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Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 8/8/2024
RE: VR2314 The Shops Filing No. 2 at Meridian Ranch

Project Description

A request by Hunjan Gas Stations, LLC, and Shops at Meridian Ranch, LLC, for approval of a 2.43-acre Vacation and Replat creating 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot. The property is zoned CR (Commercial Regional) and is located at 11830 Stapleton Drive, at the northeast corner of the intersection of Stapleton Drive and Meridian Road. The item was heard as a consent agenda item at the July 18, 2024, Planning Commission hearing. The item was unanimously recommended for approval with a vote of 9-0. (Parcel Nos. 4230319055 and 4230319056) (Commissioner District No. 2)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Schuettpelz moved / Merriam seconded for approval, for the Vacation and Replat, utilizing the resolution attached to the staff report, with 9 conditions, 1 notation, and a finding for water sufficiency with regards to water quality, quantity, and dependability that this item be forwarded to the Board of County Commissioners for their consideration. The motion was unanimously **approved (9-0)**. The item was heard as a consent agenda item.

Discussion

The item was heard as a consent agenda item and had no discussion.

Attachments

1. Planning Commission Minutes from 7/18/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, July 18, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, BRYCE SCHUETTELPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JEFFREY MARKEWICH AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, SCOTT WEEKS, ELIZABETH NIJKAMP, ED SCHOENHEIT, DANIEL TORRES, JOE SANDSTROM, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: TOM SWAIM AND ROGER LUND.

1. REPORT ITEMS

Ms. Herington updated the board regarding an upcoming BOCC policy change that impacts how volunteer board vacancies are filled across the County. She provided an update on the current vacancy status of the PC. Because the board member assigned to the LDC working group is not an active member of the PC due to the new policy, the board may want to select a new/backup representative. The first LDC workgroup meeting is August 14, 2024.

Mr. Bailey asked the board members to consider their interest in serving on the LDC workgroup. He acknowledged that Mr. Moraes is their top choice. In the past, Mr. Trowbridge expressed interest.

Mr. Kilgore advised the board that agenda item 3D, P247, would be requesting postponement to a date certain of August 1. The next PC Hearing will be Thursday, August 1, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held June 20, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. VR2314

HOWSER

**VACATION AND REPLAT
THE SHOPS AT MERIDIAN RANCH FILING NO. 2**

A request by Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC for approval of a 2.43-acre Vacation and Replat creating 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot. The property is zoned CR (Commercial Regional) and is located at 11830 Stapleton Drive, at the northeast corner of the intersection of Stapleton Drive and Meridian Road (Parcel Nos. 4230319055 and 4230319056) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2314 FOR A VACATION AND REPLAT, THE SHOPS AT MERIDIAN RANCH FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

C. P243

LETKE

**MAP AMENDMENT (REZONING)
MARY JANE RANCH REZONE**

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 6425 J D Johnson Road which is at the intersection of Falcon Highway and J D Johnson Road and one mile east of Peyton Highway. (Parcel No. 3315000001) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Fuller asked why the Assessor's website map didn't match the imagery provided in the staff report.

Mr. Letke explained that the Assessor's aerial imagery may not be as up to date as the GIS application used by PCD staff. The image in the staff report is correct.

Ms. Fuller asked when the parcels south of the subject property were subdivided.

Mr. Letke answered that those properties were subdivided prior to State regulations. They are legal non-conforming, smaller than 35 acres in the A-35 zoning district.

Mr. Whitney pointed out that the staff report identified the rezoning would be compatible with the other zoning in the area, but that appears to all be A-35. He further stated that it appears the property is surrounded by 5-acre lots.

Mr. Letke clarified that the properties northwest are zoned RR-5 and while zoned A-35, the properties to the south are smaller than the 35-acre minimum lot size. Deeds were used to verify parcel legality.

Mr. Kilgore added that when zoomed out on the Assessor's map, some of the parcel lines disappear.

Ms. Fuller asked if the lots to the south were all 5 acres in size.

Mr. Letke answered that some are 5 acres and some are slightly larger.

PC ACTION: FULLER MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER P243 FOR A MAP AMENDMENT (REZONING), MARY JANE RANCH REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

D. P247

WEEKS

**MAP AMENDMENT (REZONING)
MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI**

A request by CS 2005 Investments III, LLC for approval of a Map Amendment (Rezoning) of 63.52 acres from PUD (Planned Unit Development) to RM-30 (Residential Multi-Dwelling). The property is located north of South Academy Boulevard and west of Venetucci Boulevard. (Parcel Nos. 6504300049 and 6504300050) (Commissioner District No. 4)

PC ACTION: FULLER MOVED / CARLSON SECONDED TO POSTPONE CONSENT ITEM 3D, FILE NUMBER P247 FOR A MAP AMENDMENT (REZONING), MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI, TO A DATE CERTAIN OF AUGUST 1, 2024. THE MOTION TO POSTPONE THE ITEM PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

E. VA242

LETKE

**VARIANCE OF USE
POWERS BOULEVARD CMRS TOWER VARIANCE OF USE**

A request by T-Mobile West, LLC for approval of a Variance of Use to allow a temporary freestanding CMRS Facility (Commercial Mobile Radio Service) tower in the A-5 (Agricultural) district. The vacant property is located at the northeast corner of State Highway 21 and Fontaine Boulevard. (Parcel No. 5500000015) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER VA242 FOR A VARIANCE OF USE, POWERS BOULEVARD CMRS TOWER VARIANCE OF USE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTELPELZ, SMITH, & WHITNEY.
IN OPPOSITION: NONE.
COMMENTS: NONE.

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEMS

A. P242

BAGLEY

MAP AMENDMENT (REZONING) APEX VILLAGE REZONE

A request by Richard Holmes for approval of a Map Amendment (Rezoning) of 37.47 acres from A-35 (Agricultural) to CC (Commercial Community). The property is located at 16888 Elbert Road and is located one-half of a mile south of the intersection of Elbert Road and Hopper Road. (Parcel No. 4122000002) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked about drainage and topography related to property east of Elbert Road.

Mr. Schoenheit explained that the land east of Elbert Road has different terrain, contours, and slope. He stated that there is a slight slope on the northern part of the subject property.

Ms. Merriam clarified then that the drainage will not be an issue.

Mr. Schoenheit replied that if development is kept at a small scale, there should not be a great impact. If larger commercial use were to be proposed, the potential need for water detention would need to be evaluated. That was not required for the subject application.

Ms. Merriam asked about the scale of the proposal. She asked if the event center would be a small local riding arena or a large County Fair.

Mr. Schoenheit answered that the applicant is proposing a small-scale 2,000-3,000 square foot business even center – a small building for commercial – and a small parking lot. At least initially, the impact should not be great.

Ms. Merriam asked about the permeability of different parking surfaces.

Mr. Schoenheit explained that gravel parking lots are assessed at 80% impervious. The larger the parking lot, the more runoff, which would affect the drainage analysis.

Mr. Whitney asked about the limited commercial use (size) allowed after the potential rezoning.

Ms. Bagley stated that if the property were to be rezoned to CC (Commercial Community), any of the allowed commercial uses would be possible so long as they meet dimensional standards.

Mr. Whitney clarified that he thinks the estimation that runoff would be limited with the current proposal could be irrelevant if the plans expand in the future.

Ms. Bagley confirmed and added that the CC zoning district does not have a maximum lot coverage standard, so the property could potentially be fully utilized in a commercial way.

Mr. Smith mentioned a letter of opposition that discusses a berm existing where the driveway is proposed. How will that be addressed?

Mr. Schoenheit answered that the applicant will need to submit construction drawings and a grading and erosion control plan during the Site Development Plan stage.

Mr. Smith clarified that the applicant would need to address potential drainage impacts that grading would create at that later stage.

Mr. Schoenheit confirmed.

The staff presentation concluded. The applicant's presentation began.

Mr. Smith asked if the applicant has any investment partners.

Mr. Richard Holmes, the owner and applicant, replied that they do not currently have partners. He is waiting to have the results of the requested rezone before he ventures further. His intention currently is to establish a single event center in Phase 1.

Ms. Fuller asked for further explanation of how the proposal is in conformance with the Master Plan.

Mr. Holmes replied that from what he read in the Master Plan, proposing a rural center in the subject placetype seemed appropriate. The only way for him to provide that on his property is to pursue a rezone.

Mr. Byers mentioned a recent application (rezoning to RVP for a commercial purpose) that had significant community opposition. Part of the opposition was due to business being taken from Maggie's Corner Store in Peyton. He theorized that the subject proposal could have the same result. He questioned the timing of the proposal and asked, "why now?"

Mr. Holmes responded that he has observed what is happening in the surrounding area and further stated that his proposal will likely be a 20-year plan. His first phase will be small scale. Long-term, he envisions a place that provides medical offices, pet care, haircuts, etc.

Mr. Byers asked how the proposal will be compatible and consistent with the surrounding area.

Mr. Holmes answered by explaining that the surrounding area needs a rural center. The nearest places like that available are Black Forest and Elbert, each about 10 miles away. His goal is to serve the immediate, growing community. After the first phase, businesses could come in as needed, or if an investor is interested. He stated the infrastructure would be in place to support future needs. He acknowledged that the property is surrounded by RR-5 and A-35, but it's located along Elbert Road and would be able to easily serve the wider area.

Mr. Byers remarked that he found it interesting that there was such opposition to the RVP proposal but there is much less opposition to the current proposal.

Mr. Whitney reiterated his understanding that Mr. Holmes is proposing something that isn't compatible with surrounding zoning at this time because it could be needed after future growth.

Mr. Holmes agreed. He reiterated that he would begin with a small first phase.

Mr. Whitney replied that once a rezoning is potentially approved, "the horse is out of the barn." If the property is rezoned, it has the potential to become a much larger commercial development than currently intended.

Mr. Holmes stated the development would follow the rural placetype.

Mr. Whitney responded that the property is within the rural placetype already, and as noted in the staff report, that placetype does not recommend commercial development.

Ms. Fuller pointed out the large size of the property. She asked if the rezoning would allow for a Wal-Mart to be built as a worst-case scenario.

Mr. Holmes answered that it could be allowed but is not his intention. He'd like to develop a village-like setting. He does not intend to build a strip mall.

Ms. Bagley read a list of what would be allowed by right in the CC zoning district. She mentioned commercial and retail shopping centers, community buildings, gas stations, health clubs, material disposal sites, offices, and rehabilitation centers.

Mr. Bailey cautioned against using subjective examples of worst- or best-case scenarios. He further stated that a Wal-Mart on the subject parcel is an overestimation.

Ms. Fuller agreed and further stated that while a Wal-Mart on the parcel is highly unlikely, how the rezoning could impact the area is a very important discussion. The subject property is very large and is located within a residential area.

Mr. Whitney pointed out that whether or not the community would like to see those services available in the area will be reflected by public outreach.

Mr. Bailey noted that even if people are opposed to the rezoning at the hearing, market forces would drive the scale of development and dictate the timeline. He stated that he appreciates the property owner's entrepreneurial drive and vision in recognizing that the subject area may grow in the future. He further stated that the groundwork for the establishment of a commercial center will be complete for when the surrounding A-35 is developed into 5-acre, 2.5-acre, or denser lots.

Ms. Merriam pointed out that the residents of the eastern plains have often intentionally moved to a remote area because they wanted to avoid density, traffic, etc. She mentioned observing this sentiment in the public comments of multiple projects. She doesn't think the proposal is a good idea for the current community.

Mr. Holmes replied that he moved to the area for those same reasons. He further stated that there are now several subdivisions of 5-acre lots that have been approved by the County. He stated that he was disappointed when the property across the road from him was subdivided. He suggested that his proposal is a result of what has been allowed to happen already in the rural area. When he saw the addresses of people opposed to his proposal, he observed that they are located directly off Elbert Road. He stated that Elbert Road is going to become so busy in the future that they won't have the rural feeling they had been looking for.

Ms. Merriam suggested that if the applicant's proposal isn't approved by the BOCC at this time, perhaps the idea would be successful in the future. She stated that she doesn't want to see the subject area being turned into a dump, which could be an allowed use if rezoned.

Mr. Holmes responded that he has already noticed two parcels along Elbert Road used as vehicle dumps. His intention is to create a village setting as opposed to a dump. He lives on the property.

Mr. Schuettpelz asked if the applicant would continue to live on the property.

Mr. Holmes stated that he plans to build a 3,000 square foot business event center, so there would still be room for his home.

Mr. Schuettpelz asked staff how long that would be allowed if the property were to be rezoned.

Mr. Holmes added that he would be interested in establishing owner-occupied commercial developments that have residences above the businesses.

Ms. Bagley answered that a detached single-family residence is not allowed within the CC zoning district so a Variance of Use application would be needed.

Ms. Seago stated that the existing residence would become a legal non-conforming use because it existed before the rezoning. The applicant would not be allowed to expand the non-conformity, but he wouldn't be required to move.

Ms. Bagley further explained that mixed-use residential use could be allowed in the CC zoning district with Special Use approval, which would require additional review by the PCD Department. It could potentially be an administrative process.

Mr. Holmes concluded by stating he believes having a commercial center in this area will be good.

PUBLIC COMMENTS

Mr. Tom Swaim spoke in opposition. He does not believe the application satisfies the first LDC criteria of approval, *"The application is in general conformance with the Your El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned."* He stated that the subject property is in the rural placetype defined in the Master Plan. Commercial zoning is inconsistent with that placetype and is not listed in the conformance table. He stated that the entire surrounding area is an open prairie that provides habitat to wildlife. The surrounding area is also used for agricultural grazing.

He questioned the purpose of a Master Plan if it is not adhered to. He pointed out that the Master Plan is meant to ensure responsible development, and avoid the pitfalls of haphazard, uncontrolled development. The Master Plan is meant to help people decide where they'd like to live with the assurance that they are within a neighborhood that has a stable placetype. He explained why he and his wife chose to build in Apex Ranch Estates (with an average 1 home per 15 acres). They previously lived in Peaceful Valley, Fountain, and felt driven out by the uncontrolled development of Lorson Ranch. When they researched potential areas to move, they specifically chose an isolated area. They were comforted by the designation of the surrounding rural placetype. He stated that a rezoning to commercial within the rural placetype would be a violation of people's trust in the County's efforts via the Master Plan to ensure responsible development. He reiterated that the relocation to an area distanced from conveniences was done intentionally. He suspects that other people drawn to the area are looking for that same quality of life.

He stated that approving a rezone contrary to the Master Plan's designation will set a bad precedent for further exceptions and lead to accelerated development. He is concerned that the commercial development of the subject parcel will create a high-risk situation destined for failure due to its location. He stated that adherence to the Master Plan is not only done for aesthetic and sustainable development of the County but is also done for valid business reasons. Nearby successful commercial centers are in areas with higher density levels and established public infrastructure. He mentioned the Woodmen/Meridian/Hwy 24 intersection, the Stapleton/Meridian intersection, and Northgate/Hwy 83 intersection. He pointed out that areas like Peyton and Elbert have historically proven that they lack the population to sustain commercial areas. He further pointed out that there is a parcel of land already zoned commercial at the corner of Meridian and Hodgen (Winsome development) that has been vacant for the past 5 years. He suggested that its location is more appropriate, but the lack of development seems to suggest there is a lack of demand. He questioned the applicant's business plan, ability, and lack of representation.

Mr. Roger Lund spoke in opposition. Agreed with Mr. Swaim's remarks regarding LDC criteria number 1. He stated that he would focus on criteria number 3, *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions."* He read the list of uses that would be permitted if rezoning were approved: assisted living, dining services, food delivery, entertainment, learning center, child daycare, grocery, local deliveries, hair salon, fitness center, library, mail and packing services, banking, office space, car wash, laundromat, shopping/retail, and medical centers. He doesn't think any of those uses are compatible with the existing rural residential area. He stated that he moved to the country for a reason. While the comment about Wal-Mart was facetious, if he had wanted to live in proximity to the listed amenities, he would have purchased a home near Falcon Highlands or Meridian Ranch. He stated that he wants to enjoy his quiet land and does not want to experience the impacts that come with a commercial development.

As a solution or Mr. Holmes, he suggested looking into Internal Revenue Code (IRC) Section 1031, "like-kind exchange". He explained that if someone owns a piece of real estate meant for a use other than what they have planned, they can work out a third-party transaction with a qualified intermediary to exchange that parcel for another one. He applauds Mr. Holmes for being an entrepreneur but suggested that he should contemplate locating his proposal somewhere that is either already zoned commercial or will not have the adverse impact that the subject location has. He reiterated Mr. Swaim's reference to the commercial property at Meridian/Hodgen. He further suggested that a rezoning to RR-5 would not be as drastic of a request (siting LDC criteria 3) as the proposed rezoning from A-35 to CC. He is worried about Mr. Holmes' 20-year plan not coming to fruition and the surrounding area being left with blighted property. He concluded by pointing out that while the review agencies didn't object to the applicant's plan, they also didn't endorse it.

Mr. Holmes provided rebuttal. He stated that his intention is to build a rural center, not a giant commercial center. He stated that to accomplish that, the Planning Department told him he'd need to pursue a rezoning to Community Commercial. If there is another way to accomplish his goal, he's open to pursuing that path.

DISCUSSION

Mr. Smith asked if there would be the opportunity for the applicant to meet again with PCD staff to discuss other options. He specifically mentioned rezoning to RR-5.

Mr. Bailey explained that the opportunity for an applicant to meet with staff to discuss their vision has already taken place and is what brought them to this point.

Ms. Bagley added that Mr. Holmes has met with PCD staff several times and began the process in pursuit of a Special Use for limited commercial on his property. Mr. Holmes' plans continued to expand, so staff mentioned that rezoning to commercial would accommodate his full vision for the future. She stated that it is still an option to pursue the Special Use request, but the rezoning was deemed more appropriate for the full number of commercial uses that he wanted.

Mr. Carlson clarified that the applicant could request a Special Use to accommodate the 2,000-3,000 square foot business event center.

Ms. Bagley replied that she would need to investigate whether it would be a Special Use or Variance of Use, but it would be possible.

Ms. Fuller asked if the applicant could pursue a PUD zoning where most of the property is 5-acre residential lots and a smaller portion is designated commercial.

Ms. Bagley replied that if that was what the applicant had wanted to do, it could have been explored as a potential solution.

Ms. Fuller explained that she hopes every possibility is explored to help the applicant because land use development is not his profession. She further stated that the large size of the property is what worries her regarding compatibility.

Ms. Bagley stated that a PUD was not discussed. The applicant was only interested in proposing commercial development. PCD staff discussed pursuing a Special Use or Rezoning at that time.

Ms. Fuller asked if staff ever tries to suggest applicants pursue PUDs.

Ms. Bagley explained that PCD staff review what an applicant submits and compares that with the LDC to determine the best route an applicant should take to accomplish their goal. Based on what Mr. Holmes presented as his objective, PCD staff suggested pursuing Special Use or Rezoning.

Ms. Herington added that a business event center in A-35 would require Special Use approval. That aligns with the conversation that has taken place during the hearing. There are additional uses that could be allowed with Special Use in A-35. While the letter of intent was written broadly, the PC has the option to condition the straight zone to remove certain uses.

Mr. Bailey clarified his understanding that the overall vision is what led to the current request. The applicant's plan may not be specific enough to define in a PUD currently.

Mr. Schuettpelz reiterated that the first phase mentioned (a business event center as Special Use in A-35) was discussed, but then the applicant continued by describing additional aspirations that exceeded what is allowed with Special Use approval. As presented currently, he doesn't think the rezoning to commercial meets LDC criteria points 1 or 3.

Mr. Whitney agreed with Mr. Schuettpelz' comments. He remarked that the obstacle seems to be nailing down what the applicant wants. If the applicant were only intending to do a small business event center, perhaps a Special Use could have been utilized without upsetting residents of the surrounding area. A rezoning to commercial, however, has the potential of turning the property into something that's wildly incompatible with properties around it.

Ms. Fuller added that Agritainment is allowed in A-35.

Ms. Bagley confirmed.

Ms. Herington added that an amusement center, outdoor, is a Special Use. There are many options. A commercial retail center, however, is not permitted in A-35. There is no LDC definition of a *rural* commercial center, so treating it as a commercial retail center is perhaps how staff treated the request. Staff tries to give as much information to applicants as possible during EA meetings. Staff also tries to give applicants the heads-up if a request is going to be difficult and tries to provide alternatives.

Mr. Bailey stated that there is sometimes a challenge in reconciling the Master Plan with the rules and regulations of the LDC. The Code rewrite will help. He believes the Master Plan allows for and recognizes rural centers in various places. Property owners are allowed to use their properties to become rural centers. He believes there will be compatibility because at some point it will be needed. The applicant is proposing the use before the demand, but that's not up to the Planning Commission to decide which comes first. He applauded PCD staff in recognizing that Mr. Holmes is seeking to use his property in the way he sees fit. His vision may be long term, but rezoning is the right path to get him where he'd like to see his property one day. He does think the application meets criteria 1 and 3. After potential approval by the BOCC, bulldozers will not move in and build a Wal-Mart because that's not the applicant's vision. The applicant still lives on the property. The project will start small and will take a long time.

Mr. Whitney doesn't know why criteria 1 and 3 are part of the LDC criteria for approval if they're not meant to be adhered to.

Mr. Carlson sited non-conformance with LDC criteria for approval number 1 and 3. He further mentioned the property's very large size and the lack of control over future use of the property.

Ms. Fuller also mentioned concerns regarding the property's large size. She agreed that applicants have every right to ask for a rezoning of their property, but the Planning Commission has the right to say it doesn't fit.

Ms. Merriam stated she doesn't think the application meets LDC criteria numbers 1 or 3 as presented. She further stated there is nothing stopping the applicant from pursuing a Special Use.

Mr. Smith appreciated the forward thinking, and stated there are opportunities available. He agreed with the concern regarding a lack of control due to the large size of the property. He encouraged the applicant to speak with a consultant.

Mr. Whitney commended the applicant for trying to be forward thinking but encouraged the applicant to come up with a way to be ahead of the curve without changing the character of the area. He mentioned the process may need to be taken in smaller steps.

Mr. Bailey pointed out that there is no black and white; there is a lot of middle ground in the views expressed by board members. There must be a balance between holding onto the County everyone knows from the past with the County that exists currently.

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND DISAPPROVAL OF REGULAR ITEM 5A, FILE NUMBER P242 FOR A MAP AMENDMENT (REZONING), APEX VILLAGE REZONE, FOR NOT MEETING LDC CRITERIA 1 OR 3, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND DISAPPROVAL PASSED (7-2).

IN FAVOR: BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: BAILEY AND BRITAIN JACK.

**MASTER PLAN
MAJOR TRANSPORTATION CORRIDORS PLAN**

The El Paso County Department of Public Works requests adoption of the Major Transportation Corridors Plan (MTCP) into the Your El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of roads within unincorporated El Paso County. The MTCP is a critical step in creating an effective and efficient transportation infrastructure that meets future needs. The Plan will provide an updated vision for future transportation, a list of transportation improvements, and a long-term right-of-way preservation plan for each major roadway. (All Commissioner Districts)

PC ACTION: FULLER MOVED / MERRIAM SECONDED APPROVAL AND ADOPTION OF REGULAR ITEM 5B, FILE NUMBER MP241 FOR A MASTER PLAN, MAJOR TRANSPORTATION CORRIDORS PLAN (MTCP), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION FOR APPROVAL AND ADOPTION PASSED 9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.
IN OPPOSITION: NONE.
COMMENTS: NONE.

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 11:23 A.M.

Minutes Prepared By: Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

SCHUETTELZ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2314
THE SHOPS FILING NO. 2 AT MERIDIAN RANCH

WHEREAS, Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to replat 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot within the CR (Commercial Regional) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on July 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the Replat has been resolved.

WHEREAS, 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 the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC for approval of a Vacation

and Replat to allow 1 commercial lot to be replatted into 2 commercial lots within the CR (Commercial Regional) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. Applicant shall submit the Mylar to Enumerations for addressing.
5. 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider 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. 19-471), 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.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 5, 2024, as provided by the County Attorney's Office.

9. A development agreement between El Paso County and Shops at Meridian Ranch, LLC for the installation of the traffic signal at the intersection of the private drive on the east side of the subject property and Stapleton Road shall be completed and recorded prior to approval of any Site Development Plan application within the boundaries of the subdivision.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

MORLIUM seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of July 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A resubdivision of Lot 2 of The Shops Filing No. 1 at Meridian Ranch, recorded per reception no. 215713659 on August 12, 2015 in the office of the El Paso County Clerk and Recorder, Colorado Lot 2, The Shops Filing No. 1 at Meridian Ranch, rec no. 215713659 Containing a calculated area of 105,981 square feet (2.433 acres), more or less.

EL PASO COUNTY



COMMISSIONERS:
 CAMI BREMER (CHAIR)
 CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Planner III
 Daniel Torres, PE, Senior Engineer
 Meggan Herington, AICP, Executive Director

RE: Project File Number: VR2314
 Project Name: The Shops Filing No. 2 at Meridian Ranch
 Parcel Nos: 4230319055 and 4230319056

OWNERS:	REPRESENTATIVE:
Hunjan Gas Stations, LLC 12599 Mt. Lindsey Drive Peyton, CO, 80831 Shops at Meridian Ranch, LLC PO Box 80036 San Diego, CA, 92138-0036	YOW Architects 115 South Weber Street, Suite 200 Colorado Springs, CO, 80903

Commissioner District: 2

Planning Commission Hearing Date:	7/18/2024
Board of County Commissioners Hearing Date:	8/8/2024

EXECUTIVE SUMMARY

A request by Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC for approval of a 2.43-acre Vacation and Replat creating 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot. The property is zoned CR (Commercial Regional), and is located at 11830 Stapleton Drive, at the northeast corner of the intersection of Stapleton Drive and Meridian Road.

2880 INTERNATIONAL CIRCLE
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
 PLNWEB@ELPASOCO.COM



Zoning Map

2880 INTERNATIONAL CIRCLE
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
 PLNWEB@ELPASOCO.COM

A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no waivers associated with this request.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

A. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (as amended) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- *The replat complies with this Code, and the original conditions of approval associated with the recorded plat;*
- *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;*
- *The replat is in keeping with the purpose and intent of this Code;*
- *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;*
- *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;*
- *The approval will not adversely affect the public health, safety, and welfare; and*
- *Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved*

B. BACKGROUND

The property was originally platted as Lot 2 of the Shops Filing No. 1 at Meridian Ranch Subdivision on August 12th, 2015. Since the plat was recorded, the property was split outside of the El Paso County subdivision process, creating an illegal division of land. To be considered a legal lot, the property would have needed to be created prior to July 17, 1972, or have been created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in



conformance with C.R.S. Sections 30-28-133 through 139. Therefore, the property does not meet the definition of a “Legal Lot” as discussed in detail in the Code Analysis section below, and, therefore, cannot be considered a “Legal Lot.”

The current proposal for a Vacation and Replat anticipates legalizing the division of land through a subdivision process recognized by El Paso County. The Replat would result in 2 platted commercial lots.

C. ANALYSIS

1. Land Development Code Analysis

Pursuant to Section 1.13.3 of the Code, no building permits may be authorized for a parcel of land that has not been included within a subdivision process recognized by El Paso County or otherwise exempted by the Code. If the application for subdivision is approved, the resulting lots will be considered legal lots.

The application meets the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (as amended).

2. Zoning Analysis

The lots, as proposed, will conform to the standards of the CR (Commercial Regional) zoning district. The CR zoning district density and dimensional standards are as follows:

- *Minimum Zoning District Area: 1 acre*¹¹
- *Minimum setback requirement: front 50 feet*^{3,4,11}, *rear 25 feet*^{2,3,4,11}, *side 25 feet*^{2,3,4,11}
- *Maximum height: 45 feet*

² *The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.*

³ *Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.*

⁴ *Gasoline pumps and canopies shall be setback at least 25 feet from all property lines.*

¹¹ *If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.*



The proposed lots will meet the density and dimensional standards of the CR zoning district. In order to initiate any new uses on the property, the applicant will need to obtain Site Development Plan approval. The Site Development Plan will be required to comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

D. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Regional Center

The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses. This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-work-play environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments.

This placetype includes large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers. Multifamily apartments provide commercial businesses direct access to potential customers.

Regional Centers are major commercial destinations for residents and are easily accessible from major transportation routes throughout the County. Regional Centers in El Paso County are surrounded by Urban Residential, Suburban Residential, and Employment Center placetypes. In addition, Regional Centers can also be extensions of commercial areas within incorporated municipalities such as the Gleneagle area.

Recommended Land Uses:

Primary

- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Entertainment*
- *Multifamily Residential*

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PLNWEB@ELPASOCO.COM

Supporting

- *Office*
- *Institutional*
- *Mixed Use*
- *Single-family Attached Residential*

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

c. Key Area Influences: The property is not located within a key area.

d. Other Implications (Priority Development, Housing, etc.): The property is not located within a priority development area.

e. Analysis: The Regional Center placetype is a commercial destination for County residents to purchase goods, procure services, and enjoy a variety of entertainment options. The proposed commercial subdivision is consistent with the land uses identified in the Regional Center Placetype and is not expected to result in a significant change in character beyond what would normally be expected in the Minimal Change: Developed Area of Change. Relevant goals and objectives from the Master Plan are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Goal LU3 Specific Strategy – *The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the*



development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the place types first and second to their built form guidelines.*

Objective LU4-2 – *The Regional Center placetype should include large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers.*

Goal ED1 – *Recruit new businesses and spur the development of growing sectors.*

Objective ED3-6 – *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

2. Water Master Plan Analysis

The El Paso County Water Master Plan (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:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Goal 1.2 – *Integrate water and land use planning.*

Goal 3.1 – *Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

Goal 3.6 – *Develop and maintain partnerships with water providers.*

Policy 3.6.2 – *Water providers should work with neighboring entities to provide and plan for growth between their respective boundaries.*



Policy 4.1.4 – *Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.*

Goal 5.1 – *Identify the potential water supply gap at projected full development build-out (2060).*

Policy 5.2.2 – *Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated, Upper Black Squirrel Creek alluvium.*

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.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 32 AFY is anticipated for Region 3.

The Water Master Plan identifies a potential concern with drawing water from the Denver Basin aquifers by drilling additional wells over time. Section 4.4 of the Plan states:



The Denver Basin aquifers provide a great source of water supply because they are protected from surface contamination and are drought-proof; however, the groundwater levels are declining while the costs to pump water from the aquifers continue to increase.

Meridian Ranch is served by the Meridian Service Metropolitan District. Developments served by centralized utilities can minimize the number of new wells being drilled to access nonrenewable aquifers by utilizing a small number of high-capacity wells. The Plan references a cascading effect whereby additional wells accessing the Denver Basin aquifers are depleting the water levels more quickly than single high-capacity wells resulting in increased cost to draw water as the water levels decline.

The Plan specifically identifies this portion of the Meridian Service Metropolitan District as an anticipated area of development by 2040. The timing of the proposed development is in line with the anticipated growth schedule included in the Plan.

The applicant's water resource report indicates the Meridian Service Metropolitan District has an ample supply of water to serve this development and future developments within the District. See the Water section below for a summary of the water findings and recommendations.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

E. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Geologic hazards found to be present at this property include potential faults and seismicity. Geologic constraints found to be present at this property include expansive and compressible soils and seasonally fluctuating groundwater. Due to the geologic constraints present at the property, no below-grade inhabitable space or basements shall be permitted on this property. This requirement is included in a



note on the plat. Colorado Geological Survey (CGS) has provided a response and has no additional comments or concerns at this time.

2. Floodplain

The property is not located within a defined floodplain as determined by review of the FEMA Federal Insurance Rate Map panel number 08041C0551G, effective December 7th, 2018.

3. Drainage and Erosion

The site is located within the Bennett Ranch (CHWS1200) drainage basin which is a studied drainage basin with associated drainage and bridge fees. Drainage fees were previously paid with the Shops Filing No. 1 at Meridian Ranch Subdivision.

Per the submitted drainage letter, stormwater from the site will be routed via surface drainage swales and on-site private storm sewer system to an existing private storm sewer system within the Shops at Meridian Ranch commercial area that is conveyed eastward to the existing Bennett Regional Detention Pond. The existing regional pond provides the necessary stormwater quality and detention for this site as well as the entire Shops at Meridian Ranch commercial area. Additionally, the submitted drainage letter identifies that this development is consistent with the previously approved drainage report for the Shops at Meridian Ranch Subdivision and no adverse drainage impacts on the downstream and surrounding areas will occur due to this development.

4. Transportation

The subdivision is accessed via an existing private drive that intersects Stapleton Road just east of Meridian Road. A traffic study was submitted and is currently in review with the concurrent site development application. The traffic study is consistent with the previous traffic study submitted by LSC transportation Consultants, Inc. for the Shops Filing 1 at Meridian Ranch Subdivision.

The traffic study identifies that off-site improvements consisting of restriping Stapleton Road at the private drive and Stapleton Road intersection as well as modifications to the existing signal at Meridian Road and Stapleton Road will be required to maintain satisfactory levels of service. Additionally, the traffic study indicates that the existing private drive and Stapleton Road intersection meets traffic



signal warrant with future development of the Shops at Meridian Ranch. The County and the Shops at Meridian Ranch, LLC are working on a development agreement for the future installation of the traffic signal at the Stapleton Road access.

The development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471, as amended) as applicable for property located within the Woodmen Road Metropolitan District.

F. SERVICES

1. Water

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Sanitation is provided by the Meridian Service Metropolitan District.

3. Emergency Services

The property is within the Falcon Fire Protection District, which provides fire protection services to the site. The District provided a response and has no outstanding comments or concerns at this time.

4. Utilities

Mountain View Electrical Association (MVEA) currently provides electrical services to properties in the Meridian Ranch development. Black Hills Energy provides natural gas service to properties in Meridian Ranch. MVEA and Black Hills Energy were each sent referrals; MVEA has no outstanding comments and Black Hills Energy did not respond.

5. Metropolitan Districts

The property is within the boundaries of Meridian Service Metropolitan District and Meridian Ranch Metropolitan District, which provide water and wastewater service in addition to maintaining landscaping, open space, and private drainage facilities within Meridian Ranch.



The development is within the boundaries of the Woodmen Road Metropolitan District. New construction within the boundaries of the Woodmen Road Metropolitan District is subject to payment of traffic impact fees to the District as reimbursement for roadway improvements previously constructed by Woodmen Road Metropolitan District, pursuant to Board Resolution 13-041.

6. Parks/Trails

Fees in lieu of park land dedication are not required for a commercial subdivision.

7. Schools

Fees in lieu of school land dedication are not required for a commercial subdivision.

G. APPLICABLE RESOLUTIONS

See attached resolution.

H. STATUS OF MAJOR ISSUES

There are no major issues.

I. 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 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notation:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.



3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. Applicant shall submit the Mylar to Enumerations for addressing.
5. 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider 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. 19-471), 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.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 5, 2024, as provided by the County Attorney's Office.
9. A development agreement between El Paso County and Shops at Meridian Ranch, LLC for the installation of the traffic signal at the intersection of the private drive on the east side of the subject property and Stapleton Road shall be completed and recorded prior to approval of any Site Development Plan application within the boundaries of the subdivision.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.



J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 52 adjoining property owners on June 28, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

K. ATTACHMENTS

Map Series

Letter of Intent

Plat Drawing

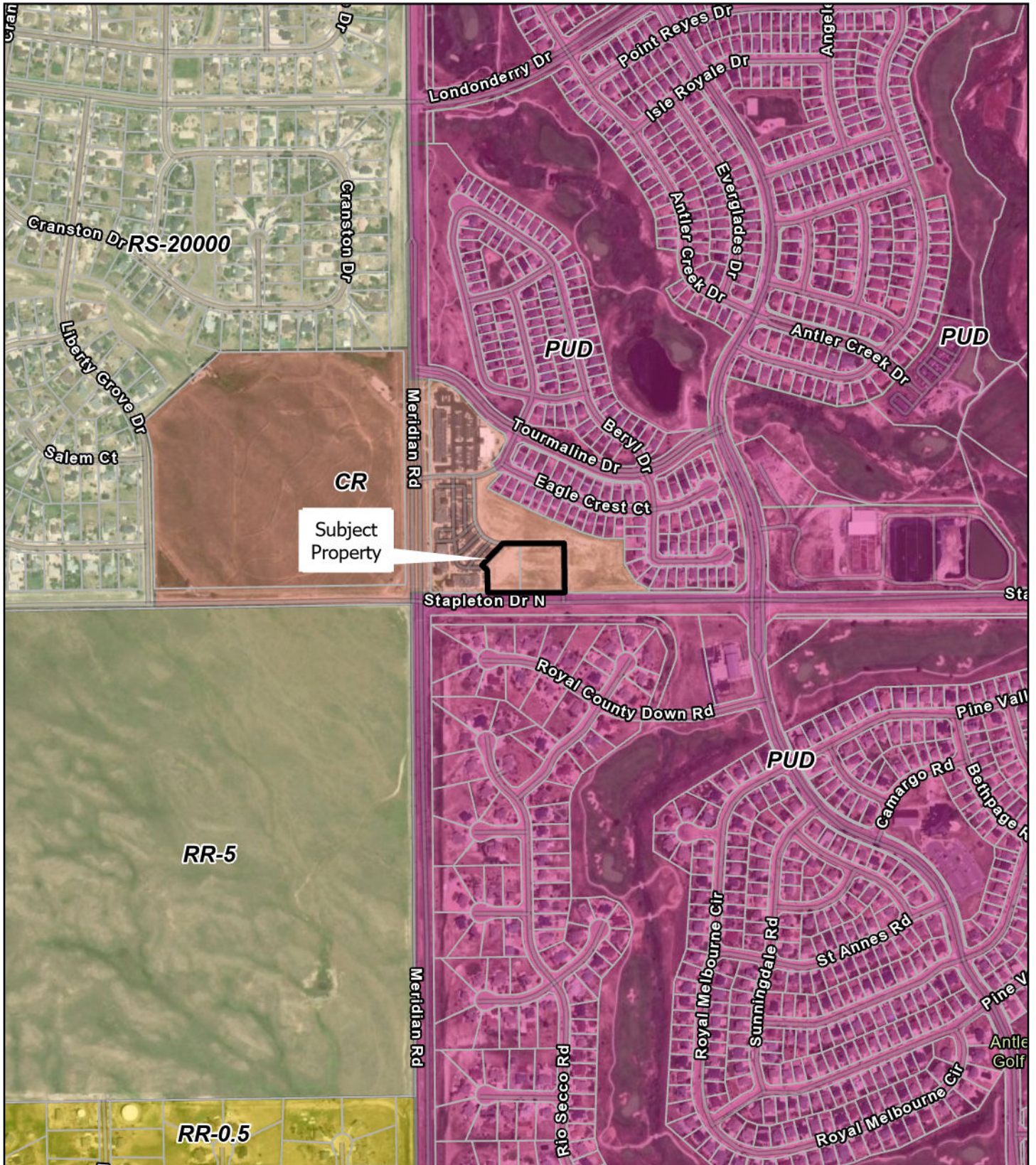
State Engineer's Letter

County Attorney's Letter

Draft Development Agreement – Intersection Improvements

Draft Resolution

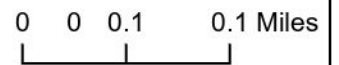


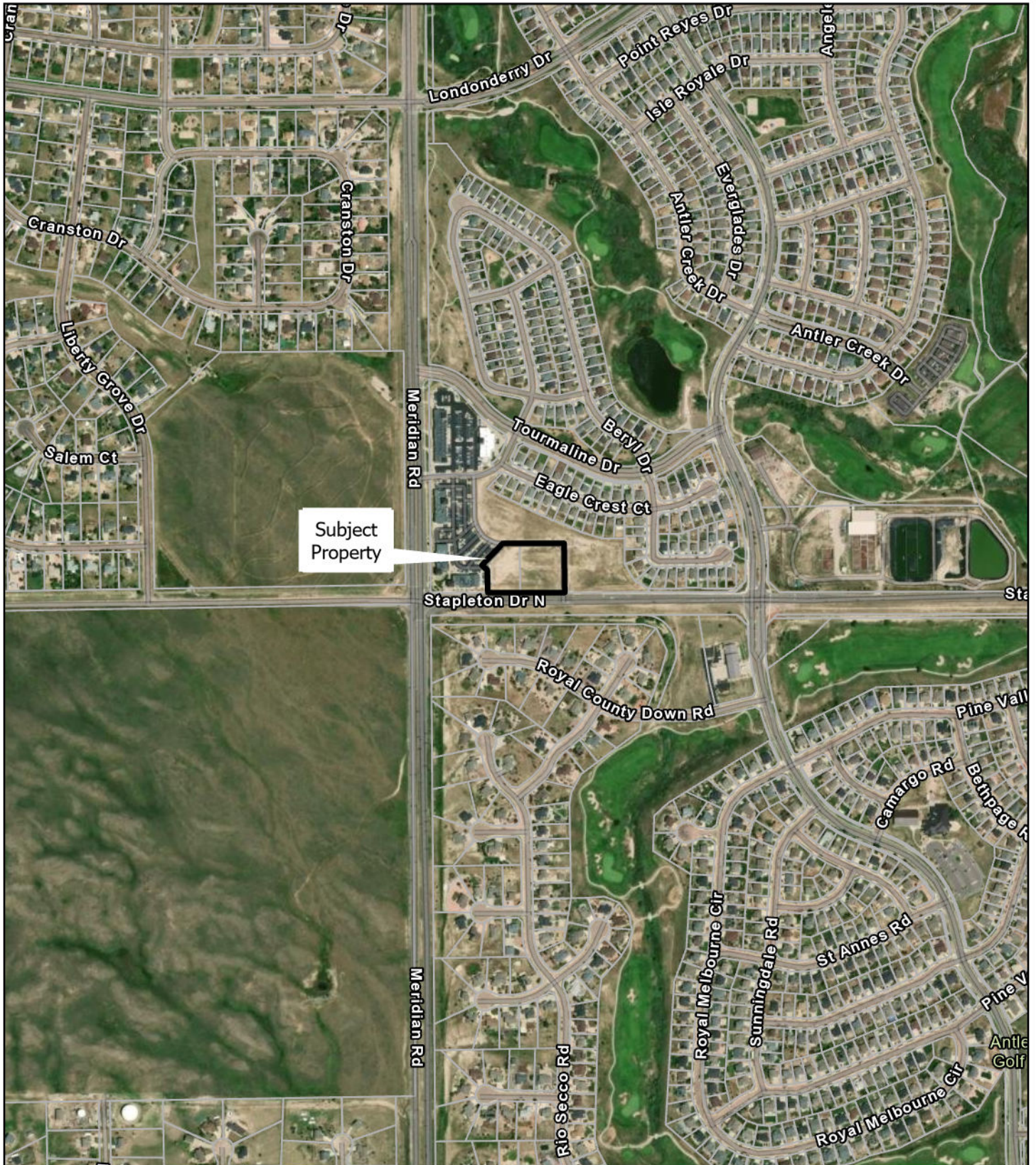


Zoning Map

File No. VR2314

Map Series No. 0





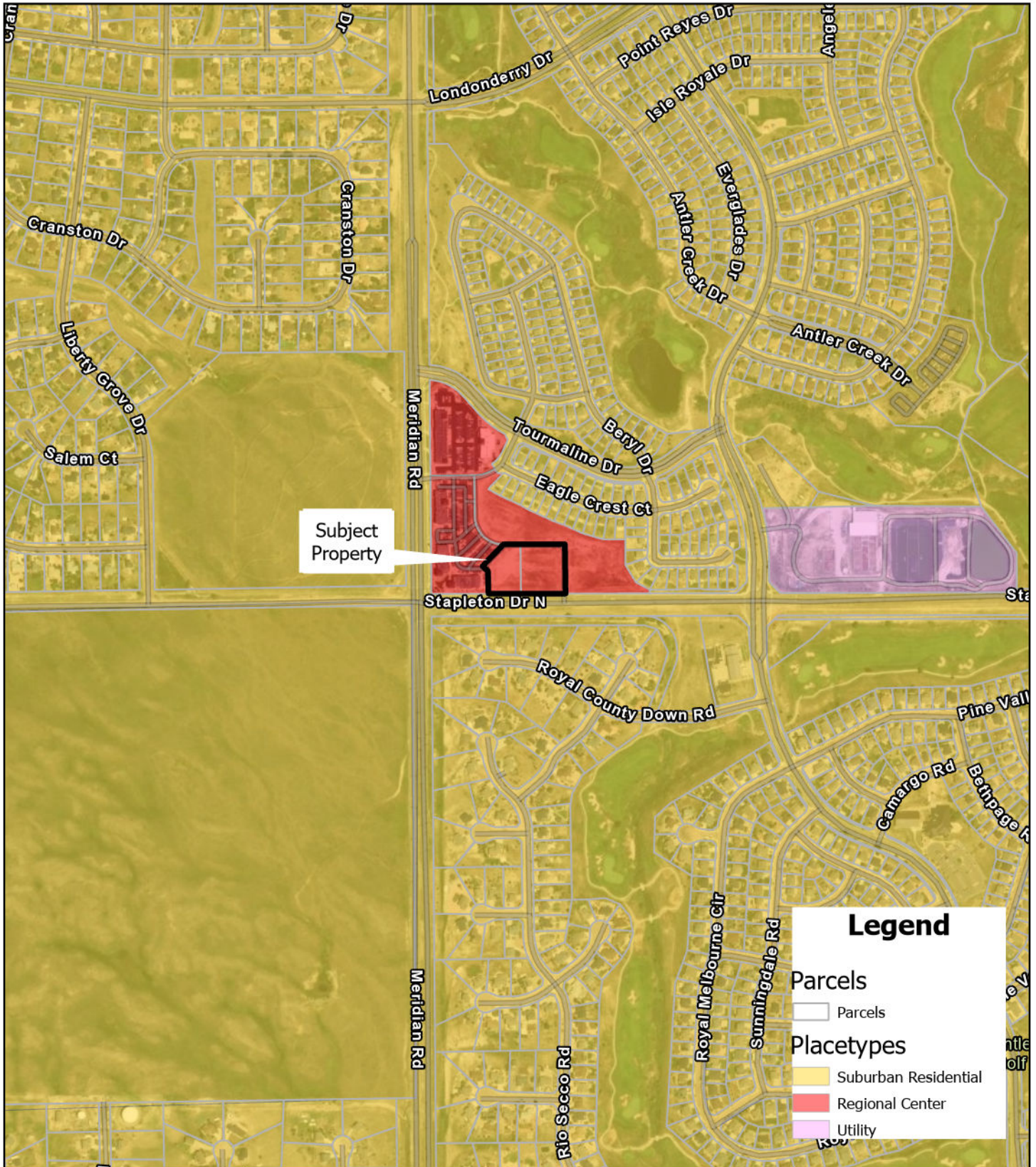
Aerial Map

File No. VR2314

Map Series No. 1



0 0 0.1 0.1 Miles



Placetypes

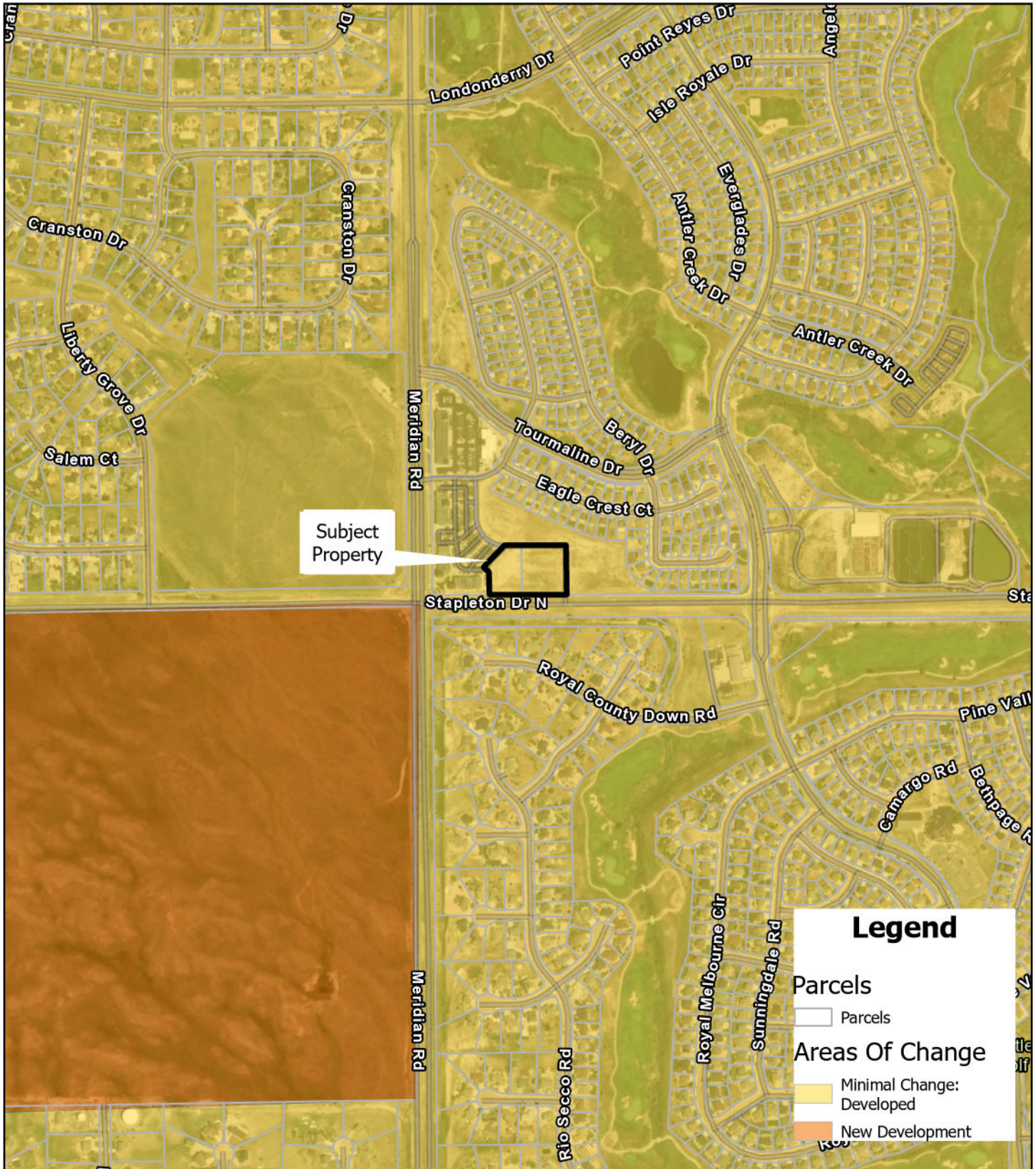
File No. VR2314

Map Series No. 2



0 0 0.1 0.1 Miles

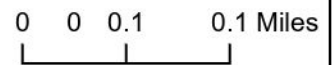
A scale bar with markings for 0, 0.1, and 0.1 miles.



Areas of Change

File No. VR2314

Map Series No. 0





Y|O|W ARCHITECTS

115 S Weber St., Ste 200 | COS | CO
(719) 475-8133 | www.yowarch.com

Date: June 13, 2023

RE: Shops at Meridian Ranch 11810 Stapleton Drive
Final Plat - Letter of intent

We are requesting a Final Plat application with El Paso County, this application shall include several items associated with that submittal along with a Site Development Plan to show what is being proposed. We intend to show a fueling station on the newly created Lot 2B. The 1.46 acre site has a tax number of 4230319056 and is zoned CR (Commercial Regional District). There are not any Overlay districts identified for this property.

This project is in general conformance with the goals, objectives, and policies of the Master Plan; the associated Site Development Plan application proposes to add a fueling station to the commercial center. The proposed subdivision is in conformance with the requirements of this Code. The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Final Plat area.

The water supply report provides sufficient information to identify compliance with the water supply standards and identifies any need for additional water supplies, within the water resources report prepared by Tech Contractors. Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities, we have provided a Wildfire Hazard Evaluation Report to answer this question. The subdivision will not interfere with the extraction of any known commercial mining deposit. The proposed methods for fire protection are adequate to serve the site, see the wildfire report mentioned above. A traffic impact study has been completed by LSC Transportation Consultants that shall show that the site will be designed to accommodate all additional traffic generated from the new lots. The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints, we have looked into all of these aspects and addressed them in all aspects of design.

This application shall be reviewed under the criteria that the overall design principles implemented shall provide a safe, serviceable, and healthy living environment. The parcel shall be designed to allow for any allowed within the zone. The application shall comply with the zoning code. The design shall comply with the setback requirements, parking standards, and the overall design intent of the master plan.

This application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). Final Plats are reviewed and approved in consideration of the Review Criteria found in the El Paso County Land Development Code Section 7.2.1.D.3.(f). Each criteria is listed below followed by the appropriate justification.

Master Plan Conformance: *"The proposed project is in general conformance with the goals, objectives, and policies of the Master Plan."*

Shops at Meridian Ranch

Page 2 of 4

6/14/2023

The Master Plan indicates that this project is located in the Regional Center Placetype. This Placetype The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses. This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-workplay environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments. This project intends to follow this precedent by filling in a commercial use at the intersection of Meridian Road and Stapleton Dr. *This project shall provide commercial goods and services with easy access for many commuters from the surrounding area.*

Preliminary Plan: *“The subdivision is in substantial conformance with the approved preliminary plan”.*

All of the aspects of the plan adhere to with the Land Development Code. All aspects of the design are in line with the code, to include building height, building setbacks, parking requirements, and ADA design standards.

Subdivision Design Standards: *“The subdivision is in conformance with the subdivision design standards and any approved sketch plan.”*

The proposed Final Plat is prepared in accordance with applicable subdivision design standards with the respect to lot size, setbacks, access and provision of utilities.“

Water Supply: *“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.”*

Water service shall be provided by Meridian Service Metropolitan District (MSMD). A sufficient water supply commitment letter from MSMD has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed. A water resources report was completed by Tech Contractors (PUDSP22-004) and submitted with the application that shall show that adequate water supply is set aside for the project.

Wastewater Disposal: *“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.”*

A public sewage disposal system has been established with the Meridian Ranch site and the system complies with state and local laws and regulations. A wastewater commitment letter has been provided by Meridian Service Metropolitan District (MSMD) with the submittal along with a wastewater disposal report prepared by Tech Contractors (PUDSP22-004), that report shall show that adequate wastewater facilities are set aside for the project.

Soil and Topographic Conditions: *“All areas of the proposed subdivision, which may involve soil or topographical condition presenting hazards or required special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. 30-28-133(6)(c)].”*

A subsurface soil investigation had been prepared by A Better Soil Solution for the project and the owner shall comply with the recommendations of the report. This report has also been sent to Colorado Geological Survey for review. Based on the findings of the report, the buildings proposed can be supported with standard shallow spread footings on site.

Shops at Meridian Ranch

Page 3 of 4

6/14/2023

Drainage Requirements: “Adequate drainage improvements complying with State law [C.R.S. 30-28-133(6)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design.”

The proposed Final Plat is consistent with the submitted Final Drainage Report. This report was completed by JPS Engineering and submitted with this application. The report shall show adequate capacity of the existing detention pond located off site. The owner shall comply with the requirements of the drainage report.

Public Improvements: “The location and design of the public improvements proposed in connection with this project are adequate to serve the needs and mitigate the effects of the development.”

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-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.

Access: “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.”

The existing Meridian Ranch access onto Stapleton Dr. shall be kept and allow. No access or driveways shall be allowed onto Meridian Road without approval from El Paso County.

Compatibility: “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.”

The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; 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; incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and 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.

Services: “Necessary serviced, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.”

Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are available to serve this development. This development provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code. The compliance is shown in the included Wildfire Hazard Evaluation Report from Stephen Spaulding,

Shops at Meridian Ranch

Page 4 of 4

6/14/2023

Fire Protection: “The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Coded.”

Meridian Ranch is located within the Falcon Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve the project. A fire protection report and wildfire hazard mitigation plan has been prepared and submitted for the proposed project. The owner shall observe and follow the recommendations of the reports and Fire Protection District. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

Off-site impacts: Off- site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8

Adequate public facilities: Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

Mining Extraction: The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

Applicant:

Iqbal Singh

719-237-4927

iqbalsingh84@yahoo.com

Owner:

Hunjan Gas Stations LLC

12599 Mt. Lindsey Dr.

Peyton CO 80831

Consultant:

YOW Architects

115 S. Weber St. Suite 200

Colorado Springs CO 80903

Brad Nichols

719-475-8133

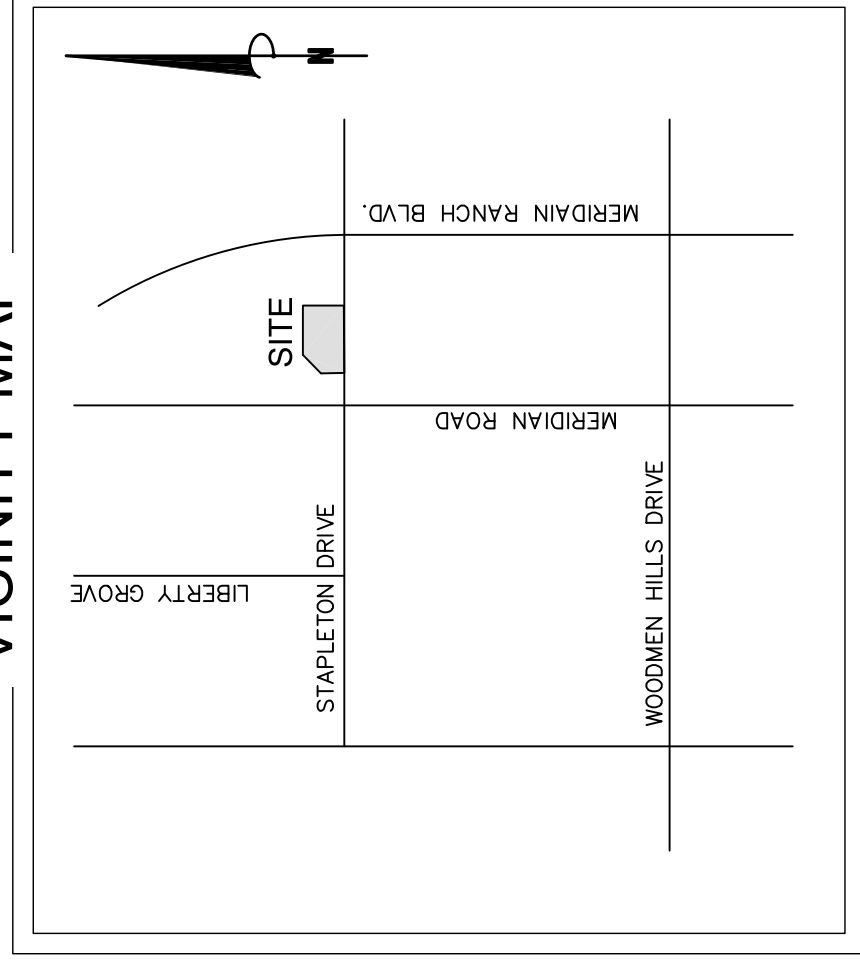
Should you require any additional information, please contact me at 719.475.8133.

FINAL PLAT

THE SHOPS FILING NO. 2 AT MERIDIAN RANCH

A REPLAT OF LOT 2, THE SHOPS FILING NO. 1 AT MERIDIAN RANCH
LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

VICINITY MAP



KNOW ALL MEN BY THESE PRESENTS:

That Hunjan Gas Stations, LLC, and Shops at Meridian ranch, LLC., being the owners of the following described tracts of land to wit:

A resubdivision of Lot 2 of The Shops Filing No. 1 At Meridian Ranch, recorded per reception no. 215713659 on August 12, 2015 in the office of the El Paso County Clerk and Recorder, Colorado.
Lot 2, The Shops Filing No. 1 at Meridian Ranch, recorded per reception no. 215713659 on August 12, 2015, containing a calculated area of 105,981 square feet (2.433 acres), more or less.

DEDICATION:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown herein under the name and subdivision of The Shops Filing No. 2 at Meridian Ranch located within unincorporated El Paso County.

All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that the public improvements will be maintained in accordance with the standards of the El Paso County Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown herein are hereby dedicated for public utilities and communication systems and other purposes as shown herein. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Owners/Mortgagee (Signature)

By: Raul Guzman

Title: Vice President

Secretary/Treasurer

State of California

County of San Diego

Signed before me on _____, 20____

by _____

(Notary's official signature)

(Title of office)

(Commission Expiration)

Owners/Mortgagee (Signature)

By: _____

Title: _____

Secretary/Treasurer

State of Colorado

County of El Paso

Signed before me on _____, 20____

by _____

(Notary's official signature)

(Title of office)

(Commission Expiration)

OWNER OF RECORD:

Name: Hunjan Gas Stations, LLC
Address: 11810 Stapleton Drive
Telephone: (719) 237-4927

NOTICE IS HEREBY GIVEN:

That the area included in the plat described herein is subject to the code of unincorporated El Paso County, as amended.

EASEMENTS:

- 1) A blanket cross lot access easement, excluding building footprints, and landscaping is hereby granted to and between all lots within the subdivision for the purpose of ingress and egress of vehicles, including emergency vehicles, pedestrians, and bicycles. The party owning property owner or assigns is responsible for the maintenance of the easement area.
- 2) A 20' public utility easement is hereby platted adjacent to the right-of-way of Stapleton Drive, with Meridian Service Metropolitan District and the Shops at Meridian Ranch, LLC reserving the right to permit any such utilities.
- 3) All access, landscape, drainage and utility easements will be owned and maintained by the Shops at Meridian Ranch, LLC with the shops at Meridian Ranch, LLC reserving the right to permit any such activities.

BOARD OF COUNTY COMMISSIONERS APPROVAL:

This plat for The Shops Filing No. 2 At Meridian Ranch was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20____, subject to any notes specified herein and any conditions included in the resolution of approval.

Previous plat name in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception # 215713659.

Chair, Board of County Commissioners _____ Date _____

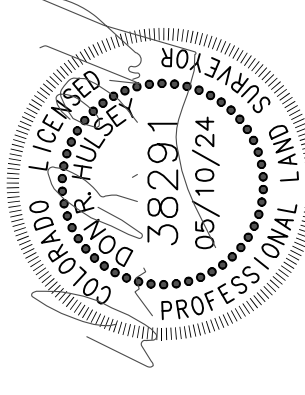
Director, Planning and Community Development _____ Date _____

SURVEYOR'S CERTIFICATION:

I, Don R. Hulsey, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code, to the best of my knowledge, information and belief.

This certification is neither a warranty nor guarantee, either expressed or implied.

I attest the above on this _____ day of _____, 20____.



Don R. Hulsey
Colorado Professional Land Surveyor No. 38291
For and on behalf of Compass Surveying and Mapping, LLC

CLERK AND RECORDER:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed in my office on this _____ day of _____, 20____, and was recorded at Reception Number _____ of the records of El Paso County.

El Paso County Clerk and Recorder _____

NOTES CONTINUED:

14. All property within this subdivision is within the boundaries of the Woodmen Road Metropolitan District and, as such, is subject to a mill levy, platting fees and building permit fees for the purpose of financing construction of specified improvements to Woodmen Road.

15. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

16. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

17. There shall be no direct lot access to Stapleton Drive, Tourmaline Drive & Meridian Road.

18. Flood Plain: "The Shops Filing No. 2 at Meridian Ranch" is not located within any designated F.E.M.A. flood zone "A" as shown on F.E.M.A. Firm Map 08041C0575-F dated March 17, 1997.

19. Soil and Geology Conditions:

The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report Soil and Geology Study, by Kelli Ziegler Project Geologist, September 18, 2023 in file RMG Job No. 192061 available at the El Paso County Planning and Community Development Department:

A. Downslope Creep: Lot 2, Consists of Columbine gravelly sandy loam.

B. Geologic conditions found to be present at this site include potentially faults and seismicity. Geologic conditions found to be present at this site include expansive and compressible soils, seasonally fluctuating groundwater. It is our opinion that the existing geologic and engineering conditions can be satisfactorily mitigated through proper engineering, design, and construction practices.

20. No below-grade inhabitable space or basements are allowed.

21. All All property within this subdivision is subject to a Declaration of Covenants as recorded Reception No. 22078896 and a Declaration of Covenants as recorded at Reception No. 224025954 of the records of the El Paso County Clerk and Recorder.

NOTES:

1. ● — Denotes found monument, marked as noted
○ — Denotes Set nail with 1 1/2" washer marked "CSAM LLC PLS 38291"
○ — Flush with ground.
(00000) — Denotes street address.

2. This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC is not liable. A commitment for this survey prepared by Heritage Title Company, File No. 592-H0697426-071-1MN with an effective date of _____.

3. Basis of bearings is the south line of the property, monumented as shown and assumed to bear North 89 degrees 38 minutes 53 seconds West.

4. Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

4. The linear units used in this drawing are U.S. Survey feet.

6. Approval of this replat vacates all prior plats for the area described by this replat.

7. This replat of Lot 2 lies within the plot of The Shops Filing No. 1 At Meridian Ranch, recorded per reception no. 215713659 on August 12, 2015 in the office of the El Paso County Clerk and Recorder, Colorado.

8. All structural foundations shall be located and designed by a professional engineer, currently registered in the State of Colorado.

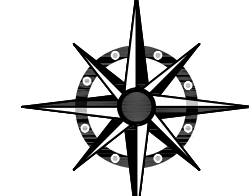
9. Water and wastewater service for this subdivision is provided by the Meridian Service Metropolitan District subject to the District's (Providers) rules, regulations and specifications.

10. No structures or material storage activities are permitted within the designated drainage easements or no-build zones, except fences; fences shall not impede runoff from reaching drainage swales.

11. The following reports have been submitted and are on file at the County Planning Department: Drainage Report, Soil & Geology Report, Wastewater Disposal Report, Water Resource Report and Wildfire Hazard Evaluation Report.

12. 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 Department of Wildlife, Colorado Department of Transportation, State of Colorado Engineers, the U.S. Fish & Wildlife Service and/or Colorado Department of Wildlife. The developer shall be responsible for any and all species that preble's meadow jumping mouse as a listed threatened species.

13. Addresses: The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.



COMPASS SURVEYING & MAPPING, LLC
3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120
WWW.CSAMLLC.COM

FEES:

Drainage Fee: _____

Bridge Fee: _____

REVISIONS:	PROJECT NO.	22107
1 8/22/23 Plat Comments	DATE:	JUNE 21, 2023
2 9/21/23 Add soil and geology study notes.	DRAWN BY:	DRH
3 11/07/23 Plat Comments	CHECKED BY:	MSU
4 02/01/24 Plat Comments	SHEET:	1 OF 2
5 05/10/24 Plat Comments		

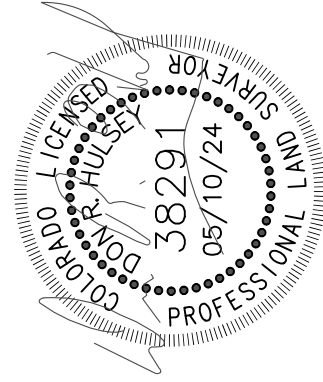
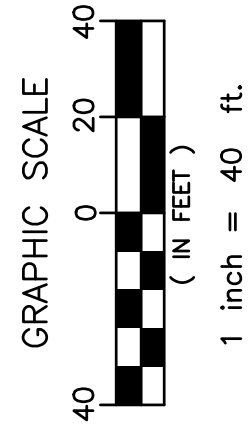
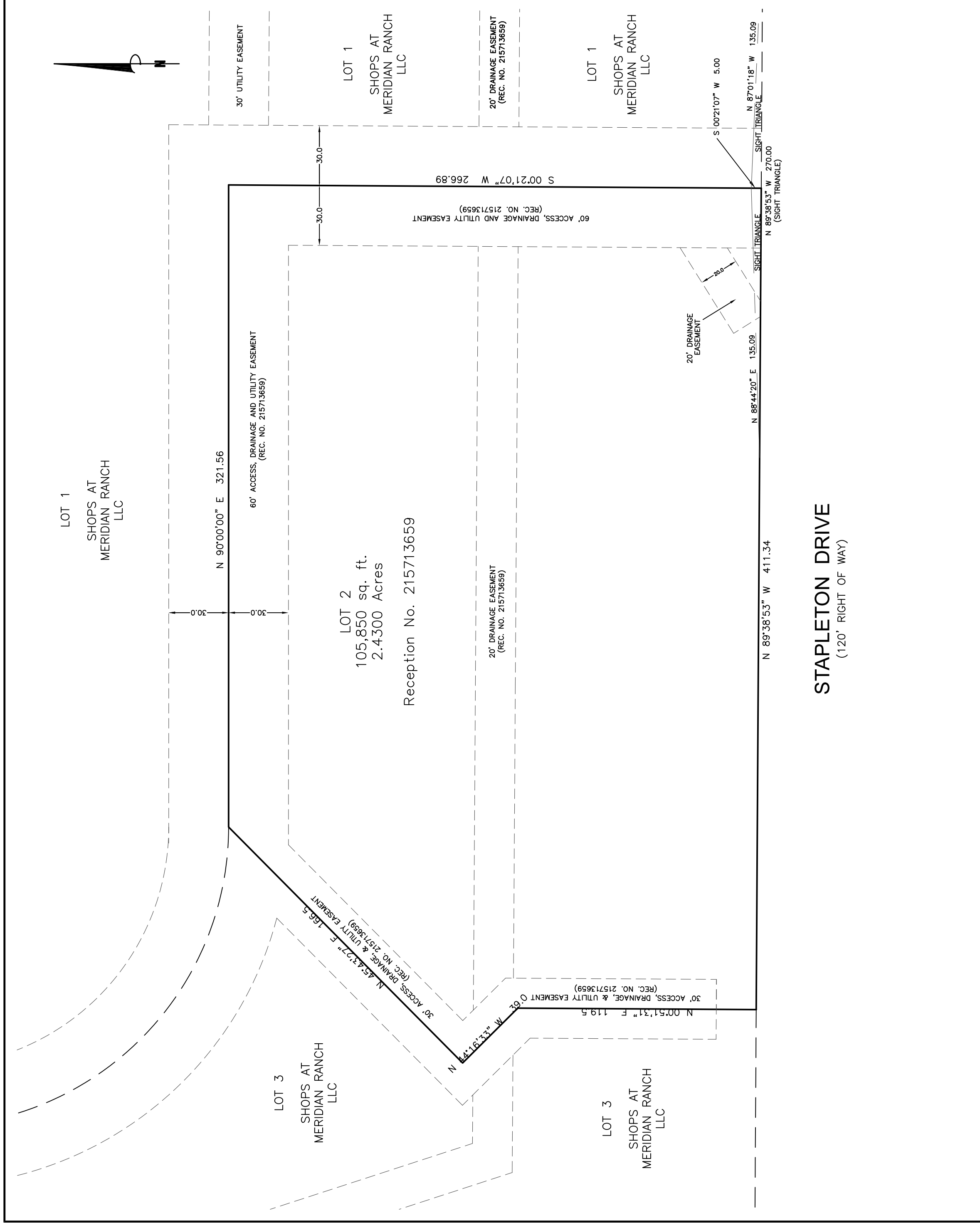
PCD FILE NO. VR 2314-_____

FINAL PLAT

THE SHOPS FILING NO. 2 AT MERIDIAN RANCH

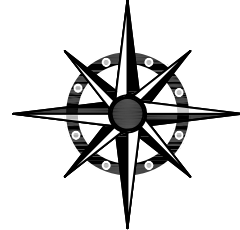
A REPLAT OF LOT 2, THE SHOPS FILING NO. 1 AT MERIDIAN RANCH
LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

AS PLATTED

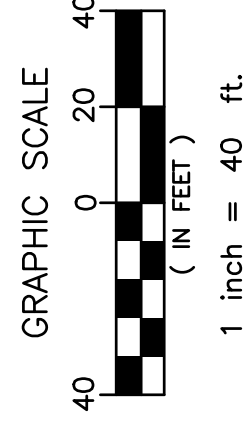
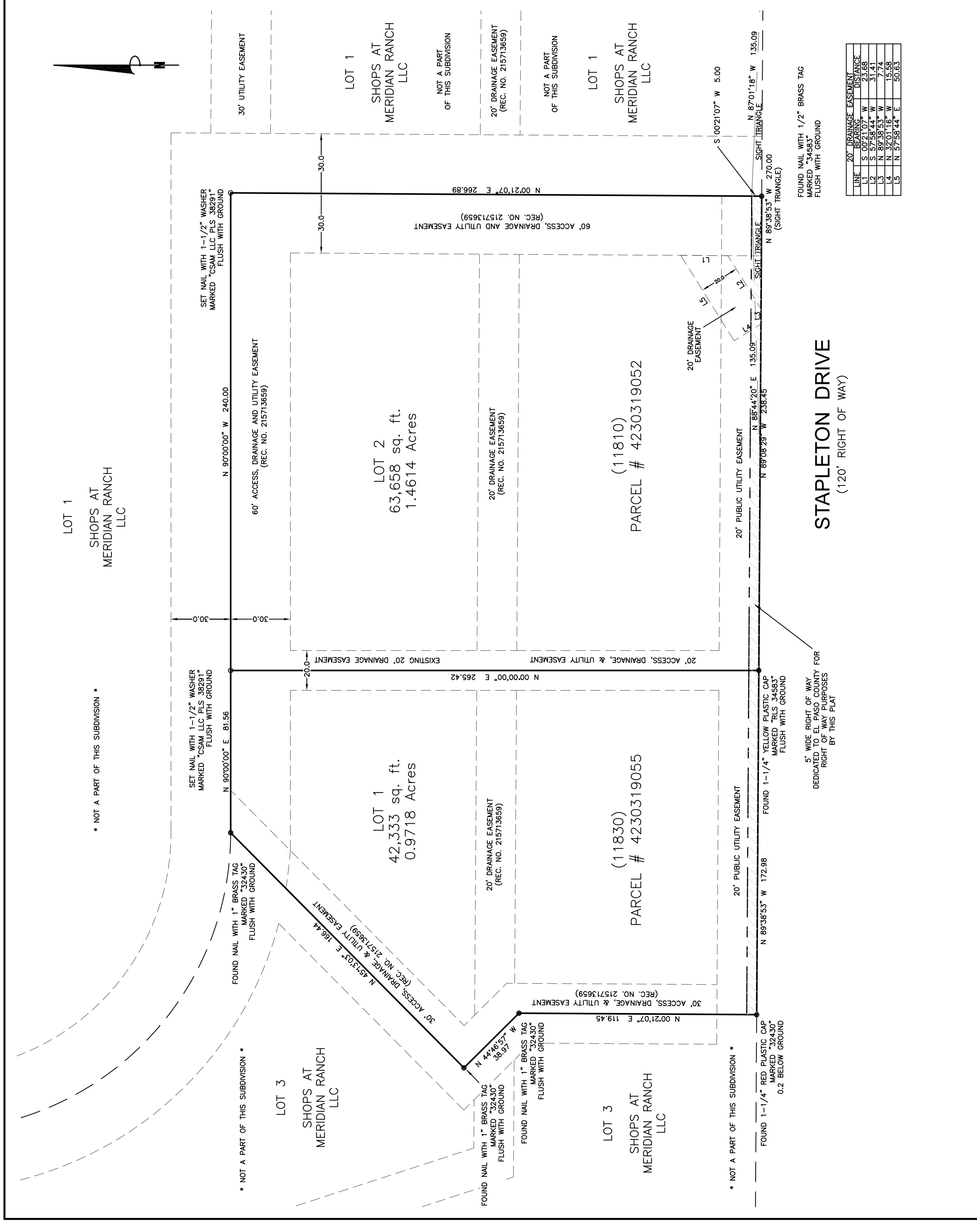


Don R. Hulsey
Colorado Professional Land Surveyor No. 38291
For and on behalf of Compass Surveying and Mapping, LLC

COMPASS SURVEYING & MAPPING, LLC
3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120
WWW.CSAMLLC.COM



AS REPLATTED



REVISIONS:	PROJECT NO.	22107
1 8/22/23 Plat Comments	DATE:	JUNE 21, 2023
2 9/21/23 Add soil and geology study notes.	DRAWN BY:	DRH
3 11/07/23 Plat Comments	CHECKED BY:	MSU
4 02/01/24 Plat Comments	SHEET:	2 OF 2
5 05/10/24 Plat Comments		

PCD FILE NO. VR 2314-



December 18, 2023

Ryan Howser, Project Manager
El Paso County Development Services Department
Sent via online portal at: epcdevplanreview.com

Re: The Shops Filing No. 2 at Meridian Ranch
File #: VR2314
Part of the SW ¼ of the SW ¼ of Sec. 30, Twp. 12 South, Rng. 64 West, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin
CDWR Assigned Subdivision No. 30994 - 2nd Letter

Dear Ryan Howser:

We have received the above-referenced proposal to subdivide 2.43 acres known as Lot 2 of The Shops Filing No. 1 at Meridian Ranch, into two lots and additional information provided by Tom Kerby dated December 14, 2023. Lot 2A will be 0.9718 acres and Lot 2B will be 1.4614 acres. The proposed water supply is service provided by the Meridian Service Metropolitan District (MSMD). This letter supersedes our October 19, 2023 comments.

Water Supply Demand

The proposed water uses are presumably commercial but were not clearly defined. According to the information provided by Tom Kerby on December 14, 2023 the estimated water demand for this subdivision is 0.8 acre-feet/year, which is in addition to the 3.5 acre-feet/year of demand for the entire development for The Shops. The total water demand for The Shops is 4.3 acre-feet/year.

Source of Water Supply

The proposed water supply is service provided by the Meridian Service Metropolitan District (MSMD). According to the December 14, 2023 will serve letter (“Letter”), MSMD is committed to serving the development.

According to information available to this office, MSMD obtains their supply from nontributary Denver Basin bedrock aquifer wells and alluvial wells which withdraw groundwater under various determinations of water rights or final permits owned and controlled by MSMD as summarized below:

1. Meridian Ranch (Determination of Water Right nos. 154-BD, 155-BD, 156-BD, and 157-BD),
2. Guthrie Ranch (230-BD/4438-BD, 50% interested in 229-BD/4437-BD, 50% interest in 230-BD/4436-BD, and Final Permit nos. 612-RFP and 27554-FP),
3. Latigo Trails (568-BD, 569-BD, 570-BD, and 46406-F), and
4. Hart Ranch (2099-BD and 2100-BD).

According to information available to this office, the Letter, and additional information provided to this office on December 14, 2023 by Tom Kerby, MSMD owns and controls 2,089 acre-feet/year based on a 300-year supply. According to the Letter, the district’s supply is 2,022 acre-feet/year after subtracting the district’s replacement and relinquishment requirements.



The current total demand on MSMD is approximately 1,687 acre-feet/year.¹ According to information available to this office, with the additional 137.7 acre-feet/year of demand from the Rolling Hills Ranch North Filings No. 1 & 2 which are currently being proposed under application file # PUDSP235, the demand on MSMD will be approximately 1,824 acre-feet/year. Therefore, it appears there are 198 acre-feet/year of surplus supply available to MSMD after meeting its commitments, replacement, and relinquishment requirements.

Well nos. 612-RFP and 27554-FP withdraw water from the Upper Black Squirrel Creek alluvial aquifer, which is currently considered to be a renewable source. The other proposed source of water for this subdivision is bedrock aquifers in the Denver Basin. The State Engineer's Office (SEO) does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in MSMD's determinations of water rights are equal to one percent of the total amount or 6,135 acre-feet as shown on the attached SEO's Table and as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal of allocated Denver Basin aquifer water would be reduced to one third of that amount. The available supply of 2,089 acre-feet/year or 2,022 acre-feet/year after accounting for replacement and relinquishment requirements based on a 300-year supply is greater than the annual demand on MSMD of 1,824 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years. Note that it is anticipated that the demand from Meridian Ranch at full build out will be 1,952 acre-feet/year which is less than MSMD's available supply.

Additional Comments

The submittal indicates that a stormwater detention structure is part of this project. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

¹ This office calculates the district has a demand of 1,686 acre-feet/year, but this difference may be due to a rounding error.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply the district's commitments.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The majority of MSMD's source of water is from non-renewable aquifers, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Please contact Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Attachment: SEO's MSMD Supply and Commitment Table

Ec: Meridian Ranch Metro District file
Upper Black Squirrel Creek Ground Water Management District (ubscgwmd@gmail.com)

MERIDIAN METRO SERVICES DISTRICT	Determination or Permit no.	Aquifer	Status	Repl. Plan	Total Allocation (af)	100-yr Availability (af/yr)	300-yr Availability (af/yr)	Replacement Obligations (af/yr)	Comments	
Meridian Ranch Rights										
	157-BD	Tdw	NNT-Actual	Yes (with 570-BD)	82000	820	273.3	26	Replacement Plan allows 273 af/yr for 300 yrs	
	157-BD	Tdw	NT		3190	31.9	10.6	0.2	Permit No. 60140-F	
	156-BD	Tkd	NNT-4%		117100	1171	390.3	15.6	Permit No. 64496-F	
	155-BD	Ka	NT		94200	942	314.0	6.3	Permit Nos. 56516-F, 56517-F, 59680-F, 59681-F, 84844-F, 82465-F, 84556-F, 84557-F	
	154-BD	Klf	NT		75500	755	251.7	5.0	Permit Nos. 56513-F, 56514-F, 56515-F, 59678-F, 59679-F, 84845-F, 82766-F, 84558-F, 84559-F	
Guthrie Ranch Rights										
	4438-BD/230-BD	TKd	NNT-actual	No	26870	268.70	0	0	Replacement Plan required first	
	4437-BD/229-BD	Ka	NT		48320	241.60	80.53	1.6	Well permits 61236-F, 61237-F. District only owns 50% of water allocated in this combined determination.	
	4436-BD/228-BD	Klf	NT		57900	289.5	96.5	1.9	Well permits 61234-F, 61235-F. District only owns 50% of water allocated in this combined determination.	
	612-RFP & 27554-FP	Alluvium	Renewable		200	200	200	0	MSWD has 200 af/yr out of the 289 af/yr of these two rights.	
Latigo Trails (RMBG LLC #1) Rights										
	570-BD	Tdw	NNT-Actual	Yes (with 157-BD)	22380	223.8	74.6	0.4	Replacement Plan allows 74.6 af/yr for 300 yrs	
	570-BD	Tdw	NT		13000	130	43.3	0.9	Permit nos. 74409-F, 74410-F	
	569-BD	Tkd	NNT-4%		27690	277	92.3	3.7		
	569-BD	Tkd	NT		9270	93	30.9	0.6		
	568-BD	Ka	NT		12460	125	41.5	0.8		
	46406-F	Klf	NT		45300	453	151	3	Findings and Order of Aug. 7, 2006 approved 453 af/yr for MSWD and 10 af/yr for replacement supply	
Hart Rights										
	2100-BD	KA	NT		5150	51.5	17.2	0.3	Full allocation of 2100-BD = 103 af/yr, split equally between MSWD and Woodmen Hills MD.	
	2099-BD	KLF	NT		6250	62.5	20.8	0.4	Full allocation of 2099-BD = 125 af/yr, split equally between MSWD and Woodmen Hills MD.	
Total Supply (af/yr)						646,780	6,135	2,089	67	Based on 300-year supply
Total Supply after Replacement Obligations (af/yr)							2,022			

Name	Filing	Total Commitment (af/yr)	Subtotal	Comments
Meridian Ranch	1	253		
Meridian Ranch	2	211		
Meridian Ranch	3	37.9		
Meridian Ranch	4	49.3		
Meridian Ranch	5	0		Never constructed
Meridian Ranch	6	16.7		
Meridian Ranch	7	40.7		
Meridian Ranch	8	45.4		
Meridian Ranch	9	56.3		
Meridian Ranch	10	0		
Meridian Ranch	11	62		
Meridian Ranch Estates	2 & 3	19.2		
Estates at Rolling Hills Ranch (RHR)	1 & 2	35.3	1667.20	
Rolling Hills Ranch (RHR) PUD	1-3	363.7		Based on 12/14/23 email from Tom Kerby
Stonebridge	1, 2, 3 & 4	171		
The Vistas	1	69		
Winding Walk	1 & 2	126		
The Sanctuary		106.4		
The Shops	1	4.3		Based on 12/14/23 email from Tom Kerby
Latigo Trails	2A	15		
Latigo Trails	7	6.5		
Latigo Trails	8	13	46.50	
Latigo Trails	9	12		
Latigo Trails	10	10		
To Paint Brush Hills MD		85	85.00	Project was dropped by developer, not included in overall total.
Country Regional Park		25	25.00	
Total		1823.7	1823.7	From July 18, 2022 MSMD Will Serve Letter
Uncommitted Supply (af/yr)		198		

Commitments

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
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Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

June 5, 2024

VR-23-14 The Shops Filing No. 2 at Meridian Ranch

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is an application to vacate and replat approximately 2.4 +/- acres of land (lot 2 of the Shops Filing No. 1) into 2 lots (the "Property") by Shops at Meridian Ranch LLC ("Applicant"). The property is zoned CR (Commercial Regional).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 0.8 acre-feet per year for commercial use for the 2 lots. The Applicant must therefore be able to provide a supply of 240 acre-feet of water (0.8 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Meridian Service Metropolitan District ("District"). As detailed in the Water Resources Report dated January 2024 ("Report"), the estimated annual demand will be 0.5 acre-feet for commercial use and 0.3 acre-feet per year for irrigation for a total water demand of 0.8 acre-feet/year.

4. The District's General Manager provided a letter of commitment for The Shops Filing 2 dated December 14, 2023, in which the District General Manager stated that the District will provide water service to the Property in the amount of 0.8 acre-feet per year. According to

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
ERIKA KEECH

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER
DOREY L. SPOTTS

the letter, the District owns 2,089 acre-feet/year based on a 300-year supply. Of that amount, the District currently has 2,022 acre-feet/year of water available for primary supply. The current total demand on the District is 1,687 acre-feet/year, leaving a surplus of 335 acre-feet per year.

State Engineer's Office Opinion

5. In a letter dated December 18, 2023, the State Engineer reviewed the proposal to subdivide the 2.43 acres known as Lot 2 of the Shops Filing No. 1 at Meridian Ranch, into two lots. The State Engineer stated that the "[t]he proposed water supply is service provided by the Meridian Service Metropolitan District (MSMD). . . MSMD is committed to serving the development." The State Engineer indicates a water demand for this subdivision is 0.8 acre-feet/year. The State Engineer indicates they received a letter of commitment dated December 14, 2023, from the District which indicated that MSMD is committed to serving the development. Finally, ". . . pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for The Shops Filing No. 2 at Meridian Ranch is 0.8 acre-feet per year to be supplied by the Meridian Service Metropolitan District. **Based on the water demand of 0.8 acre-feet/year for the development and the District's availability of 335 acre-feet/year, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for The Shops Filing No. 2 at Meridian Ranch.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the 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.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary, the Water Resources Report dated January 2024, the Meridian Service Metropolitan District letter dated December 14, 2023, and the State Engineer Office's Opinion dated December 18, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc. Ryan Howser, Project Manager, Planner

**DEVELOPMENT AGREEMENT
SHOPS AT MERIDIAN RANCH – STAPLETON DRIVE**

This Development Agreement (“Agreement”) is entered into this ____ day of _____, 2024 by and between El Paso County, by and through the Board of County Commissioner of El Paso County, Colorado (“Board”), whose address is 200 South Cascade Avenue, Colorado Springs, CO 80920, and Shops at Meridian Ranch, LLC (“Developer”), whose address is _____. The Board and Developer may be referred to herein individually as a “Party” and collectively as “Parties.”

Recitals

- A. Developer owns a commercial development known as The Shops Filing No. 1 at Meridian Ranch (“Development”) located on the northeast corner of the intersection of Meridian road and Stapleton Drive.
- B. The final plat for the Development was approved by the Board on October 14, 2014 under El Paso County Planning and Community Development (“PCD”) File No. SF147 and pursuant to Resolution No. 14-389. A traffic study completed in connection with the Development anticipated that the intersection of Stapleton Drive and the unnamed access road east of Meridian Road (“Intersection”) would ultimately require a traffic signal.
- C. A commercial site development plan for a lot within the Development is currently under review in PCD File No. PPR2322. The traffic study prepared for this project indicates that warrants for a traffic signal are close to being met.
- D. Developer wishes to commit to constructing the traffic signal at the Intersection at such time as warrants for the signal are met.
- E. The Parties wish to memorialize their mutual understandings regarding construction of a traffic signal at the Intersection.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

- 1. Incorporation of Recitals. The Parties hereby incorporate by reference the above-stated Recitals into this Agreement as if fully set forth herein.
- 2. No Guarantee of County Approvals. Developer understands and agrees that by executing this Agreement, there is no assurance that the Board will execute the same. Developer further understands and agrees that this Agreement does not assure Developer that El Paso County will approve, either administratively or through the Board, any future land use or

development applications within Meridian Ranch, and that the Board, by executing this Agreement, makes no express or implied promises or representations that it will do so.

3. Intersection Improvements. Developer shall construct a traffic signal at the Intersection, along with related improvements (together, "Intersection Improvements"), in accordance with the following provisions.

- a. Upon receipt and approval of a traffic study that is submitted in connection with an application for a site development plan, vacation and replat, or other development approval and that shows that warrants for the Intersection Improvements have been met, the County Engineer may request in writing that Developer construct the Intersection Improvements.
- b. Developer shall submit all required plans, specifications, construction drawings, and other documents for the Intersection Improvements within sixty (60) days of receiving a request pursuant to paragraph 3.a. above. Developer shall work diligently with County staff to address any comments and requested revisions and obtain all necessary approvals and permits for construction.
- c. Upon issuance by the County of a Notice to Proceed with construction, Developer shall complete construction of the Intersection Improvements within one year.
- d. Construction of the Intersection Improvements, and the posting and release of collateral therefor, shall be in accordance with approved plans and specifications, all permit conditions, and the El Paso County Engineering Criteria Manual.

4. Authority. The undersigned hereby acknowledge and represent that they have the legal authority to bind their respective Party to this Agreement.

5. Entire Agreement. This Agreement represents the complete integration of all understandings between the Parties, is the entire agreement between the Parties, and no additional or different oral representations, promises, or agreements shall be binding on any of the Parties with respect to the subject matter of this Agreement, unless set forth in writing and signed by the affected Parties.

6. Changes or Modifications. No modification, amendment, novation, change or other alteration of this Agreement shall be valid unless agreed to by the affected Parties in writing and executed as an addendum to this Agreement.

7. Severability. If any paragraph, section, subsection, clause or phrase of this Agreement is, for any reason, held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Agreement.

8. Waiver. The waiver of a breach of any of the provisions of this Agreement by any Party shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or other provision of this Agreement.

9. No Third-Party Beneficiaries. This Agreement does not and shall not be deemed to confer on any third party the right to the performance of or proceeds under this Agreement, to claim any damages or to bring any legal action or other proceeding against the Board or Developer for any breach or other failure to perform this Agreement.

10. Applicable Law. This Agreement shall be interpreted and enforced in accordance with the laws, rules and regulations of the State of Colorado and El Paso County. Venue shall be in the El Paso County District Court.

11. Recording. This Agreement shall be recorded by the County in the records of the El Paso County Clerk and Recorder's Office.

IN WITNESS WHEREOF, the Parties affix their signatures below.

SHOPS AT MERIDIAN RANCH, LLC.

By: _____

Date: _____

Name: _____

Title: _____

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY COLORADO

By: _____

Date: _____

Cami Bremer, Chair

Attest:

Date: _____

Steve Schleiker
County Clerk & Recorder

Approved as to form:

County Attorney's Office

BOCC RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF A VACATION AND REPLAT
THE SHOPS FILING NO. 2 AT MERIDIAN RANCH (VR2314)

WHEREAS, Hunjan Gas Stations, LLC, and Shops at Meridian Ranch, LLC, did file an application with the Planning and Community Development Department of El Paso County for approval of a Vacation and Replat of The Shops Filing No. 2 at Meridian Ranch for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Vacation and Replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 8, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. 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.
3. 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 persons were heard at those hearings.
4. All exhibits were received into evidence.
5. That the Vacation and Replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.

6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the Vacation and Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the Vacation and Replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The Vacation and Replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed Vacation and Replat 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 Vacation and Replat of The Shops Filing No. 2 at Meridian Ranch;

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that

the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. Applicant shall submit the Mylar to Enumerations for addressing.
5. 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider 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. 19-471), 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.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 5, 2024, as provided by the County Attorney's Office.
9. A development agreement between El Paso County and Shops at Meridian Ranch, LLC for the installation of the traffic signal at the intersection of the private drive on the east side of the subject property and Stapleton Road shall be completed and recorded prior to approval of any Site Development Plan application within the boundaries of the subdivision.

NOTATION

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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

DONE THIS 8th day of August 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A resubdivision of Lot 2 of The Shops Filing No. 1 at Meridian Ranch, recorded per reception no. 215713659 on August 12, 2015 in the office of the El Paso County Clerk and Recorder, Colorado Lot 2, The Shops Filing No. 1 at Meridian Ranch, rec no. 215713659 Containing a calculated area of 105,981 square feet (2.433 acres), more or less.