

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

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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

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## SUMMARY MEMORANDUM

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 4/11/2024  
**RE:** Seder Subdivision - Vacate and Replat

### Project Description

A request by Steve Seder for approval to Vacate and Replat one (1) industrial lot into two (2) industrial lots.

### Notation

Please see the Planning Commission Minutes from March 21, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Mr. Carlson moved / Mr. Schuettepelz seconded to recommend approval of regular item VR2319 for a Vacation and Replat of the Seder Subdivision - Vacate and Replat, utilizing the resolution attached to the staff report with eight (8) conditions, one (1) notation, and a recommended conditional finding of water sufficiency with regard to quality, quantity, and dependability. The motion was **approved (9-0)**. The item was heard as a regular item at the Planning Commission hearing. There was no public opposition.

### Discussion

This project had various discussions pertaining to the health and safety of the site. Many questions from the Planning Commission were for the applicant about finances and funding for the clean-up of the site. Due to the unique involvement of the state, being the CERCLA Unit and EPC Code Enforcement for this case, the commissioners wanted to ensure that the clean-up would happen, and what keeps the applicant involved after the hearing process. Additionally, some concerns were environmentally related as the roofing materials are not recyclable. Lastly, other commissioners had questions on the history of the property and the future of the site for the applicant.

### Attachments

1. Planning Commission Minutes from 3/21/2024.
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, March 21, 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 SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JEFFREY MARKEWICH, ERIC MORAES, KARA OFFNER, AND TIM TROWBRIDGE.

**STAFF PRESENT:** JUSTIN KILGORE, ASHLYN MATHY, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** STEVE SEDER, STEVE BAGGS, AND KEITH KLAEHN.

#### **1. REPORT ITEMS**

**Mr. Kilgore** advised the board that the PC Hearing scheduled for Thursday, April 4, 2024, has been cancelled for a lack of projects ready for consideration.

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

#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held March 7, 2024.

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

**MAP AMENDMENT (REZONING)  
6225 VESSEY RD - REZONE**

A request by Pawel Posorski for approval of a Map Amendment (Rezoning) of 6.02 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 6225 Vessey Road, approximately half a mile east of the intersection of Vessey Road and Neva Lane. (Parcel No. 5206000107) (Commissioner District No. 1)

**NO PUBLIC COMMENT**

**DISCUSSION**

**Mr. Whitney** mentioned that all immediately adjacent properties are zoned RR-5, but the staff report states the subject property is surrounded by smaller lots, some 2.5 acres, etc. He asked for clarification regarding the surrounding lot sizes not being compliant with the zoning (RR-5).

**Ms. Mathy** explained that zoning districts like RR-5 were sometimes put in place early on (1950s - 1960s) where lots already existed and did not meet the new zoning requirements. They may have already gone through the BOA process or still need to go through that process. She stated the situation was common in the subject area. She added that RR-2.5 does occur east of the subject property, and to the west, there is a PUD which includes 2.5-acre lots.

**Mr. Bailey** reiterated that "legal non-conforming lots" are common in the subject area.

**PC ACTION: MS. FULLER MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P241 FOR A MAP AMENDMENT (REZONING), 6225 VESSEY RD - 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 (8-1).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, AND SMITH.

**IN OPPOSITION:** WHITNEY.

**COMMENTS:** **Mr. Whitney** explained that while he understands the circumstance of legal non-conforming lots, building upon the situation doesn't seem like the right thing to do. He doesn't like the implication that RR-2.5 and RR-5 are interchangeable. **Ms. Fuller** asked if Mr. Whitney viewed this proposal as leapfrog development or spot zoning? **Mr. Whitney** clarified that he believes zoning should mean something. If there were no difference between RR-2.5 and RR-5, then they should have been called something different. **Mr. Bailey** wondered if zoning the area RR-5, when several 2.5-acre lots already existed, was the correct thing to do. **Mr. Whitney** stated that ultimately, he believes the zoning designation should mean something and it shouldn't be too easy to disregard.

**4. CALLED-UP CONSENT ITEMS (NONE)**

**5. REGULAR ITEM**

**VACATION AND REPLAT  
SEDER SUBDIVISION - VACATE AND REPLAT**

A request by Steve Seder for approval of a 9.37-acre Vacation and Replat creating two industrial lots. The property is zoned M (Industrial) and is located at 2725 Akers Drive approximately one tenth of a mile south of the intersection of Electric Drive and Akers Road. (Parcel No. 5332002015) (Commissioner District No. 2)

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Whitney** asked for more information regarding the property's enclave designation.

**Ms. Mathy** clarified that the enclave key area is used if a property is surrounded by or is adjacent to an incorporated area. The subject property is immediately adjacent to Colorado Springs.

**Mr. Whitney** mentioned that the clean-up seems to depend on the division and sale discussed.

**Ms. Mathy** explained that there is an associated Code Enforcement case. A large amount of roofing materials need to be removed from the property. For the owner to finance that process and meet all deadlines set by the State and County, they are proposing to sell part of the property.

**Mr. Whitney** asked if there was anything preventing the owner from selling part of the property and then taking a vacation.

**Ms. Mathy** answered that conditions of approval were added to ensure materials are removed in a timely matter. The State has stipulated it must be done within 90 days from the sale of the lot.

**Ms. Seago** added that nothing prevents the owner from taking a vacation, but the Code Enforcement case will continue.

**Ms. Merriam** mentioned that CDOT may be widening Marksheffel Road.

**Ms. Mathy** confirmed and referred to the revised Plat. Adequate space for right-of-way designation has been ensured where the property abuts Marksheffel Road.

**Ms. Merriam** asked if access to the property was changing with the Replat. She asked if there would be sufficient access for the clean-up.

**Ms. Mathy** confirmed. She referenced the revised Plat again. A company will be contracted to assist in the safe removal of debris.

**Ms. Merriam** asked where the debris was located on the property.

**Ms. Mathy** stated the materials that need to be removed are on the back side of the property.

**Ms. Merriam** asked if large trucks would be able to access the materials.

**Ms. Mathy** explained that the width of access on the flag lot is verified to meet standards. Trucks will be able to access the lot. The industrial zoning type was taken into consideration.

**Ms. Merriam** asked if the City of Colorado Springs had provided any review comments. (They did not.) She then asked how underground debris would be handled if or when ownership changes.

**Ms. Mathy** replied that she is unaware of any buried debris.

**Ms. Seago** stated that subsurface contamination is not addressed by County Code Enforcement. It may be an issue handled by CDPHE, which is already involved with the property.

**Mr. Kilgore** addressed earlier comments. The subject property *is* within a large enclave; the Cimmaron Hills area. He added that the property is located off Akers Drive, which gets significant industrial traffic. The staff presentation concluded. The applicant's presentation began.

**Ms. Brittain Jack** asked for verification that the zoning district for the property will remain M (Industrial). She asked if further action would be required for the existing building to remain in use.

**Ms. Mathy** answered that any new structures on the lot would need to be reviewed by PCD (as either Site Plan or Site Development Plan). The zoning district will not change.

**Mr. Byers** asked about the possibility of the subdivided lot not selling.

**Ms. Steve Seder**, the applicant, replied that he did not foresee that happening. The lot was already listed for sale. Multiple offers have been received. Finalization of a sale cannot be done until the subdivision process has been completed.

**Mr. Byers** asked if a purchase/sale agreement was in place. (There was not.) He then asked if the existing water maintenance pond functions. He asked if the pond will be shared after the subdivision and have a shared maintenance agreement.

**Mr. Steve Baggs**, with Baseline Engineering Corp., confirmed the pond functions and would be shared with a maintenance agreement following subdivision. It currently serves the entire area. As future plans are submitted to the County, the drainage report would be verified.

**Mr. Byers** asked if the 90-day timeline was achievable. He further asked if asbestos was present. As materials are removed from the property, will air quality be ensured?

**Mr. Seder** confirmed that no asbestos is present. Extensive testing was done on the material. He is not concerned about the material blowing away because it is a heavy weight. Regarding the timeframe of 90 days, 52,000 tons of material have already been removed. After spending \$1.3 million, they ran out of money to complete the job. When considering the rate at which they were able to remove material previously, he is confident 90 days will be sufficient after the sale. CDPHE will complete a final inspection.

**Ms. Fuller** asked about the history of the business.

**Mr. Seder** spoke about their asphalt recycling business endeavor. He mentioned two businesses that purchased recycled material in the past, but they were bought by a company that did not

want to use recycled shingle. One patent he owns is for a paving brick made of recycled shingle. Another patent is for an asphalt mulch. He stated landscaping contractors didn't want to use the mulch because it was too efficient (they wouldn't need to return for maintenance/continued business). He then spoke about their future plans for the site. They intend to sell the portion of the lot with the existing structure, and then once the remaining material is removed, turn the back portion of the lot into RV storage to serve the surrounding community.

**Mr. Whitney** asked where the material was taken after removal.

**Mr. Seder** answered that it goes to a landfill.

**Ms. Fuller** reiterated there is nothing hazardous in the material. She mentioned there were extra dump fees because of the weight. She asked if there was existing financing on the property.

**Mr. Seder** replied that there is an existing, small mortgage on the property. After the sale, there will be enough money to complete the removal process and pay off the existing loan.

**Mr. Bailey** added that there are significant drainage and bridge fees associated with the project.

**Mr. Seder** agreed. The sale of the lot will cover those expenses as well.

**Mr. Carlson** clarified that the front part of the property (with the existing building) currently serves the applicant's roofing business and is the portion that will be sold. (Mr. Seder confirmed.) He further clarified that the applicant would keep the back part of the property. (Mr. Seder confirmed.)

## **NO PUBLIC COMMENTS**

## **DISCUSSION**

**Ms. Fuller** complimented the Seder's for their efforts regarding their business. She believes the proposal meets all criteria and will be in favor of the application.

**PC ACTION: MR. CARLSON MOVED / MR. SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER VR2319 FOR A VACATION AND REPLAT, SEDER SUBDIVISION - VACATE AND REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) 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).**

## **6. NON-ACTION ITEM**

- A.** A presentation by the Defense Mission Task Force (DMTF) regarding Base Protection Opportunities provided by Keith Klaehn, Chairman of the DMTF.

**MEETING ADJOURNED** at 10:52 A.M.

**Minutes Prepared By:** Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2319  
SEDER SUBDIVISION - VACATE AND REPLAT

WHEREAS, Steven Seder did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to create two (2) lots within the M (Industrial) 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 March 21, 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 Steven Seder for approval of a Vacation and Replat to allow two (2) lots within the M (Industrial) zoning district be approved by the Board of County Commissioners with 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. The Applicant shall submit the Mylar to Enumerations for addressing. The applicant must have the Mylar recording for the project finished with Planning and Community Development by May 2, 2024.
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. 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.
5. 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.
6. 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.
7. Once the newly created lot is sold, the Seders will be given three (3) months to remove a minimum of 2,400 tons of shingles waste each month from the property until the total of 7,600 tons is completely removed.
8. Drainage fees in the amount of \$141,258.53 and bridge fees in the amount of \$57,775.99 shall be paid for the Sand Creek drainage basin at the time of plat recordation.

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 this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

SCHUETTELZ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / 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 21st day of March 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
 \_\_\_\_\_  
 Thomas Bailey, Chair

EXHIBIT A

LOT 7 AKERS ACRES SUB 1,EX THAT PT CONV TO COUNTY BY REC #209123580

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

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Ashlyn Mathy, Planner II  
Lupe Packman, EI, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: VR2319  
Project Name: Seder Subdivision - Vacate and Replat  
Parcel Number: 5332002015

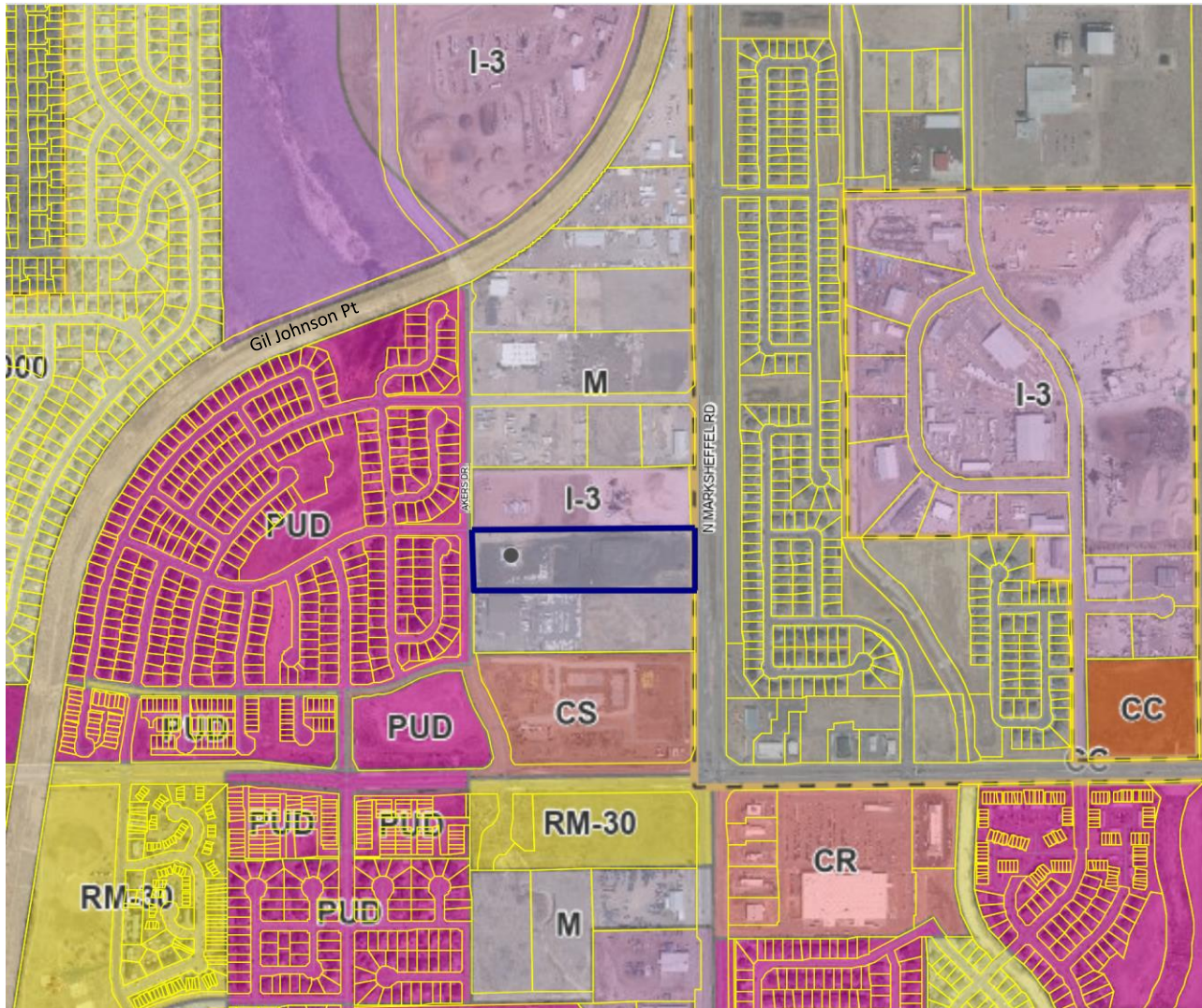
<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Steve Seder Seder Investment LLC 2725 Akers Drive Colorado Springs, CO 80922 info@aspenroofs.com	Baseline Engineering Corp Steve Baggs steven.baggs@baselinecorp.com (719) 660-2378

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>3/21/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>4/11/2023</b>

**EXECUTIVE SUMMARY**

A request by Steve Seder for approval of a 9.37-acre Vacation and Replat creating two industrial lots. The property is zoned M (Industrial), and is located at 2725 Akers Drive, which is roughly one tenth of a mile south of the intersection of Electric Drive and Akers Road. This project has background with a code enforcement case under file number "CE20185".



**Zoning Map (Subject Property)**

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.

**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. LOCATION**

North:	I-3 (Heavy Industrial)	Warehouse/Storage
South:	M (Industrial)	Warehouse/Storage
East:	City of Colorado Springs	Single Family Residential
West:	PUD (Planned Unit Development)	Single Family Residential

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## C. BACKGROUND

This subject property was a part of a plat known as “Akers Acres Subdivision No. 1” and was created in July of 1965. The Vacate and Replat project has an associated Early Assistance meeting, file number “EA2355”. This parcel is associated with a Code Enforcement case under file number in EDARP “CE20185”. The Code Enforcement case was created based on the property owner having a large amount of roofing materials (shingles) on site and not removing the materials. Additionally, the shingles have been deemed non-recyclable.

Due to the length and nature of the project, the Hazardous & Solid Waste/CERCLA Litigation Unit (with the Colorado Department of Law) became involved and has specifications associated with the project and clean-up of the site. Based on the case and current information provided to county staff, this project, if approved, would create two lots. This would allow the property owner to sell off a lot and use that income to remove the roofing materials from the property. There is anticipated to be timelines associated with the clean-up of the site, as directed by the State to the applicant.

## D. ANALYSIS

### 1. Land Development Code and Zoning Compliance

The proposed replat would create two lots; as proposed they will conform to the standards of the M (Industrial) zoning district. The M (Industrial) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: none
- Minimum front yard setback: 15 feet +\*
- Minimum side yard setback: none
- Minimum rear yard setback: 15 feet ^
- Maximum lot coverage: none
- Maximum height: 50 feet

+Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

\*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 setback for stables and corrals is 50 feet.

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## F. MASTER PLAN COMPLIANCE

### 1. Your El Paso County Master Plan

#### a. Placetype Character: Urban Residential

*The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.*

*An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walk-able internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.*

#### **Recommended Land Uses:**

##### *Primary*

- *Single-family Detached Residential (5 units per acre lots or more)*
- *Single-family Attached Residential*
- *Multifamily Residential*

##### *Supporting*

- *Mixed Use*
- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*
- *Parks*
- *Office*

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**Analysis:**

Urban residential will mainly consist of residential uses but we can anticipate uses such as commercial. In the area, there is PUD and other residential zoning. Additionally, we see industrial uses abutting existing residential and the City of Colorado Springs’s jurisdiction. The industrial zoning was put in place prior to the Masterplan and placetypes creation. This Vacate and Replat does not change zoning or create a variety of uses. An approval will give the applicant a means of funding the process of removing waste from the site with the sale of one of the lots. Lastly, this is inconsistent with the placetype due to mixed uses with residential nearby, however it is preexisting and can be a way to help mitigate issues with the property.

**b. Area of Change Designation:** Transition

*Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.*

**Analysis:**

This area has existing industrial and commercial uses, and zoning abutting residential uses. The transition area of change and this area match and are compliant with the Master Plan. There are various businesses that represent similar industrial and commercial uses such as, Aspen Roofing Inc., Tab Construction, and Mountain States Pipes & Supply. This area of change expects to see re-development too, which may be an outcome of this project if approved.

**c. Key Area Influences:** Enclaves or Near Enclaves

*Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave*

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*is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.*

*The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These include roadway improvements, storm-water improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.*

**Analysis:**

This property is west of the City of Colorado Springs jurisdiction which is why it is considered in the “enclave” area. The area is seeing residential mixed with commercial and industrial zoning. The El Paso County Planning and Community Development Department and City of Colorado Springs are in communication on various projects which include annexation projects into the City’s jurisdiction that we typically see in the area.

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

**Objective HC1-3:** *Prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise.*



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 5 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 5 for central water providers:

The Plan identifies the current demand for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,849 AFY (Figure 5.2). The projected demand in 2040 for Region 5 is at 6,468 AFY (Figure 5.1) with a projected supply of 68,000 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 5 is at 9,608 AFY (Figure 5.1) with a projected supply of 10,131 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.

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 parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and EPC Environmental Division were each sent a referral and have no outstanding comments.

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

## **F. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards are associated with this project.

### **2. Floodplain**

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0756G, dated December 7, 2018.

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### **3. Drainage and Erosion**

The property is in the Sand Creek Drainage Basin (FOFO4000) which is a part of the El Paso County Drainage Basin Fee program. Drainage fees will be due at the plat recording.

The property has an existing sand filter basin located at the southeast corner for water quality. Water quality and detention analysis is required with subsequent site development. No private or public improvements are proposed with this vacation and replat request.

### **4. Transportation**

The subdivision receives access off Akers Drive, which is owned and maintained by El Paso County. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips. Lots 1 and 2 will be accessed by a shared private driveway within a proposed shared access easement along the southern boundary of site.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended).

## **G. 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 minor 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 Cherokee Metropolitan District.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District.

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**4. Utilities**

Colorado Springs Utilities

**5. Metropolitan Districts**

Cherokee Metro District

**6. Parks/Trails**

Fees in lieu of park land dedication in the amount of no regional fees and no urban park fees will be due at the time of recording the replat due to this being a commercial site.

**7. Schools**

Fees in lieu of school land dedication will not be due at the time of recording the replat.

**H. APPLICABLE RESOLUTIONS**

See attached resolution.

**I. STATUS OF MAJOR ISSUES**

This project has an ongoing code enforcement case that has now involved the State of Colorado. Due to the large amount of shingles and roofing materials on site that the property owner has not removed, the state has deemed specific timelines that must be met in order to successfully remove the shingles. Staff has included conditions of approval to move the project forward in a way that meets both expectations of the state and EPC code enforcement.

**J. RECOMMENDED CONDITIONS AND NOTATION**

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 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. The Applicant

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shall submit the Mylar to Enumerations for addressing. The applicant must have the Mylar recording for the project finished with Planning and Community Development by May 2, 2024.

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. 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.
5. 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.
6. 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.



7. Once the newly created lot is sold, the Seders will be given three (3) months to remove a minimum of 2,400 tons of shingles waste each month from the property until the total of 7,600 tons is completely removed.
8. Drainage fees in the amount of \$141,258.53 and bridge fees in the amount of \$57,775.99 shall be paid for the Sand Creek drainage basin at the time of plat recordation.

#### **NOTATION**

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

#### **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 108 adjoining property owners on March 5, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **L. ATTACHMENTS**

Map Series  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter  
Draft Resolution

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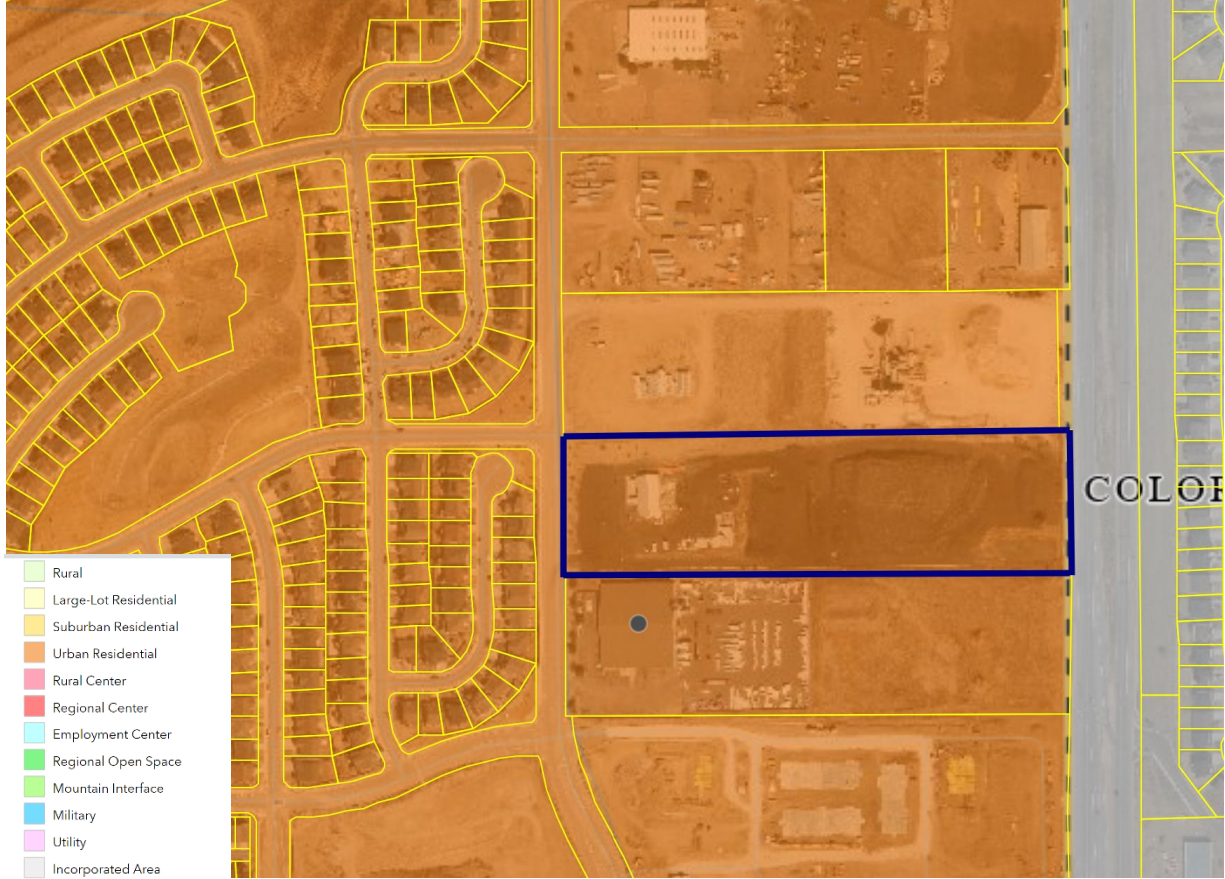


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**Map Series**

**VR2319**

Placetype: Urban Residential

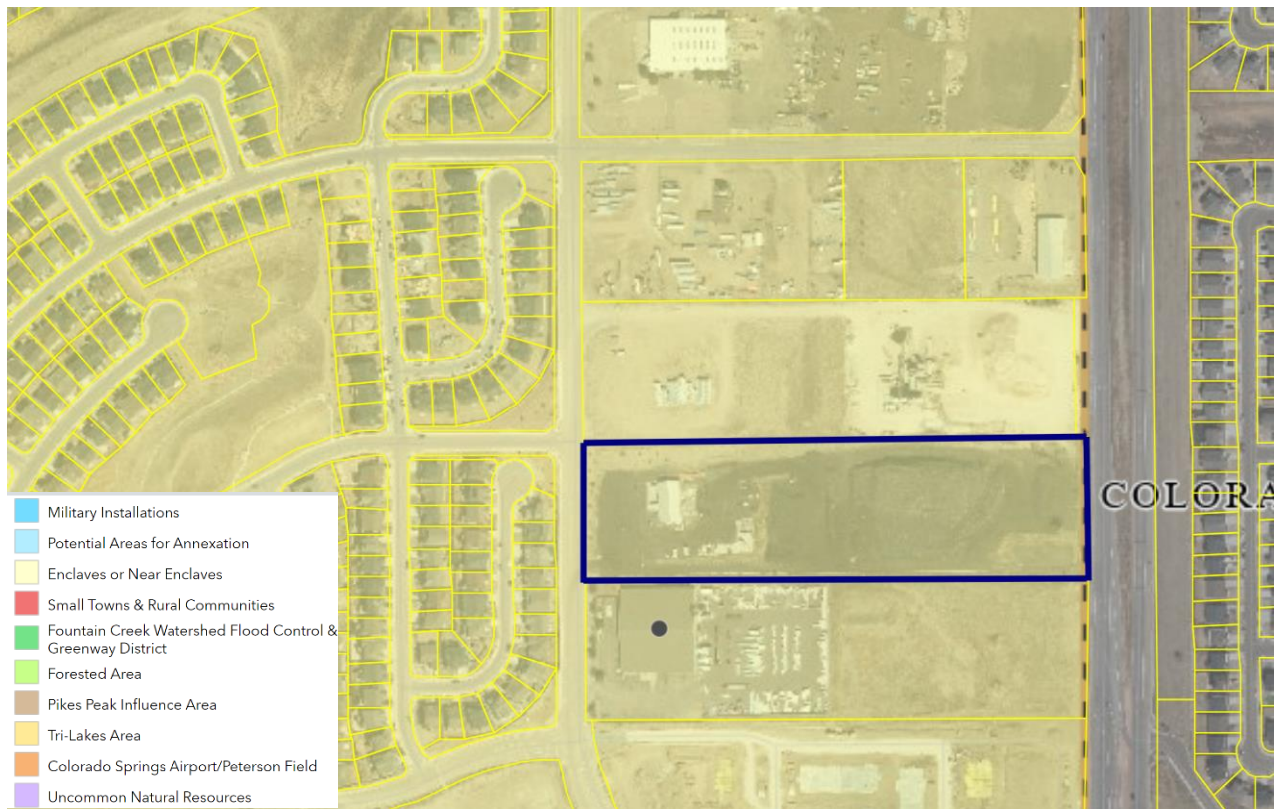




Area of change: Transition



Key Area: Enclaves or Near Enclaves



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.

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### 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.*

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- 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

**SEDER SUBDIVISION**  
**A REPLAT OF LOT 7, AKERS ACRES SUBDIVISION NO. 1**  
 LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 EL PASO COUNTY, COLORADO

**BE IT KNOWN BY THESE PRESENTS**

THAT SEDER INVESTMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

LOT 7, AKERS ACRES SUBDIVISION NO. 1, COUNTY OF EL PASO, STATE OF COLORADO EXCEPT THAT PARCEL CONNECTED TO EL PASO COUNTY IN DEED RECORDED OCTOBER 23, 2009 UNDER RECEPTION NO. 209123860.  
 CONTAINING 406.943 SQUARE FEET (9.34 ACRES), MORE OR LESS

**DEDICATION**

THE ABOVE PARTIES IN INTEREST HAVE CAUSED SAID TRACT TO BE REPLATED INTO A LOT AND EASEMENTS AS SHOWN ON THIS REPLAT. THE TRACT OF LAND AS HEREBY REPLATED SHALL BE KNOWN AS "SEDER SUBDIVISION" IN COUNTY OF EL PASO, COLORADO.  
 THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGORS, BENEFICIARIES OF DEED 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 HEREON UNDER THE NAME AND SUBDIVISION OF SEDER SUBDIVISION. ALL PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER HEREBY GOVERNANT AND AGREES THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE. ALL TO SATISFACTION OF THE 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 HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTIRE RESPONSIBILITY FOR PROVIDING THE SERVICES FOR WHICH THE EASMENTS ARE DEDICATED, INCLUDING THE INSTALLATION, MAINTENANCE, AND REPAIR OF UTILITY LINES AND RELATED FACILITIES, SHALL REMAIN THE RESPONSIBILITY OF THE INSTALLATION, MAINTENANCE, AND REPAIRMENT OF UTILITY LINES AND RELATED FACILITIES.

**IN WITNESS WHEREOF**

THE ABOVEMENTIONED SEDER INVESTMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BY STEVEN B. SEDER, MANAGER,  
 HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

BY \_\_\_\_\_  
 STEVEN B. SEDER, MANAGER

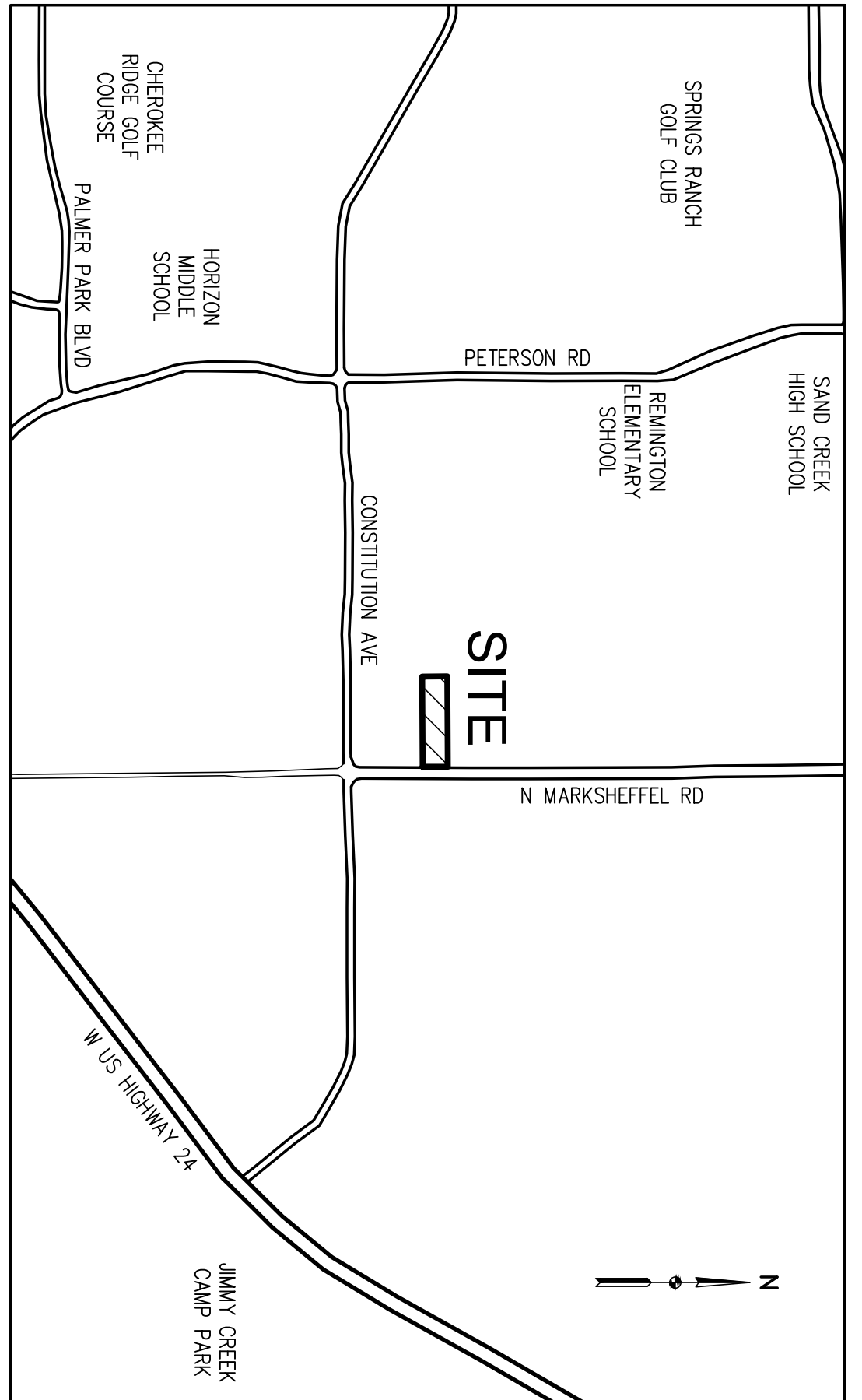
**NOTARIAL STATEMENT**

STATE OF COLORADO SS  
 COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY \_\_\_\_\_ OF SEDER INVESTMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY:  
 \_\_\_\_\_  
 WITNESS MY HAND AND OFFICIAL SEAL  
 \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

**NOTES**

- THE BASIS OF BEARING OF THIS SUBDIVISION IS THE EAST LINE OF SECTION 32, SAID LINE BEARS N00°33'53" W, AND IS MONUMENTED ON THE SOUTH BY A CORNER CALCULATED PER SURVEY RECORDS AND ON THE NORTH BY A FOUND NO. 6 REBAR WITH A 3-1/4" ALUMINUM CAP STAMPED PLS 39256.
- FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT OF WAY AND TITLE OF RECORD, BASELINE ENGINEERING CORP. RELEAD UPON A COMMENT FOR TITLE RESURANCE ISSUED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. 5035917202, EFFECTIVE DATE JUNE 19, 2023 AT 3:00 P.M.
- ALL EXISTING AND PROPOSED UTILITY, DRAINAGE AND IMPROVEMENTS EASEMENTS WITHIN THIS REPLAT ARE PUBLIC.
- UNITS OF MEASUREMENT FOR THIS PLAT = U.S. SURVEY FOOT
- THE AREA OF THE PLAT DESCRIBED HEREIN IS SUBJECT TO THE LAND DEVELOPMENT CODE OF EL PASO COUNTY.
- ALL MONUMENTS, RECOVERED AND ESTABLISHED, ARE AT GRADE +/- 0.1".
- THE PARTIES RESPONSIBLE FOR THIS PLAN HAVE FAMILIARIZED THEMSELVES WITH ALL CURRENT ACCESSIBILITY CRITERIA AND SPECIFICATIONS AND THE PROPOSED PLAN REFLECTS ALL SITE ELEMENTS REQUIRED BY THE APPLICABLE ADA DESIGN STANDARDS AND GUIDELINES AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF JUSTICE. APPROVAL OF THIS PLAN BY EL PASO COUNTY DOES NOT ASSURE COMPLIANCE WITH THE ADA OR ANY OTHER FEDERAL OR STATE ACCESSIBILITY LAWS OR ANY REGULATIONS OR GUIDELINES ENACTED OR PROMULGATED UNDER OR WITH RESPECT TO SUCH LAWS. SOLE RESPONSIBILITY FOR COMPLIANCE WITH FEDERAL AND STATE ACCESSIBILITY LAWS LIES WITH THE PROPERTY OWNER.
- THE PROPOSED SHARED 42 FOOT ACCESS EASEMENT DESCRIBED HEREIN IS SUBJECT TO LOTS 1 AND 2
- PER C.A.S. 18-04-508, ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN A THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCE, MATERIALS OR LANDSCAPING THAT COULD IMPERE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.



**NOTES (CONTINUED)**

- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, DECREES, 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 LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY REGULATIONS.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- THERE SHALL BE NO DIRECT LOT ACCESS TO MARKSHEFFEL ROAD.
- SEDER SUBDIVISION IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. 213076618 OF THE RECORDS OF EL PASO COUNTY. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE SUBJECT DRAINAGE FACILITIES.
- WHERE THE PROPERTY IS ADJACENT TO AN INDUSTRIAL AREA, NOTICE, THIS PROPERTY MAY BE ADVERSELY IMPACTED BY NOISE, DUST, FUMES, AND LIGHT POLLUTION CAUSED BY ADJACENT INDUSTRIAL PROPERTIES AND ACTIVITIES. THE BUYER SHOULD RESEARCH AND BE AWARE OF THIS POTENTIALITY AND THE RAMIFICATIONS THEREOF.
- ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED AT RECEPTION NO. 224005941 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- CHEROKEE PLAT NOTE RE: BASIN TRANSFER/INSUFFICIENCY: WATER AND WASTEWATER SERVICES FOR THIS SUBDIVISION ARE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT (CHEROKEE) SUBJECT TO THE DISTRICT'S RULES, REGULATIONS AND SPECIFICATIONS. THE OFFICE OF THE STATE ENGINEER HAS ISSUED AN OPINION OF WATER INADEQUACY BASED ON ITS ANALYSIS AND INTERPRETATION OF A STIPULATED AGREEMENT CONCERNING THE AVAILABILITY OF CERTAIN WATER RIGHTS FOR USE OUTSIDE OF THE UPPER BLACK SQUARE CREEK DESIGNATED BASIN, AND THIS FOUND INSUFFICIENCY OF WATER RESOURCES FOR THIS SUBDIVISION BASED ON THAT AGREEMENT. THIS INTERPRETATION DIFFERS FROM CERTAIN OPINIONS ISSUED BY THE OFFICE IN THE PAST, BASED ON ITS OWN REVIEW OF THE STIPULATED AGREEMENT AND ITS HISTORY (AND NOT THE AMOUNT OF WATER ACTUALLY AVAILABLE). THE BOARD OF COUNTY COMMISSIONERS IN AN OPEN AND PUBLIC HEARING DID NOT ACCEPT THE INTERPRETATION OF THE STATE ENGINEER'S OFFICE. THE BOARD OF COUNTY COMMISSIONERS FOUND THAT CHEROKEE HAS COMMITTED TO PROVIDE WATER SERVICE TO THE SUBDIVISION AND ASSERTED THAT ITS LONG TERM WATER SERVICE CAPABILITIES ARE SUFFICIENT. THE BOARD OF COUNTY COMMISSIONERS MADE THIS DETERMINATION IN RELIANCE UPON THE TESTIMONY AND EXPERTISE PROVIDED BY CHEROKEE AT THE PUBLIC HEARING THEREON. AT THE HEARING, CHEROKEE ASSERTED THAT ITS PLANS AND CONTINUED FINANCIAL INVESTMENT IN INFRASTRUCTURE ARE DESIGNED TO ALLOW CHEROKEE TO CONTINUE TO PROVIDE THIS SUBDIVISION AND ITS EXISTING CUSTOMERS WITH WATER AND WASTEWATER SERVICES FOR 300 YEARS OR MORE.
- LOTS 1 AND 2 OF SEDER SUBDIVISION HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT TITLED "SOILS & GEOLOGY STUDY, PARCEL NO. 53320-02-015, 2725 AKERS DRIVE BY INTECH ENGINEERING, INC. AND DATED OCTOBER 4, 2023. THE IDENTIFIED HAZARDS INCLUDE ARTIFICIAL FILL, HYDROCOMPACTION AND EXPANSIVE SOILS AS SHOWN ON FIGURE 6 OF THE REFERENCED STUDY.
- THE SUBDIVIDER/DEVELOPER IS RESPONSIBLE FOR EXTENDING UTILITIES TO EACH LOT, TRACT OR BUILDING SITE. GAS SERVICE IS PROVIDED BY COLORADO SPRINGS UTILITIES SUBJECT TO COLORADO SPRINGS UTILITIES RULES, REGULATIONS AND SPECIFICATIONS.
- ELECTRIC SERVICE IS PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. SUBJECT TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. RULES, REGULATIONS AND SPECIFICATIONS.
- THIS PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN) AS ESTABLISHED BY FEMA PER FIRM PANEL 0804H007566, EFFECTIVE DATE DECEMBER 7, 2018.

**VICINITY MAP**  
 1" = 200'

**NOTICE IS HEREBY GIVEN**

THAT THE AREA INCLUDED IN THE PLAT DESCRIBED HEREIN IS SUBJECT TO THE CODE OF THE CITY OF COLORADO SPRINGS, 2001, AS AMENDED.  
 NO BUILDING PERMITS SHALL BE ISSUED FOR BUILDING SITES WITHIN THIS PLAT UNTIL ALL REQUIRED FEES HAVE BEEN PAID AND ALL REQUIRED PUBLIC AND PRIVATE IMPROVEMENTS HAVE BEEN INSTALLED AS SPECIFIED BY THE CITY OF COLORADO SPRINGS OR ALTERNATIVELY, UNTIL ACCEPTABLE ASSURANCES INCLUDING, BUT NOT LIMITED TO, LETTERS OF CREDIT, CASH SUBDIVISION BONDS OR COMBINATIONS THEREOF, GUARANTEEING THE COMPLETION OF ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO, DRAINAGE, STREETS AND EROSION CONTROL, HAVE BEEN PLACED ON FILE WITH THE CITY OF COLORADO SPRINGS (ORD. 98-44 AND ORD. 01-42)

THE SUBDIVIDER(S) AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSURES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 044-171) OR ANY AMENDMENTS THERE TO, AND PRIOR TO ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF PROPERTY.

ACCESS TO LOTS 1 AND 2 SHALL BE THROUGH THE SHOWN ACCESS EASEMENT. THE RESPONSIBILITY AND MAINTENANCE OF SAID ACCESS IS SUBJECT TO THE MAINTENANCE AGREEMENT AND ALL COVENANTS AND RESTRICTIONS CONTAINED THEREIN, AS RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY CLERK AND RECORDER.

**EASEMENT STATEMENT**

EASEMENTS ARE AS SHOWN HEREON WITH THE SOLE RESPONSIBILITY FOR MAINTENANCE BEING VESTED WITH THE PROPERTY OWNER. ALL EASEMENTS THAT ARE DEDICATED HEREON FOR PUBLIC UTILITY AND PUBLIC DRAINAGE PURPOSES SHALL BE SUBJECT TO THOSE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED AT RECEPTION NO. 212125498 OF THE RECORDS OF EL PASO COUNTY, COLORADO. ALL OTHER EASEMENTS OR INTERESTS OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND EFFECT.

**REPLAT STATEMENT**

APPROVAL OF THIS REPLAT VACATES ALL PRIOR PLATS FOR THE AREA CONTAINED WITHIN THE BOUNDARIES OF THIS REPLAT.

**SURVEYOR'S CERTIFICATION**

I, AARON DEW, A FULLY 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 AUGUST 4, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON, THAT MATHEMATICAL CLOSE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
 SURVEYOR'S NAME (SIGNATURE) DATE  
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 39285  
 FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS INSTRUMENT (3) YEARS AFTER FIRST DISCOVERING SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. 13--80--105 C.R.S.

**BOARD OF COUNTY COMMISSIONERS CERTIFICATE**

THIS PLAT FOR SEDER SUBDIVISION WAS APPROVED FOR FILE BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC ARE ACCEPTED, BUT THE PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

LOT 7, AKERS ACRES SUBDIVISION NO. 1 IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT SUBJECT TO ALL COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AGAINST AND APPROPRIATE TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, RECEPTION NO. 432490.

\_\_\_\_\_  
 CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

\_\_\_\_\_  
 PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR DATE

**RECORDING**

STATE OF COLORADO SS  
 COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_ O'CLOCK \_\_\_\_ M. THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY.

\_\_\_\_\_  
 RECORDER  
 BY \_\_\_\_\_ DEPUTY  
 FEE \_\_\_\_\_  
 SURCHARGE \_\_\_\_\_

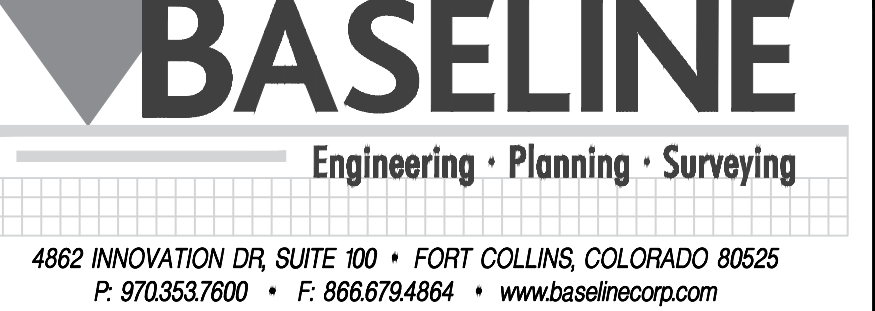
**LOT AND AREA**

LOT 1 120,376 SQUARE FEET OR 2.76 ACRES  
 LOT 2 386,567 SQUARE FEET OR 8.88 ACRES  
 TOTAL 406,943 SQUARE FEET OR 9.34 ACRES

**FEES**  
 DRAINAGE FEES \_\_\_\_\_  
 BRIDGE FEES \_\_\_\_\_  
 SCHOOL FEES \_\_\_\_\_  
 PARK FEES \_\_\_\_\_

**SHEET INDEX**

SHEET 1 COVER  
 SHEET 2 AS PLATTED  
 SHEET 3 AS REPLATTED  
**POD FILE NO. WR2319**  
 OWNER, SEDER INVESTMENT, LLC  
 2725 AKERS DR.  
 COLORADO SPRINGS, CO 80927-1900  
 (719) 586-2988



DESIGNED BY  
 DRAWN BY  
 DAM  
 CHECKED BY  
 AAD

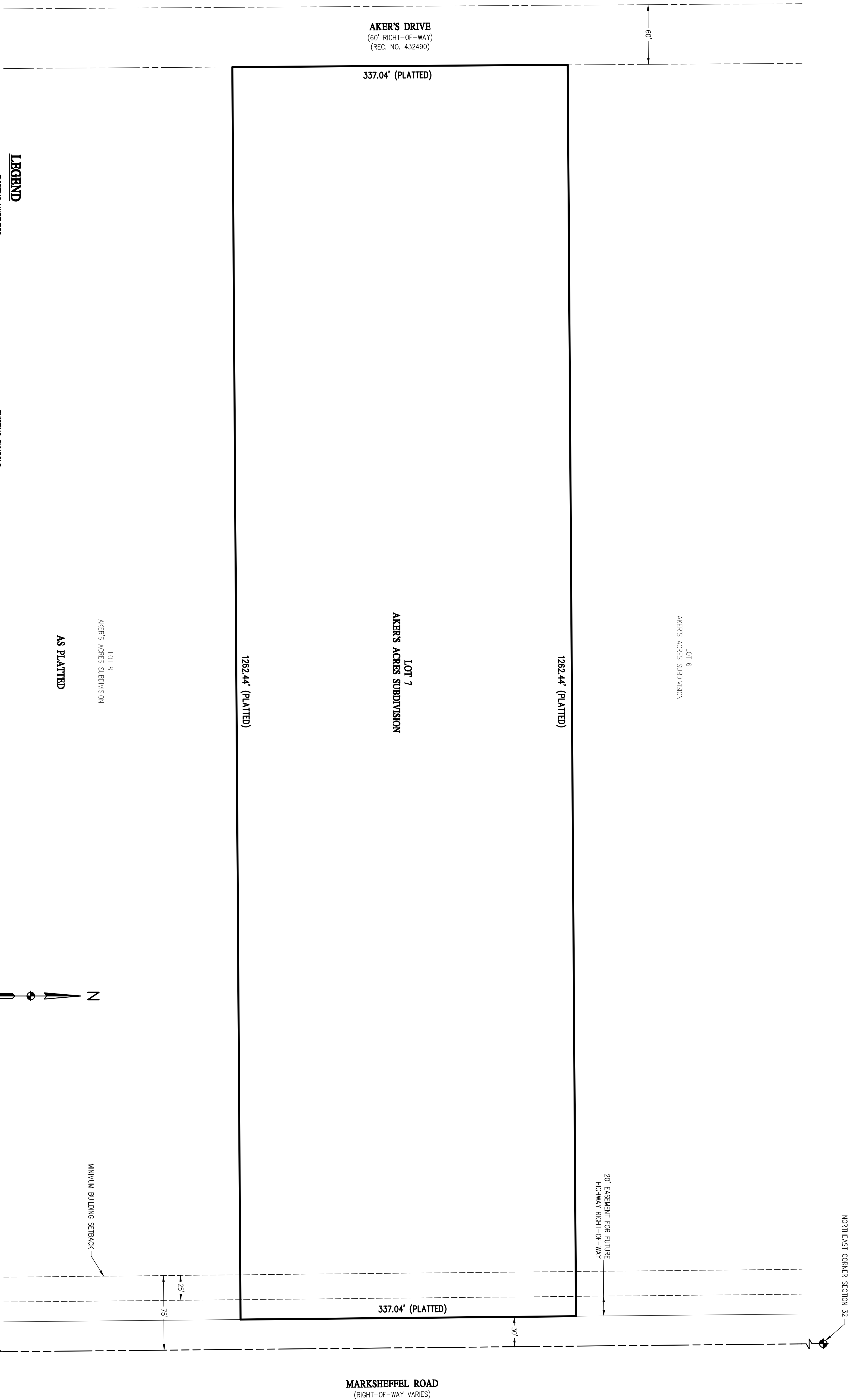
PREPARED BY DATE  
 DAM/DEW 11/22/2023

REVISION DESCRIPTION	DATE
COUNTY COMMENTS	

<b>SEDER INVESTMENT, LLC</b>	
EL PASO COUNTY	
SEDER SUBDIVISION	
SE 1/4 OF SEC. 32, T13S, R65W OF THE 6TH P.M.	
2725 AKERS DR, COLORADO SPRINGS, CO 80922	

FOR ADD OR CHANGE OF		
INITIAL SUBMITTAL:	08/29/2023	
DRAWING SIZE:	24" X 36"	
START DATE:	08/04/2023	
SYMBOL FIRM:	01-35072	
DRAWING NAME:	35077 Subdivision Platting	
JOB NO.:	01-35072	
SHEET 1	OF 3	

**SEDER SUBDIVISION**  
**A REPLAT OF LOT 7, AKERS ACRES SUBDIVISION NO. 1**  
 LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 EL PASO COUNTY, COLORADO



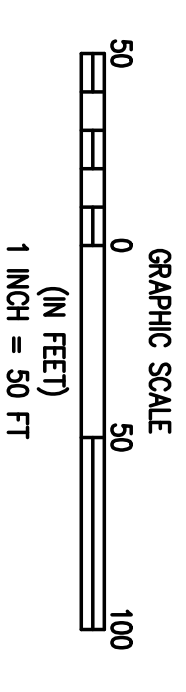
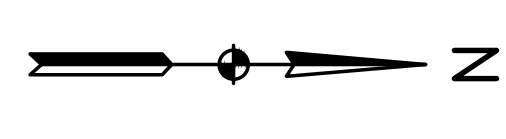
**LEGEND**

- EXISTING LINES/TYPES**
- EXISTING LINES/TYPES
  - SECTION LINE
  - PROPERTY BOUNDARY
  - LOT LINE
  - EASEMENT
- EXISTING SYMBOLS**
- ⬇️ ALIQUOT CORNER AS DESCRIBED
  - ⊙ FOUND PROPERTY PIN AS DESCRIBED

LOT 8  
 AKERS ACRES SUBDIVISION  
 AS PLATTED

LOT 7  
 AKERS ACRES SUBDIVISION

LOT 6  
 AKERS ACRES SUBDIVISION



POD FILE NO. WR2319  
 SOUTHEAST CORNER SECTION 32

FOR AND ON BEHALF OF	SEDER INVESTMENT, LLC
INITIAL SUBMITTAL	08/29/2023
DRAWING SIZE	24" X 36"
SURVEY FIRM	08/04/2023
JOB NO.	CS-35072
DRAWING NAME	35072 Subdivision Plat.dwg
SHEET	2 OF 3

FOR AND ON BEHALF OF  
 SEDER INVESTMENT, LLC  
 EL PASO COUNTY  
 SEDER SUBDIVISION  
 SE 1/4 OF SEC. 32, T13S, R65W OF THE 6TH P.M.  
 2725 AKERS DR, COLORADO SPRINGS, CO 80922

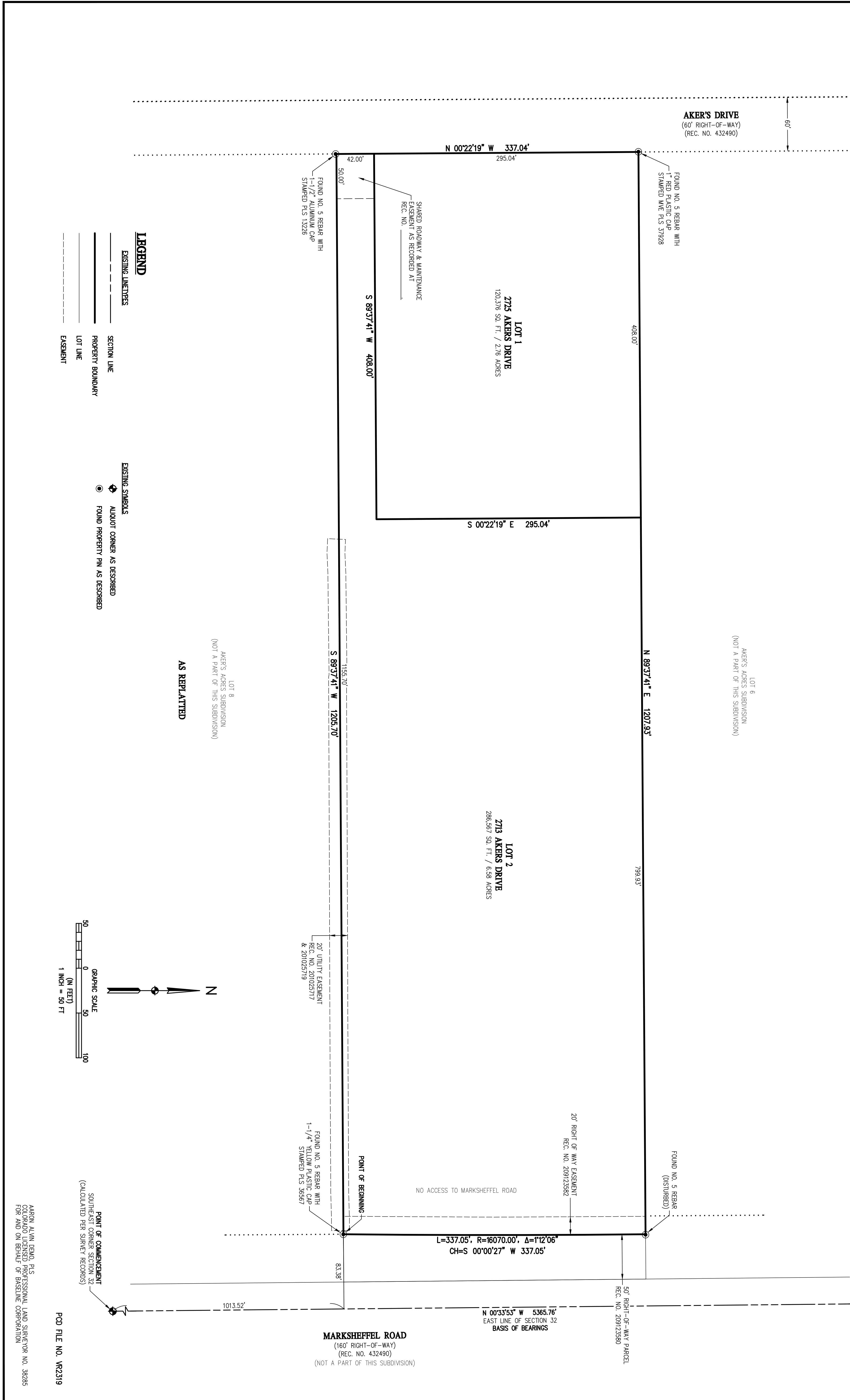
REVISION DESCRIPTION	PREPARED BY	DATE
COUNTY COMMENTS	DAM/DEW	11/22/2023

DESIGNED BY	DAM
DRAWN BY	DAM
CHECKED BY	AAD

**BASELINE**  
 Engineering · Planning · Surveying

4862 INNOVATION DR SUITE 100 • FORT COLLINS, COLORADO 80525  
 P. 970.353.7600 • F. 866.679.4864 • www.baselinecorp.com

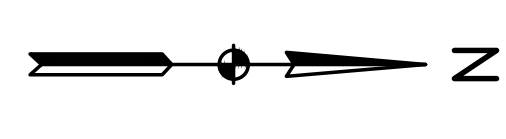
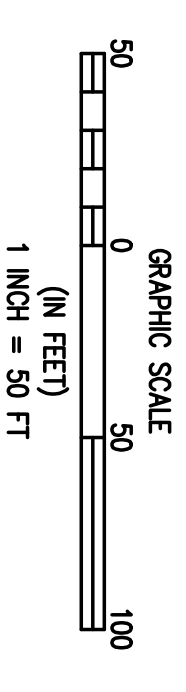
**SEDER SUBDIVISION**  
**A REPLAT OF LOT 7, AKERS ACRES SUBDIVISION NO. 1**  
 LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 EL PASO COUNTY, COLORADO



**LEGEND**

- EXISTING LINES/TYPES**
- SECTION LINE
  - PROPERTY BOUNDARY
  - LOT LINE
  - - - EASEMENT
- EXISTING SYMBOLS**
- ⬇️ ALIQUOT CORNER AS DESCRIBED
  - ⊙ FOUND PROPERTY PIN AS DESCRIBED

**AS REPLATTED**



LOT 8  
 AKERS ACRES SUBDIVISION  
 (NOT A PART OF THIS SUBDIVISION)

AARON ALVIN DEMO, PLS  
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38295  
 FOR AND ON BEHALF OF BASELINE CORPORATION

POD FILE NO. WR2319

<p><b>SEDER INVESTMENT, LLC</b></p> <p style="text-align: center;">SEDER SUBDIVISION                  SE 1/4 OF SEC. 32, T13S, R65W OF THE 6TH P.M.                  2725 AKERS DR, COLORADO SPRINGS, CO 80922</p>	<p>EL PASO COUNTY</p>	<p><b>REVISION DESCRIPTION</b></p> <p>COUNTY COMMENTS</p>	<p><b>PREPARED BY</b></p> <p>DAM/DEW</p>	<p><b>DATE</b></p> <p>11/22/2023</p>	<p><b>DESIGNED BY</b></p> <p>DAM</p>	<p><b>DRAWN BY</b></p> <p>DAM</p>	<p><b>CHECKED BY</b></p> <p>AAD</p>	<p style="font-size: small;">4862 INNOVATION DR SUITE 100 • FORT COLLINS, COLORADO 80525                  P. 970.353.7600 • F. 866.679.4864 • www.baselinecorp.com</p>
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October 27, 2023

Ashlyn Mathey  
El Paso County Planning and Community Development  
Transmission via portal EDARP

**Re: Seder Subdivision VR  
Sec 32, T13S, R65W of the 6th PM  
Water Division 2, Water District 10**

Dear Ashlyn Mathey;

We have reviewed your October 17, 2023 submittal concerning the above referenced proposal to subdivide 9.37 acres into 2 lots; lot 1 consisting of 2.76 acre and Lot 2 consisting of 6.58 acres. This project is a replat of Akers Acres Subdivision, Lot 7.

### Water Supply Demand

According to the submittal, no future development of the new lots has been planned. The water requirements for the existing building on Lot 1 will remain the same, and the estimated water use for Lot 2 is based on the lot being used as an RV/boat storage yard with a small office. The total water requirement for the subdivision has been estimated to be 1.3 acre-feet per year.

### Source of Water Supply

The proposed water supplier is the Cherokee Metropolitan District (“District”). The District has provided a letter dated September 6, 2023 committing to serve the subdivision. Information in our files indicates the district has approximately 830 acre-feet per year of Denver Basin ground water available for additional commitments.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (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 three hundred years, the allowed average annual amount of withdrawal of 12.8 acre-feet/year would be reduced to one third of that amount, or 4.27 acre-feet/year, which is greater [not greater] than the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

### State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 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.

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.

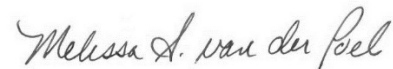


Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes 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 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.

Should you have any questions, please contact Melissa A. van der Poel of this office at 303-866-3581.

Sincerely,



Melissa A. van der Poel, P.E.  
Water Resources Engineer

cc: Subdivision File 31006

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.EIPasoCo.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

February 9, 2024

VR-23-19 Seder Subdivision  
Vacation and Replat

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

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a vacation and replat proposal by Seder Investment LLC (“Applicant”) to replat one commercial lot into 2 commercial lots on 9.37 acres. The property is currently zoned M CAD-O (Commercial Aviation District Overlay).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the annual demand is 1.32 total acre-feet. This allows for 0.166 acre-feet per year for commercial use and 1.15 acre-feet per year for irrigation. Though the WSIS does not identify the square footage of the commercial uses upon which this figure is based, the commitment letter from Cherokee Metropolitan District (“District” or “Cherokee”) states that the existing commercial use on the property has historically used 0.016 acre-feet/year and bases the estimate for the new commercial use on that amount. Based on this, the Applicant must provide a supply of 396 acre-feet of water (1.32 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
DOREY L. SPOTTS

LORI L. SEAGO

BRYAN E. SCHMID  
STEVEN W. MARTYN

TERRY A. SAMPLE  
MERI GERINGER

## Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the District. The District currently provides central water service to the existing uses on the property. As identified in the *Water Resources Report* the annual water demand for the development is 1.316 acre-feet per year. Per the *Water Resources Report*, Cherokee's total available water supply is approximately 4,364.8 acre-feet/year, while its existing water commitments total 4,152.1 acre-feet per year before the addition of the proposed development.

4. The General Manager of the District provided a letter dated January 23, 2024, committing to continue to provide water service for the commercial lots within the Seder Subdivision, which is located within the District's boundaries. The District commits to 1.32 acre-feet per year.

The District notes that these commitments are "hereby made exclusively for this specific development project at this site within the District." The District's commitment is only a conditional commitment: "[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment."

## State Engineer's Office Opinion

5. In a letter dated October 27, 2023, the State Engineer reviewed the application to subdivide the 9.37 acres into 2 lots. The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 1.3<sup>1</sup> acre-feet/year, which is the water demand identified in the WSIS. Further, the State Engineer states that "[a]ccording to the records of this office, Cherokee has sufficient water resources to supply the development as described above." Further, the State Engineer declared that "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

## Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Seder Subdivision is 1.32 acre-feet per year to be supplied by Cherokee Metropolitan District. **Based on the water demand of 1.32 acre-feet/year for the development and the District's availability of water sources, but given the conditional nature of the District's commitment to serve, the County Attorney's Office recommends a finding**

---

<sup>1</sup> The Colorado Division of Water Resources provided a letter based on a demand of 1.3 acre-feet per year. The County Attorney's Office will require that prior to recording the final plat, the developer must obtain a new letter or a written acknowledgement from the Colorado Division of Water Resources that they have been advised of the updated amount of 1.32 acre-feet per year.



**of conditional sufficiency as to water quantity and dependability for Seder Subdivision.**

7. Quality. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the 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 December 29, 2023, the *Cherokee Metropolitan District* letter dated January 23, 2024, and the *State Engineer's Office Opinion* dated October 27, 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 requirement 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, and specifications set by the District.

B. Applicant must obtain a new letter or a written acknowledgement from the Colorado Division of Water Resources that they have been advised of the updated demand amount of 1.32 acre-feet per year.

C. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated January 23, 2024 (approval must be provided by January 23, 2025), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

cc: Ashlyn Mathy, Project Manager, Planner

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF VACATION AND REPLAT  
SEDER SUBDIVISION – VACATE AND REPLAT (VR2319)

WHEREAS, Steve Seder did file an application with the Planning and Community Development Department of El Paso County for approval of a Vacation and Replat creating two (2) lots 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 March 21, 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 April 11, 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 Steve Seder, Seder Subdivision – Vacate and Replat (VR2319);

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. The Applicant shall submit

the Mylar to Enumerations for addressing. The applicant must have the Mylar recording for the project finished with Planning and Community Development by May 2, 2024.

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. 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.
5. 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.
6. 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.
7. Once the newly created lot is sold, the Seders will be given three (3) months to remove a minimum of 2,400 tons of shingles waste each month from the property until the total of 7,600 tons is completely removed.
8. Drainage fees in the amount of \$141,258.53 and bridge fees in the amount of \$57,775.99 shall be paid for the Sand Creek drainage basin at the time of plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/9/2024, as provided by the County Attorney's Office.

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 11th day of April 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

LOT 7 AKERS ACRES SUB 1, EX THAT PT CONV TO COUNTY BY REC #209123580