

September 18, 2023

Revised November 20, 2023

El Paso County Development Services Department

Attn: Ms. Ashlyn Mathy

2880 International Circle

Colorado Springs, CO 80910

Re: Letter of Intent for Seder Subdivision (Vacation & Replat of Lot 7, Akers Acres Subdivision No. 1) EA 2355

Dear Ms. Mathy,

This Letter of Intent has been prepared to support an application for the Vacation and Replat of Lot 7, Akers Acres Subdivision No. 1. The lot is to be subdivided into a two lots to be known as Seder Subdivision. The Letter of Intent has been divided into the following sections:

1. General Information
2. Supporting Documentation
3. Existing & Proposed Conditions
4. Master Plan Compliance
5. Final Plat Requirements

Section 1: General Information

Property Owner

Name: Steve & Karen Seder, Seder Investment, LLC
Address: 2725 Akers Dr., Colorado Springs, CO, 80922-1500
Telephone: (719) 596-2988

Applicant

Name: Steve Baggs, Baseline Engineering
Address: 1046 Elkton Dr, Colorado Springs, CO 80907
Telephone: (719) 531-6200

Property Information

Location: 2725 Akers Dr., Colorado Springs, CO 80922
Legal Description: Lot 7, Akers Acres Subdivision No. 1
Parcel: 5332002015
Plat Number: 2510
Acreage: 9.37 ac
Zoning: M CAD-O
Current Land Use: Industrial/Special Use Recycling

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Section 2: Supporting Documents

Supporting documents for this vacation and replat application include general documents, utility documents and other reports and plans. More specifically the documents are as follows:

General Documents:

- Letter of Intent
- Vicinity Map
- Application
- Mineral Rights Certification
- Legal Description
- Title Commitment
- Subdivision Summary Sheet
- PBMP Applicability Form
- Adjacent Property Owner Notification

Utility Documents:

- Water Commitment Letter (Cherokee Metropolitan Dist.)
- Wastewater Commitment Letter (Cherokee Metropolitan Dist.)
- Electric Commitment Letter (Mountain View Electric Assoc.)
- Natural Gas Commitment Letter (Colorado Springs Utilities)
- Fire Protection Commitment Letter (Falcon Fire Protection Dist.)
- Water Supply Information Summary
- Water Resources Report
- Wastewater Disposal Report
- Fire Protection Report

Plans & Reports:

- Final Plat Drawing
- Closure Sheet
- Final Drainage Report
- Geotechnical Report
- Colorado Geological Survey Receipt

Inclusion of these documents as requested by El Paso County Development Services will provide the information necessary to evaluate the application for this replat. In general utility providers including Cherokee Metropolitan District, Mountain View Electric Association, Colorado Springs Utilities and Falcon Fire Protection District have provided commitment letters for this proposed subdivision. Utility reports indicate adequate conditions for this proposed replat. Drainage and Geotechnical reports indicate that the existing conditions at the site will be unaffected by the subdivision of one lot into two lots. A Site Development Plan will be required for future development.

Section 3: Existing & Proposed Conditions

Existing Conditions:

The site is currently occupied by a closed asphalt shingle recovery facility. A single commercial building is located on the site. The site still has some shingle stockpiles that are in the process of being removed. The removal of these shingle piles is the focus of an El Paso County code enforcement case and a Colorado Department of Public Health & Environment recent legal proceedings. A main goal of this replat procedure is to subdivide the site and sell the developed lot to provide funding necessary to complete the shingle removal. The recent court proceeding acknowledged this as an acceptable plan for compliance. The site is accessed from Akers Drive through an existing driveway. There are various access roads on the lot. There is also an existing water quality and detention facility in the southeast corner of the lot. The site is currently zoned M CAD-O which is an obsolete zone but there is no intent to rezone for this request.

Proposed Facilities:

The planned development will create two lots so one lot can be sold and the remaining lot will be developed. The driveway cut is proposed to be utilized by both lots with an appropriate access agreement. The lot to be sold will contain the existing building and a possible future building as indicated on a previously approved plot plan (PPR 1312). The remainder lot is being considered for RV and boat storage though a Site Development Plan application would be required for the development of the lot. A small office could also be utilized at the storage facility. The existing water quality/detention facility would continue to be used for both lots.

Traffic generation as a result of this replat is not anticipated to change significantly based on the existing use on Lot 1 and the early concept use of Lot 2. The existing office use with minimal employees generates morning and evening trips with minimal customer trips. The removal of the shingles will result in temporary truck trips for the duration of the removal process. The truck traffic will be less than the traffic levels when the shingle recycling facility was operational. The proposed RV and Boat storage will generate variable trips due to the nature of the use. It is unlikely to have the traffic impact of a shingle recycling facility. A Traffic Study was not a requirement of this submittal.

Community outreach for this project included mailing notifications for this submittal action to adjacent landowners. The mailing described the development request including the explanation that the shingle stockpiles are to be removed from the site. The letter indicated how to provide comments and described the notification process for public hearings. It is anticipated that removal of the shingle stockpiles will be well received by the community.

Seder Subdivision will also seek a waiver of the cistern requirement for the proposed subdivision. There are currently no cisterns on this site. The location of this subdivision

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within the developed area of the County and adjacent to the City of Colorado Springs lessens the chance of a water emergency at this site. Additionally, the site is on a central water system provided by Cherokee Metropolitan District and is within relatively close proximity to Fire Station 4 (one mile away) in the Falcon Fire Protection District. It is our belief that a cistern is unnecessary for this subdivision and respectfully request a waiver of the cistern requirement.

Section 4: Master Plan Compliance

Your El Paso County Master Plan (May 26, 2021):

The site is located within the following areas as identified in the Master Plan:

Key Area: Enclaves or Near Enclaves

Area of Change: Transition

Placetype: Urban Residential

This proposed replat will provide the opportunity for a development change for the site. The current use as a shingle recycling facility has ceased operation. This will allow for more compatible uses on the site. The site is considered an Enclave area that is surrounded by the City of Colorado Springs. The Master Plan notes that significant improvements would typically be required in Enclave areas for annexation. The replat of this property will not create a negative impact on the future possibility for annexation.

The Area of Change for this project has been identified in the map area as a Transition area. The Transition area is typically a fully developed area of the County that may completely or significantly change in character. This is true of the proposed Seder Subdivision which will be replacing an industrial recycling use with two lots available for commercial purposes. This Vacation and Replat application does not include specific development plans at this time but a commercial use on proposed Lot 1 and a potential Recreational Vehicle/Boat storage facility on proposed Lot 2 would meet the character of a Transition Area change. A Site Development Plan will be required for future development of these lots.

The Placetype for this site is designated as Urban Residential. The primary use in this placetype is single-family and multifamily residential with supporting uses including mixed use, restaurant, commercial retail, commercial service, institutional, parks and office. The new lot configuration will be conducive to the supporting uses of this placetype. In addition, the elimination of the industrial

recycling use of the site will make the site more compatible with the Urban Residential placetype.

Water Master Plan (February, 2019):

The proposed Seder Subdivision is located in Water Region No. 5. This region is not expected to experience significant growth by 2060 according to the Water Master Plan. The water supplier is Cherokee Metropolitan District which currently provides a central water supply to the existing building on the lot. Cherokee Metropolitan District has provided a Water/Wastewater commitment letter which confirms available water for this replat and therefore confirms compliance with the Water Master Plan.

Other County Master Plans:

Since this is a Vacation & Replat application only at this time, a Site Development Plan has not been prepared and no construction is planned yet. Therefore, no Transportation or Parks Master Plan impacts are expected or identified at this time.

Section 5: Final Plat Requirements

The final plat criteria for approval as listed in LDC 7.2.1.D.3.F is listed below with commentary appropriate for this Vacation & Replat request.

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan; *Yes, see discussion above.*
- The subdivision is in substantial conformance with the approved preliminary plan; *A preliminary plan has not been prepared for this application.*
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials; *Yes, all requested items have been submitted.*
- Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval; *A commitment letter has been received from Cherokee Metropolitan District which verifies water sufficiency.*
- 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
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regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code; *The existing building has central sewerage service and future development requirements for the undeveloped lot will determine sewer requirements. A wastewater commitment letter has been received from Cherokee Metropolitan District confirming service availability.*

- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)]; *A Geotechnical Report in accordance with El Paso County development requirements has been prepared for the site. The removal of the recycling materials (asphaltic shingles) stored on the site is ongoing and will be completed prior to any development of the undeveloped portion of the site.*
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM; *A Final Drainage Report was previously prepared for this site and a Drainage Letter has been prepared with this application acknowledging Drainage fee requirements and the unchanged drainage conditions since the new development is not proposed as part of the Replat application.*
- 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; *A flag lot configuration is proposed in the replat and provides access from Akers Drive. A Shared Access & Maintenance Agreement will be recorded for the dual lot access.*
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; *Commitment letters have been obtained from emergency service and utility providers. This includes Falcon Fire Protection District, Cherokee Metropolitan District, Mountain View Electric Association and Colorado Springs Utilities.*
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; *A Site Development Plan (SDP) has not been prepared for the undeveloped portion of this site however a fire protection report has been prepared for the site indicating commitment to provide emergency services. Determination of additional fire protection requirements would be a requirement in the SDP application.*
- 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; *No offsite improvements would be anticipated at this time since no development is proposed at this time. Road impact fees would be determined at time of building permit for future development.*

- 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; *At this time no construction improvements are proposed so there are no impacts to be mitigated.*
- The subdivision meets other applicable sections of Chapter 6 and 8; *The replat meets applicable sections of those chapters. Additional sections of those chapters would be addressed at the time of a Site Development Plan application.*
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq. *There is no existing or proposed commercial mining activity for this site.*

This Letter of Intent has been prepared to accompany a Vacation and Replat application for Seder Subdivision which is a proposed two-lot replat of Lot 7, Akers Acres Subdivision No. 1. This letter as well as supporting documents have been submitted as requested by El Paso County Planning and Community Development.

Sincerely
Baseline Engineering Corp.

Steven Baggs

Steven Baggs, P. E.
Project Manager