuller, P.E.

Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer

Doug Hollister, District 10 Water Commissioner



OFFICE OF THE COUNTY ATTORNEY

CIVIL DIVISION

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M. Cole Emmons
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Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie

Bryan E. Schmid Nathan J. Whitney

August 18, 2020

Solace of Colorado Springs a/k/a Solace Apartments SP-20-1 Preliminary Plan – Phase I

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney Edi Anderson, Paralegal, ACP



- 1. This is a proposal by Jackson Dearborn Partners ("Applicant") for a subdivision project of 234 apartment homes on 21.5 acres of land. The Preliminary Plan application is for the entire Solace of Colorado Springs project, which encompasses 348 apartment units in two phases. Phase I consists of 234 units and is the only portion of the Preliminary Plan addressed in this review. Separate water review findings will be necessary for Phase II (114 units), which Applicant has requested be made at the Final Plat stage for Phase II. The property is zoned RM-12 (Residential Multi-Dwelling).
- 2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District"). The Water Supply Information Summary sets forth a proposed water demand of 61.6 acre-feet per year for the subdivision. The water demand for the 234 townhome units, a pool, and clubhouse is based on 0.20 acre-feet/lot for household use (46.8 acre-feet/year total), plus irrigation of 14.8 acre-feet/total for community irrigation for a total of 61.6 acre-feet/year. Based on the proposed water demand, the Applicant will need to provide a supply from the District of 18,480 acre-feet (61.6 acre-feet x 300 years) to meet the County's 300-year water supply requirement.
- 3. The District's General Manager provided a formal letter committing to serve the subdivision dated June 15, 2020. The General Manager noted that the "proposed location for this development is located within the District's established boundaries and therefore is eligible for service connections from the District." The District identified the water demand for the subdivision as follows:



Type of Use	Demand (AF/yr)
Domestic	47.0
Irrigation	14.8
Total	61.8 ¹

The District notes that the domestic demand "corresponds to the 234 apartment units along with a pool and clubhouse included in Phase I. The irrigation allocation is sufficient for traditional grass landscaping for areas not covered in roads, walkways, or structures." The commitment is conditional: "To confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment."

- 4. The Applicant provided a *Water Resources Report for Solace Apartments* dated May 1, 2020, prepared by JR Engineering, LLC. The *Report* notes that a total water supply of 100.6 acre-feet is available by the District to serve the full build-out of the Solace at Colorado Springs project, which includes the availability of 64.0 acre-feet/year for Phase I.
- 5. In a letter dated March 17, 2020, the State Engineer reviewed the Water Supply Information Summary ("WSIS") and the District's letter of commitment dated August 5, 2019.² The State Engineer noted the Applicant's estimated water demand for the Solace of Colorado Springs project at 0.20 acre-feet/year per unit, plus 2.4 acre-feet/year/acre for irrigation, and confirmed the District's water commitment of 61.8 acre-feet/year for Phase I. The Engineer stated that "[i]nformation in our files indicates that Cherokee has sufficient resources to serve the property without injury to decreed water rights." And further, "[a]ccording to this office's records, it appears Cherokee has sufficient water resources to serve the proposed development. Based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

Note: State Engineer's Office also provided an advisory to the Applicant related to any possible storm water collection and/or conveyance facilities that may be included in the project. The Engineer advised the Applicant that ". . . unless the storm water structure(s) can meet the requirements of a 'storm water detention and infiltration facility' . . . the structure may be subject to administration by this office. The applicant should review the DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado ...

¹ The District identifies a water demand of 61.8 acre-feet/year, to which it commits to supply. This appears to be a rounding difference related to the domestic use as the WSIS notes an overall water demand of 61.6 acre-feet/year. This review uses the 61.6 acre-feet/year figure provided by the Applicant.

² A subsequent commitment letter was provided by the District on June 15, 2020 clarifying the water demand, which remains at 61.8 acre-feet/year and thus is consistent with both the August 5, 2019 and February 12, 2020, commitment letters from the District.

to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements."

- 6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by the El Paso County Health Department.
- 7. Analysis and Recommendation. Based on the Applicant's estimated water demand of 61.6 acre-feet per year for Phase I, the Cherokee Metropolitan District's commitment to supply 61.8 acre-feet/year to Phase I, and based upon the finding of sufficiency and no injury to existing water rights by the State Engineer's Office, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office can only recommend a finding of conditional sufficiency in terms of quantity and dependability. The County Attorney's Office recommendation is subject to the Conditions of Compliance noted below, and is specifically limited to the Preliminary Plan for Phase I. Upon proof of fulfillment of Condition B below, this conditional sufficiency finding will automatically convert to a full sufficiency finding. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Applicant must comply with the District's requirement that Applicant must provide the District with a copy of the Final Plat approval by El Paso County within 12 months from the date of their commitment letter (June 15, 2020; therefore notice is required by June 15, 2021) in order to use the allotment. If Applicant does not so provide the District with proof of the final plat approval (with a copy of same to the County Attorney's Office and the Planning and Community Development Department) within this timeframe, then the foregoing water review and recommendation of sufficiency will also expire.
- C. It is Applicant's responsibility, and not the County's, to comply with the advisory by the State Engineer's Office regarding any storm water collection and/or conveyance facilities that may be included in the development to ensure that any such structures meet the requirements of a 'storm water detention and infiltration facility,' and that notice, construction, and operation of the proposed structure meets statutory and administrative requirements.

cc: Lindsay Darden, Planner II

Solace Apartments, SP-20-1

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- Water and wastewater services will be provided by Cherokee Metropolitan District. There are Letters of Commitment to Serve water and wastewater from the District dated 12February2020.
- Cherokee Metropolitan District is assigned PWSID # CO-0121125 from the Colorado Department of Public Health and Environment. There is a finding for sufficiency in terms of water quality for Phase 1 of this Preliminary Plan. A finding for sufficiency in terms of water quality for Phase 2 will be deferred to the Final Plat.
- There is sufficient wastewater treatment capacity at Cherokee Metropolitan District wastewater treatment facility to treat the projected wastewater flow for this project. Sufficient wastewater treatment capacity is supported through the Wastewater Disposal Report for Solace Apartments by JR Engineering, LLC, dated January 2020.
- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: https://www.colorado.gov/pacific/cdphe/general-air-permits
- Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.
- The two water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.
- El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas.

Walk-ability features promote exercise, help reduce obesity and lower the risk of heart disease.

• If any of the apartments are available for short-term, overnight use, then plans for the pool must be submitted to El Paso County Public Health for review and approval prior to pool construction.

Mike McCarthy El Paso County Public Health Environmental Health Division 719.575.8602 mikemccarthy@elpasoco.com 29March2020