


**EL PASO COUNTY**  
**COLORADO**

COMMISSIONERS:  
 STAN VANDERWERF (CHAIR)  
 CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.  
 HOLLY WILLIAMS  
 CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of County Commissioners  
 Stan VanderWerf, Chair

**FROM:** Ryan Howser, Planner II  
 Daniel Torres, PE Engineer II  
 Craig Dossey, Executive Director

**RE:** Project File #: SF-20-025  
 Project Name: Space Village Apartments Filing No. 1  
 Parcel No.: 54170-00-019

OWNER:	REPRESENTATIVE:
Bridle Dale, LLC 4356 Montebello Drive Colorado Springs, CO, 80936	Kimley-Horn & Associates 2 N. Nevada Avenue, Suite 300 Colorado Springs, CO, 80903

**Commissioner District: 4**

Planning Commission Hearing Date:	10/7/2021
Board of County Commissioners Hearing Date	10/26/2021

**EXECUTIVE SUMMARY**

A request by Bridle Dale, LLC, for approval of a final plat to create one (1) 0.63-acre commercial lot. The 0.63-acre property is zoned CC (Commercial Community) and is located on the south side of Space Village Avenue, approximately 785 feet east of the Space Village Avenue and Peterson Boulevard intersection and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a Small Area Plan.

2880 INTERNATIONAL CIRCLE, SUITE 110  
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
 FAX: (719) 520-6695

**A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Bridle Dale, LLC for approval of a final plat to create one (1) commercial lot.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

**Authorization to Sign:** Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

**B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Consent item at the October 7, 2021 hearing.

**Recommendation:** Approval based on recommended conditions and notations.

**Waiver Recommendation:** N/A

**Vote:** 9 - 0

**Vote Rationale:** N/A

**Summary of Hearing:** The PC Draft minutes are attached.

**Legal Notice:** N/A

**C. APPROVAL CRITERIA**

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- 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;
- 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;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;

- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- 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;
- 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;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities 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;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

**D. LOCATION**

North:	C-1 (Commercial)	Multi-family/Restaurant
South:	CC (Commercial Community)	Hotel
East:	CS (Commercial Service)	Institutional
West:	CC (Commercial Community)	Hotel

**E. BACKGROUND**

The parcel was zoned A-3 (Airport Farm) on May 11, 1942 (BoCC Resolution No. 669212). A portion of the property was rezoned from A-3 to C-1 (Commercial) on July 30, 1956. The remainder of the parcel was rezoned from A-3 to M-1 (Industrial) on November 5, 1959. The portion of the property that was rezoned to M-1 was then rezoned to PHID (Planned Heavy Industrial) on July 31, 1980. The property was rezoned in its entirety from PHID and C-1 to the PBP (Planned Business Park) zoning district on February 24, 1983 (PCD File No. PBP-83-017). Due to changes in

the nomenclature of the El Paso County Land Development Code, the PBP zoning district was renamed as the CC (Commercial Community) zoning district.

The existing structure was constructed in 1983 and permitted as a hotel, which was a permitted principal use in the PBP zoning district, now known as the CC zoning district, at the time of construction. On May 1, 1991, changes to the Land Development Code re-designated the hotel/motel use as a special use within the PBP zoning district. On December 23, 2002, the applicant received approval of a special use permit to operate the hotel as a conforming use rather than as a nonconforming use (PCD File No. AL-02-022). According to the applicant's letter of intent, the current owner purchased the property in 2013 and has since used it as a multi-family dwelling.

The 0.63-acre parcel was illegally created outside of the El Paso County subdivision process on November 19, 1986 by quit claim deed (El Paso County Public Records, Book 5273, Page 127). To be considered a legal lot, the parcel would have needed to have been created prior to July 17, 1972 or have been created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. Therefore, the parcel does not meet the definition of a "Legal Lot" as discussed in detail in the Code Analysis section below. On August 20, 1990, the Board of County Commissioners approved the Highway 94 Preliminary Plan, which included the subject parcel (PCD File No. SP-90-001). The associated final plat was never submitted for review; therefore, the parcel remains an illegal division of land. Pursuant to Section 1.13.3 of the Code, no building permits may be authorized for a parcel of land that has not been included within a final plat action or otherwise exempted by the Code.

A complaint was received on May 6, 2018, regarding the use of the property as a multi-family dwelling. A Notice of Violation was sent to the property owner regarding illegally converting the structure from a hotel to a multi-family dwelling on May 17, 2018. The applicant participated in an Early Assistance meeting with County staff on June 19, 2018, to discuss submittal of a formal application. The variance of use application was ultimately submitted by the applicant to the County approximately a year and a half later on March 2, 2020 and was approved by the Board of County Commissioners on March 9, 2021 (PCD File No. VA-20-001).

Condition of Approval No. 2 associated with the variance of use requires the applicant to legalize the illegal division of land through the El Paso County subdivision process within six (6) months of the date of approval of the variance of

use. The initial deadline to legalize the illegal division of land was September 9, 2021. On September 13, 2021, the Planning and Community Development Director approved an extension of three (3) months, extending the deadline to legalize the illegal division of land to December 9, 2021.

If the request for subdivision is approved, the applicant will be required to also submit and receive approval of a site development plan to legalize conversion of the structure from a hotel to the existing multi-family dwelling. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

### **2. Zoning Compliance**

The CC (Commercial Community) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 1 acre
- Minimum front, side, and rear yard setback: 25 feet from perimeter boundary of zoning district, 0 feet internal to zoning district
- Maximum height: 40 feet

On July 11, 1983, the Board of Adjustment approved a dimensional variance to allow for a side yard setback of ten (10) feet where twenty-five (25) feet is required. The existing structure is setback 20 feet from the east property line adjacent to the CS zoning district. The existing structure is in compliance with all other dimensional standards.

### **3. Policy Plan Analysis**

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

**Policy 6.1.1** – Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

**Policy 6.1.7** – Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.

**Policy 6.1.16** – Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

**Goal 13.1** – Encourage an adequate supply of housing types to meet the needs of county residents.

**Policy 13.1.1** – Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

**Policy 13.1.2** – Support the provision of land use availability to meet the housing needs of county residents.

**Policy 13.4.1** – Consider the impact of housing density on the transportation system.

The parcel is bounded on the west and south sides by property which is currently being utilized for a hotel within the CC (Commercial Community) zoning district. The Colorado Military Academy, a charter school, is located to the south. To the east is vacant property zoned CS (Commercial Service). Property to the north is utilized for multi-family residential and commercial retail. Peterson Air Force Base is located immediately to the south of the Colorado Military Academy, which borders the subject property. By legalizing the subdivision, the use of the property for multi-family residential purposes may be allowed to continue.

Allowing the multi-family residential use to continue may help support and provide a unique combination of employment and residential opportunities in close proximity to each other. The applicant has provided an analysis of off-site impacts in their letter of intent and has suggested that any off-site impacts may be negligible.

#### 4. Small Area Plan Analysis

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

#### 5. Water Master Plan Analysis

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

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

***Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.***

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

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

The property is located within Planning Region 5 (Cherokee Metropolitan District Service Area) of the Plan and is not located within an estimated area of development. The Plan identifies the current central water demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with the projected need in 2040 at 6,468 AFY (Figure 5.2) and at build-out in 2060 at 9,608 AFY (Figure 5.3). Region 5 currently has 4,849 AFY in supplies, and by 2060 Region 5 is expected to have 10,131 AFY in supplies, resulting in an anticipated surplus of 523 AFY (Table 5-2). Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060 due to the area being mostly built out.

Water and wastewater services for the parcel are provided by Cherokee Metropolitan District. Coordination with the water service provider and an understanding of available facilities is a necessary step in analyzing water sufficiency and ensuring there are adequate resources to support proposed use. The District was sent a referral and does not have any outstanding comments. The District has indicated adequate water supplies are available to serve the proposed subdivision.

The applicant's water resources information was reviewed by the State Engineer, El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments. The State Engineer has also made a finding of water sufficiency.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, and Colorado Parks & Wildlife were each sent referrals with the concurrently reviewed final plat and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies sand and gravel with silt and clay deposited by water in one or a series of stream valleys and coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not show any parks or trails within the vicinity of the project.

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards were identified during the review of the final plat application which would restrict or impact the existing development.

### **2. Wildlife**

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

### **3. Floodplain**

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0754G, dated December 7, 2018.

#### **4. Drainage and Erosion**

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied basin with drainage and bridge fees. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 shall be paid at the time of plat recordation. Per the submitted drainage report, the site will not adversely affect the surrounding or downstream developments. No land disturbance is proposed within the site with the exception of the need to construct a sidewalk along Space Village Avenue, therefore, a grading and erosion control plan is not required. No public drainage improvements are anticipated to be required in association with the final plat.

#### **5. Transportation**

The site is accessed by two existing driveways off of Space Village Avenue, which is a public roadway. There are existing auxiliary turn lanes at the two driveways. The associated traffic study does not recommend any alterations or improvements to these auxiliary turn lanes. The traffic study indicates that the existing driveways will remain appropriate access locations with adequate sight distance. According to the traffic study the site will generate an estimated 161 average daily trips, which is 23 daily trips less than the anticipated traffic generation for the previously approved hotel use.

The Colorado Department of Transportation (CDOT) indicated in their January 5, 2021, letter to El Paso County that they had no comments on the submitted traffic study, there is no impact to CDOT infrastructure, and the final plat is acceptable.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not depict roadway improvement projects in the immediate vicinity of the site.

The El Paso County Colorado Road Impact Fee Implementation Document (2019) identifies that property in the unincorporated area of the County that receives a Land Use Approval is subject to the road impact fee. Land Use Approval is defined as “an approval or permit issued for a new use or structure on a parcel of property in unincorporated El Paso County that generates new trips for such parcel”. As the traffic study identifies less daily trips than the previously approved use, the El Paso County Road Impact Fee does not apply to this request.

## **H. SERVICES**

### **1. Water**

Water is provided by Cherokee Metropolitan District.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

### **2. Sanitation**

Wastewater is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments. The District provided a letter indicating that they currently provide service to the site and will continue to do so.

### **3. Emergency Services**

The property is within the Cimarron Hills Fire Protection District. The District was sent a referral and has no outstanding comments.

### **4. Utilities**

Electrical and gas services are provided by Colorado Springs Utilities (CSU). CSU was sent a referral and has no outstanding comments.

### **5. Metropolitan Districts**

The property is located within Cherokee Metropolitan District. The District does not collect a mill levy, but instead charges fees based upon the water and wastewater service rates.

### **6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$10,274.00 for regional fees (Area 4) and \$6,490.00 for urban park fees (Area 5) will be due at the time of recording the final plat.



particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. The developer shall construct a sidewalk along Space Village Avenue north of the property. The sidewalk shall be depicted on the associated site development plan and shall be constructed within 90 days of administrative approval of the site development plan. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to construct the improvements.
9. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$10,274.00 and urban park (Area 5) fees in the amount of \$6,490.00 shall be paid at the time of plat recordation.
10. Fees in lieu of school land dedication in the amount of \$2,244.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

## **NOTATIONS**

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

2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on September 17, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

October 7, 2021 Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

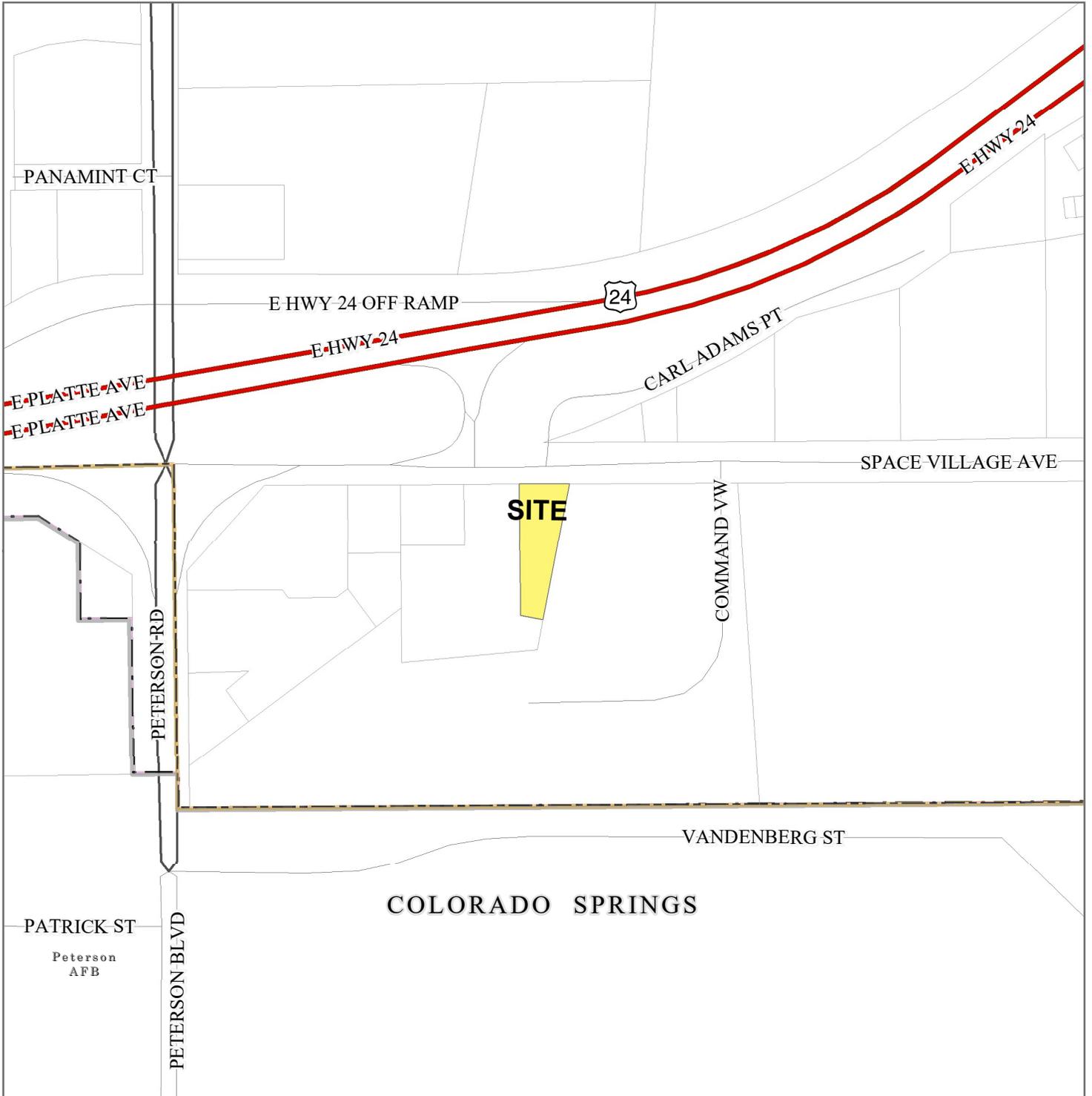
# El Paso County Parcel Information

PARCE	NAME
5417000	BRIDLE DALE LLC

File Name: SF-20-025

Zone Map No. --

Date: September 16, 2021



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 14 (719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



02/08/21

**LETTER OF INTENT: SPACE VILLAGE APARTMENTS FINAL PLAT**

**OWNER:** Elite Property Group, LLC  
**ADDRESS:** 6895 Space Village Drive  
Colorado Springs, CO 80936

**PARCEL ID #:** 54170-000-019  
**ZONING:** CC (Commercial Community) District  
**ACREAGE:** 0.628 acres (survey performed by Drexel, Barrell & Co.)

**PLANNERS:**  
Kimley-Horn  
2 N. Nevada Avenue  
Colorado Springs, CO 80903  
PH: (719)-453-0180

**CIVIL ENGINEERING:**  
Drexel, Barrell & Co  
3 South 7th Street  
Colorado Springs, CO 80905  
(719) 260-0887

**REQUEST:**  
Elite Property Group, LLC requests approval of a final plat application to create a legal lot to remedy long standing subdivision violations. Approval of the final plat will facilitate approval of a variance of use permit (PCD File No. VA-20-001) to authorize the continue the reuse of an existing motel structure for multifamily residential apartments in the CC zoning district. The variance of use application is currently under review by the Planning and Community Development Department.

**BACKGROUND:**  
Since the time of the initial mixed-use commercial, multifamily, and retail development of the site in 1983, subsequent changes in ownership, configuration of the property, and amendments to county land use regulations have resulted in nonconformities, including land use, and subdivision violations. Elite Property Group, LLC has been working with County staff to identify land use deficiencies and to obtain necessary approvals to operate and manage multifamily housing on the property in conformance with County land use and subdivision regulations.

The final plat application is one step in the process to bring the property into conformance with applicable land use, subdivision, and zoning requirements of the Code.  
A variance of use permit (VA 20-1) to authorize the continuation of the multifamily residential use in the CC zone. A site development plan to document conformance with the physical development standards of the Code will be submitted for review prior to plat approval and recordation.

The property was included in the 4 lot Highway 94 Commercial Plan (PCD File # SP-90-001) preliminary plan. From the preliminary plan, the one (1) lot final plat Mientka Subdivision (PCD File # SF-90-001) from this preliminary plan was approved. The subject property was not included in the final plat boundary. At the time of the preliminary plan and final plat, the subject property was fully developed and in operation as a hotel/motel within the existing structures.

The applicant has provided all required reports and plans required for the one-lot subdivision. Subdivision exactions will be subject to applicable BOCC and/or respective fee resolutions, including, but not limited to bridge, drainage, school, park, and traffic impact fees.

**JUSTIFICATION/APPROVAL CRITERIA**

***The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;***

Findings of conformance with the Master Plan were made with the preliminary plan approval. The final plat remains in conformance with the preliminary plan. Conformance with the County Water Master Plan and general Policy Plan requirements are discussed below:

- **Water Master Plan Compliance:** The property and use have been served by Cherokee water since 1985. The district issued a “Recommitment Letter #01”, dated February 3, 2020 as a formal Letter of Recommitment from the CMD to provide municipal water and sewer services to the site in order to comply with County subdivision submittal requirements. According to the Letter, “Cherokee Metro District staff, along with the developer, have determined that 2.3 AF/yr, the highest water use in the preceding 5 years, will be sufficient for this development. There is no irrigation planned on the property.”

The development area is located in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. The District issued a “recommitment letter of service since the property is currently served by Cherokee

District water resources consist primarily on of alluvial groundwater supplies and wells located in the Upper Black Squirrel Basin. The District has undertaken long term efforts to diversify its water supply portfolio and reduce reliance on delivery of water from Colorado Springs Utilities.

These efforts include the development of a groundwater well field in the Black Forest area to access Denver Basin water owned by CMD, a new Water Reclamation Facility for use in recharge of the Upper Black Squirrel Creek aquifer, and development of non-potable wells for irrigation of its golf course.

The District recharges the Upper Black Squirrel Creek aquifer with treated wastewater returns provided by the District and Meridian Service Metropolitan District via intergovernmental agreement. The District has additional renewable supplies through inclusion in the Pikes Peak Regional Water Authority (PPRWA) whose purpose is to provide water providers with additional new sources of water which can be transported throughout the region.

Required analysis, reports, and documentation of service commitments, including available water supply information has been provided in support of the objectives, goals and policies of the El Paso County Water Master Plan. Relevant policies include:

***Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.***

A water supply plan (resources report) including water supply information summary that documents the planned and committed water supply from Cherokee Metropolitan District is adequate to meet the needs of the development.

***Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.***

Water (and wastewater) service is currently provided by Cherokee Metropolitan District. Adequate water resources in terms of quality, quantity, and sustainability are available to serve the continued multifamily use of the property.

***The subdivision is in substantial conformance with the approved preliminary plan;***

The final plat conforms with the approved preliminary plan (PCD File # SP-90-001).

***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;***

The application meets subdivision design standards and requirements for reports plans, maps, and other documents necessary for the review and approval of the final plat application.

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

Water service has been provided to the site and use(s) conducted thereon continuously since 1985. Findings of sufficiency for the existing water supply were made with the preliminary plan approval (cir1990). The district has indicated that the change in use and subdivision of the property will not change the water demand over the previous use. New findings of sufficiency for the current subdivision process are pending final action by the BOCC with recommendations pending final review by the EPC Public Health, EPC County Attorney, and EPC Planning Commission. The State Engineer's Office has issued a letter of opinion that Cherokee has sufficient water resources to continue to serve the use and such service can be provided without injury to decreed water rights.

***A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;***

Wastewater service will continue to be provided by Cherokee Metropolitan District. The existing wastewater service was found to be acceptable at the time of the 1990 preliminary plan approval. Per comments from El Paso County Public Health, the District maintains adequate capacity to meet the wastewater demands of the existing land use. The BOCC will incorporate these findings in their own approval findings and resolution.

***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)];***

No area within the subdivision involves soils or other geologic hazards which would require additional mitigation or impact the continued use of the property as proposed. A soils and geology report was prepared for the developed site to demonstrate compliance with statutory requirements regarding soils analysis and identification of potential hazards. No existing conditions have been identified from the current reporting which would negatively impact or preclude the continued use of the site as a multifamily apartment building.

***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;***

No new drainage or stormwater improvements are proposed. A drainage report was prepared in support of the development. No adverse impacts were identified, and no additional drainage improvements are planned.

***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;***

Public access to the site is from Space Village Avenue via existing shared access easements with adjoining properties which provide additional access to Space village Avenue and Peterson Road. Although located within unincorporated El Paso County, the property is not adjacent to county-controlled rights of way. Space Village Ave is a State controlled access road and Peterson Drive is controlled by city of Colorado Springs.

***Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;***

The above referenced services have been available and delivered by the entities since 1985. Service providers have given letters of commitment to continue providing the required services.

***The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;***

*The property is under the Cimarron Hills Fire Protection District. No additional or special fire mitigation practices or improvements have been required by the fire district.*

***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;***

Off-site impacts have been evaluated at the time of development of the site for compliance with County requirements. Drainage and traffic reports have not identified any off-site improvements necessary to support the site.

***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;***

Required school, park, and bridge and drainage fees in-lieu-of land dedication will be required at the time of plat recordation. No public improvements have been required for this plat.

***The subdivision meets other applicable sections of Chapter 6 and 8; and***

The subdivision meets the applicable sections of Chapters 6 and 8 of the Code.

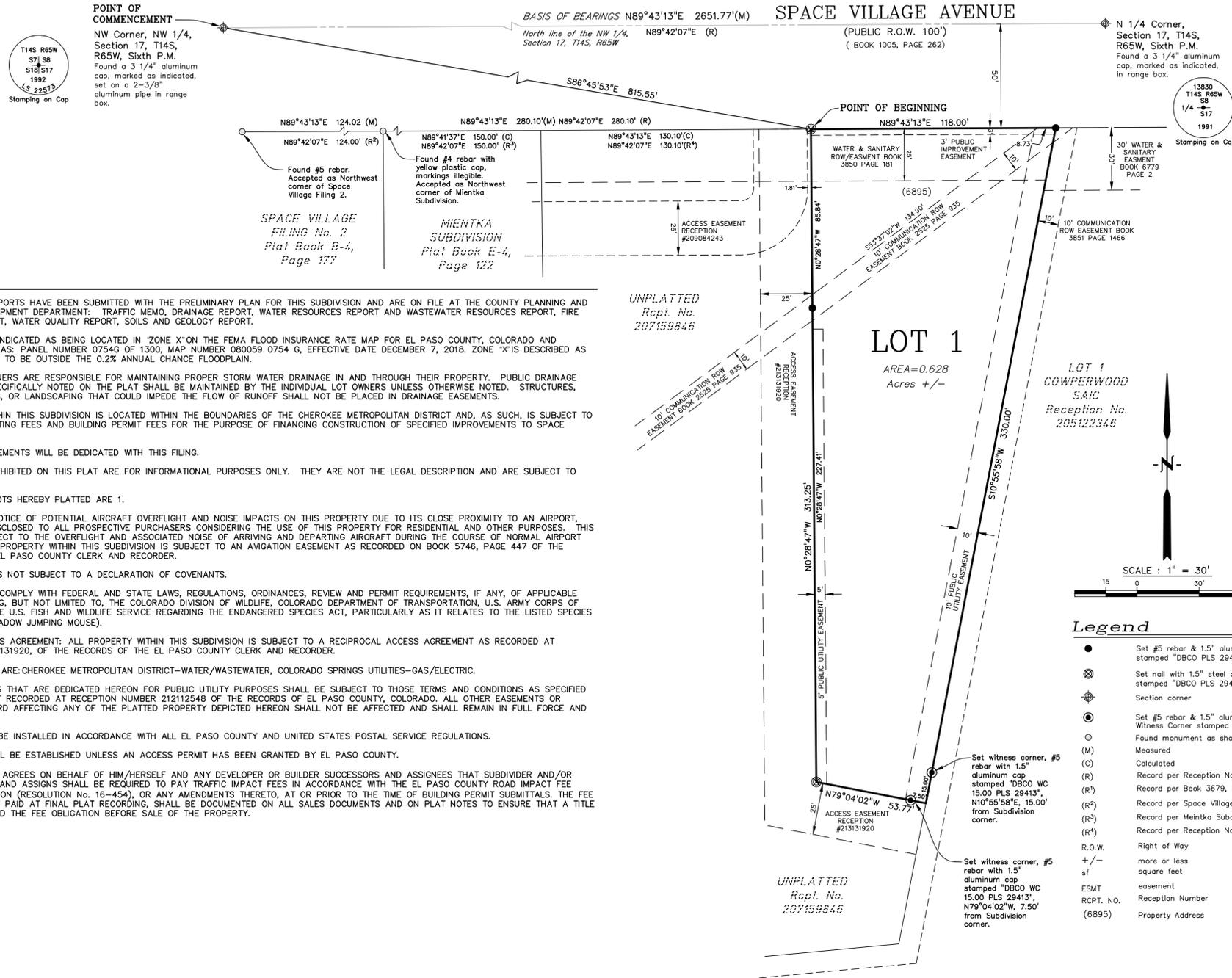
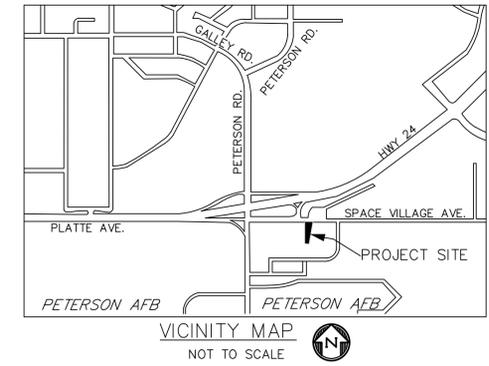
***The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]***

*The extraction of any known commercial mining deposit will not be impeded by this platting action.*

# SPACE VILLAGE APARTMENTS FILING No. 1

A SUBDIVISION OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

TOTAL PLATTED AREA = 0.628 ACRES ±



### PLAT NOTES:

- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRAFFIC MEMO, DRAINAGE REPORT, WATER RESOURCES REPORT AND WASTEWATER RESOURCES REPORT, FIRE PROTECTION REPORT, WATER QUALITY REPORT, SOILS AND GEOLOGY REPORT.
- THE PROPERTY IS INDICATED AS BEING LOCATED IN "ZONE X" ON THE FEMA FLOOD INSURANCE RATE MAP FOR EL PASO COUNTY, COLORADO AND INCORPORATED AREAS: PANEL NUMBER 0754C OF 1300, MAP NUMBER 080059 0754 G, EFFECTIVE DATE DECEMBER 7, 2018. ZONE "X" IS DESCRIBED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE NOTED. STRUCTURES, FENCES, MATERIALS, OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- ALL PROPERTY WITHIN THIS SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF THE CHEROKEE METROPOLITAN DISTRICT AND, AS SUCH, IS SUBJECT TO A MILL LEVY, PLATTING FEES AND BUILDING PERMIT FEES FOR THE PURPOSE OF FINANCING CONSTRUCTION OF SPECIFIED IMPROVEMENTS TO SPACE VILLAGE AVE.
- NO PUBLIC IMPROVEMENTS WILL BE DEDICATED WITH THIS FILING.
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- THE NUMBER OF LOTS HEREBY PLATTED ARE 1.
- THIS SERVES AS NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACTS ON THIS PROPERTY DUE TO ITS CLOSE PROXIMITY TO AN AIRPORT, WHICH IS BEING DISCLOSED TO ALL PROSPECTIVE PURCHASERS CONSIDERING THE USE OF THIS PROPERTY FOR RESIDENTIAL AND OTHER PURPOSES. THIS PROPERTY IS SUBJECT TO THE OVERFLIGHT AND ASSOCIATED NOISE OF ARRIVING AND DEPARTING AIRCRAFT DURING THE COURSE OF NORMAL AIRPORT OPERATIONS. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED ON BOOK 5746, PAGE 447 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- THIS SUBDIVISION IS NOT SUBJECT TO A DECLARATION OF COVENANTS.
- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT 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).
- RECIPROCAL ACCESS AGREEMENT: ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A RECIPROCAL ACCESS AGREEMENT AS RECORDED AT RECEPTION NO. 213131920, OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- UTILITY PROVIDERS ARE: CHEROKEE METROPOLITAN DISTRICT—WATER/WASTEWATER, COLORADO SPRINGS UTILITIES—GAS/ELECTRIC.
- ALL EASEMENTS THAT ARE DEDICATED HEREON FOR PUBLIC UTILITY PURPOSES SHALL BE SUBJECT TO THOSE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED AT RECEPTION NUMBER 212112548 OF THE RECORDS OF EL PASO COUNTY, COLORADO. ALL OTHER EASEMENTS OR INTEREST OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND EFFECT.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- 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. 16-454), 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.

### SURVEYOR'S STATEMENT:

I, JOHN C. DAY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE RESULTS OF A SURVEY MADE ON AUGUST 14, 2020 BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH THE REQUIREMENTS PERTAINING TO LAND SURVEYING OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, THIS PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JOHN C. DAY  
PLS NUMBER 29413  
FOR AND BEHALF OF  
DREXEL BARRELL & CO.  
DATE: \_\_\_\_\_

### SURVEY NOTES:

- "NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON".
- THE BEARINGS AS SHOWN HEREON ARE BASED UPON THE CONSIDERATION THAT THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS NORTH 89°43'13" EAST, SAID LINE IS MONUMENTED AS SHOWN HEREON. THE BEARINGS ARE GRID BEARINGS DERIVED FROM STATIC GPS OBSERVATIONS, BASED IN THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. THE RECORD BASIS OF BEARINGS FOR THIS LINE IS NORTH 89°42'07" EAST PER THAT DOCUMENT RECORDED AT RECEPTION NO. 220035988.
- THE LEGAL DESCRIPTION SHOWN HEREON WAS WRITTEN BY JOHN C. DAY, PROFESSIONAL LAND SURVEYOR (PLS), LICENSED IN THE STATE OF COLORADO, PLS 29413. THIS DESCRIPTION IS BASED ON MEASUREMENTS BETWEEN FOUND AND SET MONUMENTS.
- THE LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT. ALL MONUMENTS FOUND OR SET ARE WITHIN 0.1'+/- OF THE GROUND SURFACE, UNLESS NOTED OTHERWISE.
- THE UNDERSIGNED HAS RELIED UPON OLD REPUBLIC TITLE INSURANCE COMPANY, COMMITMENT FOR TITLE INSURANCE, ORDER NUMBER SC5507922-5 HAVING AN EFFECTIVE DATE OF 01/23/2020 AT 5:00 P.M., FOR OWNERSHIP AND FOR THE PURPOSE OF SHOWING RECORDED EASEMENTS AND RIGHTS-OF-WAY ACROSS SAID PREMISES. THE SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP AND EASEMENTS OF RECORD.
- SURVEY FIELD WORK COMPLETED IN AUGUST 2020.

### KNOW ALL MEN BY THESE PRESENTS:

THAT ELITE PROPERTY GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND:

### LEGAL DESCRIPTION

(See Survey Note 3)  
A PARCEL OF LAND BEING A PART OF THOSE TRACTS OF LAND AS DESCRIBED IN BOOK 3630, PAGE 188 AND BOOK 3679, PAGE 489 OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 TO BEAR SOUTH 89°43'13" EAST, SAID LINE BEING MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "T14S R65W S7 S8 S18 S17 1992 LS 22573" IN A RANGE BOX AND MONUMENTED AT THE EASTERLY TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "13830 T14S R65W S8 1/4 S17 1991" IN A RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE SOUTH 86°45'53" EAST, 815.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SPACE VILLAGE AVENUE AS DESCRIBED IN THAT DOCUMENT RECORDED AT BOOK 1005, PAGE 262 OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 89°43'13" EAST, 118.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3630, PAGE 188;

THENCE S10°55'58"W, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3679, PAGE 489; THENCE N79°04'02"W, 53.77 FEET; THENCE N00°28'47"W, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3679, PAGE 489;

THENCE CONTINUING N00°28'47"W, 85.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SPACE VILLAGE AVENUE TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 0.628 ACRES MORE OR LESS.

### OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO A LOT AND EASEMENTS FOR PUBLIC UTILITIES AND PUBLIC IMPROVEMENT PURPOSES AS SHOWN OR NOTED HEREON UNDER THE NAME AND SUBDIVISION OF "SPACE VILLAGE APARTMENTS FILING No. 1". THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

### IN WITNESS THEREOF:

ELITE PROPERTY GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BY: SCOTT BERKMAN, AS MEMBER  
OF ELITE PROPERTY GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY

### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

BY \_\_\_\_\_ AS MEMBER OF ELITE PROPERTY GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY,

NOTARY PUBLIC  
WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_

### BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT FOR SPACE VILLAGE FILING PLAT No. 1 WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (EASEMENTS) ARE ACCEPTED.

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

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

### CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO )  
COUNTY OF EL PASO )  
I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 AND  
IS DULY RECORDED UNDER RECEPTION NUMBER \_\_\_\_\_ OF  
THE RECORDS OF EL PASO COUNTY, COLORADO.  
CHUCK BROERMAN, RECORDER

FEE: \_\_\_\_\_  
DEPUTY \_\_\_\_\_ SURCHARGE: \_\_\_\_\_

### FEE:

DRAINAGE FEE: \_\_\_\_\_  
BRIDGE FEE: \_\_\_\_\_  
SCHOOL FEE: \_\_\_\_\_  
PARK FEE: \_\_\_\_\_

PCD FILE No. SF2025

APRIL 10, 2021 SHEET 1 OF 1

DREXEL, BARRELL & CO.  
Engineers & Surveyors  
3 SOUTH 7TH STREET  
COLORADO SPRINGS, COLORADO 80905  
(719) 260-0887 Fax: (719) 260-8352  
Job No. 21268-01  
Drawing No. 21268-01 SPACE VILLAGE FILING 1 PLAT



February 18, 2021

El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127

RE: Space Village Apartments (Lot 1, Filling No. 1)  
Final Plat  
NW1/4 Sec. 17, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 27473

To Whom It May Concern:

We have received additional information concerning the above-referenced proposal to repurpose an existing hotel into 22 apartment units on a 0.63 +/- acre tract of land. This office previously provided written comments on January 4, 2021; the comments provided herein shall supersede that previous letter. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

### Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 2.3 acre-feet/year for all combined uses in the new apartment units. Cherokee has determined that the highest water use in the last five years was 2.3 acre-feet/year and has committed to continue to provide that amount to this building. The supplemental information claims that 22 units exist, and will operate as single unit/studio apartments with a lower overall water use than normal apartment units.

### Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee dated February 3, 2020 was included with the submittal. According to the letter, they have committed to supply 2.3 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 2.3 acre-feet/year for the proposed development.

### State Engineer's Office Opinion

Pursuant 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. Should you have any questions, please feel free to contact me directly.



Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is written in a cursive, flowing style.

Ivan Franco, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer  
Doug Hollister, District 10 Water Commissioner

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

Lori L. Seago  
Steven A. Klaffky  
Mary Ritchie  
Bryan E. Schmid  
Nathan J. Whitney  
Michael J. Desmond  
Christopher M. Strider  
Terry A. Sample  
Dorey L. Spotts

September 1, 2021

SF-20-25      Space Village Apartments  
Final Plat

Reviewed by:      Lori L. Seago, Senior Assistant County Attorney  
Edi Anderson, Paralegal, ACP

### FINDINGS AND CONCLUSIONS:

1. This is a final plat proposal by Elite Property Group, LLC ("Applicant") to create one legal lot which comprises 22 multi-family residential housing units on .63 +/- acres at the address known as 6895 Space Village Avenue (the "Property"). The proposal will create a legal lot which will be an initial step toward a variance request to authorize the use of an existing motel structure for multifamily residential apartments in a CC (Commercial Community) zoning district.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "Cherokee"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 2.3 acre-feet per year, equating to 0.105 AF/year per unit.<sup>1</sup> Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 690 acre-feet of water (2.3 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. The General Manager of the District provided a letter committing to provide water service for the development located at 6895 Space Village Avenue which is located within the District's boundaries. The District's commitment is delineated as follows:

<sup>1</sup> The El Paso County Land Development Code establishes a minimum presumptive household use value of 0.20 AF/year per multifamily unit. The Applicant provided a Water Provider's Supplementary Report for proposed Redevelopment of 6895 Space Village Avenue dated August 16<sup>th</sup>, 2021 ("Supplement"), which Supplement provided actual annual water demand data for the Property from 2015-2019. Based on the data provided, the County Attorney's Office is satisfied that estimated household water demand is supported by adequate evidence.



Type of Use	Demand (AF/yr)
Domestic	2.3
Irrigation	0
<b>Total</b>	<b>2.3</b>

The District Manager stated that this development has received District water service since 1985. Specifically, the “building is being renovated and the district understands this will not change water demand over previous use. As such, a new commitment of water and wastewater [is] not being made. Cherokee Metropolitan District staff, along with the developer, have determined that 2.3 AF/yr, the highest water use in the preceding five years, will be sufficient for this development. There is no irrigation planned on the property.”

Finally, the District’s commitment is only a conditional commitment, as noted in the District’s letter: “[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. If the plans are altered from what has been provided to the District, you must submit a new commitment request prior to submitting the plans to El Paso County, which may result in a recalculation of the water demand for the project.”

4. The Applicant also provided a *Water Resources Report for Lot 1, Space Village Subdivision Filing No. 1* dated September 2020, as prepared by Drexel, Barrell & Co. (the “Report”). The Report describes the project site as an “existing 2 story motel with associated parking and landscaping. The proposed improvement includes converting the building into an apartment building. ... Cherokee Metropolitan District understands the renovation will not change the water supply from that of previous use ....” The Report identifies the water demand as 2.3 acre-feet/year.

5. In a letter dated February 18, 2021, the State Engineer reviewed the application to repurpose an existing hotel into 22 apartment units on 1 lot of a 0.63 +/- acre parcel. The State Engineer identifies that the WSIS cites the water demand for the development at 2.3 acre-feet/year. The State Engineer stated the development will be served by Cherokee and “a letter of commitment from Cherokee dated February 3, 2020 was included with the submittal.<sup>2</sup> According to the letter, they have committed to supply 2.3 acre-feet/year to the proposed development.” Further, the State Engineer states that “[a]ccording to this office’s records, it appears that Cherokee has adequate water resources to serve 2.3 acre-feet/year for the proposed development.”

Finally, 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.”

<sup>2</sup> A subsequent letter of commitment was provided by Cherokee Metropolitan District dated April 7, 2021, confirming their water commitment of 2.3 acre-feet/year to the development.

6. 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, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.

7. Analysis: As indicated above, this review is based on a water demand of 2.3 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District appears to have adequate water resources to serve the estimated demand of 2.3 acre-feet/year for the proposed development.

8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 2.3 acre-feet/year and a commitment from the District in the amount of 2.3 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding of **conditional sufficiency** as to water quantity and dependability for the Space Village Apartments development.

#### **CONDITIONS OF COMPLIANCE:**

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

B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated April 7, 2021, based on the plans as currently submitted (approval must be provided by April 7, 2022), 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.**

C. Prior to recording the final plat, Applicant shall update the Water Resources Report by removing the February 3, 2020 District commitment letter and inserting the District letter dated April 7, 2021.

cc: Ryan Howser, Planner II



Prevent • Promote • Protect

Environmental Health Division  
1675 W. Garden of the Gods Road  
Suite 2044  
Colorado Springs, CO 80907  
(719) 578-3199 *phone*  
(719) 578-3188 *fax*  
[www.elpasocountyhealth.org](http://www.elpasocountyhealth.org)

### **Space Village Apartments, SF-20-25**

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

- The .63-acre lot will be provided water by Cherokee Metropolitan District. There is a finding for sufficiency in terms of water quality for this Colorado Department of Public Health and Environment regulated and approved district. PWSID # CO-0121125 has been assigned to the District by the Colorado Department of Public Health and Environment. There is a Commitment Letter from Cherokee Metropolitan District dated 03Feb2020 on file for providing water to the development.
- Wastewater service will be provided by Cherokee Metropolitan District. Per the previous 03Feb2020 Commitment Letter from Cherokee Metropolitan District, there is adequate capacity at the wastewater treatment facility for the anticipated wastewater flow generated from this development project.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to commercial areas using sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.

Mike McCarthy  
El Paso County Public Health  
719-575-8602  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
30Jan2021

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Thursday, October 7, 2021  
El Paso County Planning and Community Development Department  
2880 International Circle, Colorado Springs, Colorado 80910

**REGULAR HEARING**  
**9:00 a.m.**

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, BECKY FULLER, JOAN LUCIA-TREESE, JAY CARLSON, ERIC MORAES, BRANDY MERRIAM, TIM TROWBRIDGE, AND SARAH BRITAIN JACK**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: NONE**

**PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ**

**ABSENT: GRACE BLEA-NUNEZ**

**STAFF PRESENT: NINA RUIZ, DANIEL TORRES, CARLOS HERNANDEZ (VIA REMOTE ACCESS), LUPE PACKMAN, GILBERT LAFORCE, JOHN GREEN, RYAN HOWSER, KARI PARSONS, ELENA KREBS, EL PASO COUNTY ENGINEER JENNIFER IRVINE, AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND MARY RITCHIE**

**OTHERS SPEAKING AT THE HEARING: DANNY MIENKA, DAVID WHITEHEAD, JIM HOULK, HEATHER DILLARD, VICTORIA CHAVEZ (CDOT), AND DAVID SPRAGUE (CDOT)**

**Report Items**

**1. A. Report Items -- Planning and Community Development Department -- Ms. Ruiz -- The following information was discussed:**

- a) The next scheduled Planning Commission meeting is for **Tuesday, November 2, 2021 at 9:00 a.m.****

- b) **Ms. Ruiz** gave an update on the year-to-date building permits and also provided an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting. Mr. Dossey will be presenting the end of the year report at the next scheduled hearing.
- c) **Mr. Trowbridge** provided an update on the revisions to the Planning Commission Bylaws. He will be sitting down with **Ms. Seago** to finalize changes.

**B. Public Input on Items Not Listed on the Agenda – NONE**

**2. CONSENT ITEMS**

**A. Approval of the Minutes – September 2, 2021**

The minutes were unanimously approved as presented. (9-0)

**B. SF-21-013**

**HOWSER**

**VACATION AND REPLAT  
BRIDLE BIT RANCH FILING NO. 1A**

A request by Nicole Telle for approval of a vacation and replat of one (1) single-family residential lot into two (2) single-family residential lots. The 10.12-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Bridle Bit Road, approximately one mile east of the Shoup Road and Highway 83 intersection and within Section 10, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 62100-01-011) (Commissioner District No. 1)

**Ms. Fuller** – Is the second well permit approved?

**Ms. Seago** – I defer to the applicant as we don't typically deal with wells. They are required to get the well permit, but we do not monitor what they have or do.

**Mr. Whitehead** – The well permit cannot be applied for until the property is divided because we are only allowed one well permit per property. We are prepared to do that, and at the same time the findings did tell us we need to reapply for a well permit on the existing well because of the adjudication from the court.

**PC ACTION: FULLER MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, SF-21-013, FOR A VACATION AND REPLAT FOR BRIDLE BIT RANCH FILING NO. 1A, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-056, WITH NINE (9) CONDITIONS AND FOUR (4) NOTATIONS, WITH A FINDING OF**

**WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**C. SF-20-025**

**HOWSER**

**FINAL PLAT  
SPACE VILLAGE APARTMENTS FILING NO. 1**

A request by Bridle Dale, LLC, for approval of a final plat to create one (1) 0.63-acre commercial lot. The property is zoned CC (Commercial Community) and is located on the south side of Space Village Avenue, approximately 785 feet east of the intersection of Space Village Avenue and Peterson Boulevard and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54170-00-019) (Commissioner District No. 4)

**PC ACTION: FULLER MOVED/ LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, SF-20-025, FOR A FINAL PLAT FOR SPACE VILLAGE APARTMENTS FILING NO. 1, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-057, WITH TWELVE (12) CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**D. SF-20-015**

**PARSONS**

**FINAL PLAT  
STERLING RANCH FILING NO. 2**

A request by SR Land, LLC, Morley Bentley, LLC, Trader Vics, LP, 8335 Vollmer Road, LLC, and Challenger Communities, LLC for approval of a final plat to create 49 single-family residential lots and eleven (11) tracts. The 49.54-acre property is zoned RS-5000 (Residential Suburban) and is located west of Dines Ranch Road, at the northeast corner of the Vollmer Road and Tahiti Drive intersection and is within Sections 32 and 33, Township 12 South, and Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos. 52000-00-231, 52000-00-364, 52330-00-013, 52324-00-004, 53000-00-173, and 53000-00-222) (Commissioner District No. 2)

**PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2D, SF-20-015, FOR A FINAL PLAT FOR STERLING RANCH FILING NO. 2, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-055, WITH EIGHTEEN (18) CONDITIONS AND ONE (1) NOTATION, WITH A FINDING OF WATER**

**SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**E. MS-21-003**

**GREEN**

**MINOR SUBDIVISION  
RAPSON SUBDIVISION**

A request by Andrea and William Rapson for approval of a minor subdivision to create two (2) single-family residential lots. The 19.6-acre property is zoned RR-5 (Residential Rural) and is located southeast of the intersection of Hardy Road and Black Squirrel Road, approximately one mile north of Hodgen Road and is within Section 14, Township 11, Range 65 West of the 6th P.M. (Parcel No. 51140-00-007) (Commissioner District No. 1)

**PC ACTION: TROWBRIDGE MOVED/MORAES SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2E, MS-21-003, FOR A MINOR SUBDIVISION FOR RAPSON SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-053, WITH NINE (9) CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**F. VA-21-003**

**GREEN**

**VARIANCE OF USE  
3475 MULBERRY VARIANCE OF USE**

A request by Mulberry Ridge, LLC, for approval of a variance of use for an observatory and related facilities. The 35.48 acre property is zoned A-35 (Agricultural) and is located one mile west of North Yoder Road, and immediately northeast of the intersection of Mulberry Road and Big Springs Road, and is within Section 26, Township 13, Range 61 West of the 6th P.M. (Parcel No. 13000-00-469) (Commissioner District No. 4)

**Mr. Bailey** – Could you clarify why there is a deadline on this and not an indefinite approval?

**Mr. Green** – In the 2011 approval of the variance of use that condition was placed then, it wouldn't be a standard practice today, so that is why there are

renewals for the 2000 variance and the 2011 variance. Our standard practice now would not have those time clauses unless it is a very unique situation.

**Mr. Bailey** – What we're asked to approve today would be an indefinite approval for this variance of use?

**Mr. Green** – Correct.

**Ms. Fuller** – I appreciate the change has been made in the county to make these indefinite approvals. It is good public policy.

**PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2F, VA-21-003, FOR A VARIANCE OF USE FOR 3475 MULBERRY VARIANCE OF USE, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-058, WITH SEVEN (7) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

### Regular Items

#### 3. SP-20-011

**PARSONS**

#### **PRELIMINARY PLAN CROSSROADS AT MEADOWBROOK MIXED USE**

A request by Colorado Springs Equities, LLC, for approval of a preliminary plan to create one (1) multi-dwelling lot, and ten (10) commercial lots. The 29.04-acre parcel is zoned RM-30 (Residential Multi-Dwelling) and CR (Commercial Regional) and is located at the northwest corner of the Meadowbrook Parkway and Highway 24 intersection and is within Section 8, Township, 14 South, Range 65 West of the 6th P.M. (Parcel No. 54080-07-005) (Commissioner District No. 2).

**Ms. Parsons** gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Preliminary Plan, **Ms. Parsons** then introduced the applicant, **Danny Mientka** to present the overall concept for the area, to be followed by the applicant's representative **Jim Houlk**, with **Kimley-Horn** for the site specific presentation. **Mr. Mientka and Mr. Houlk's** presentations are part of the permanent file.

**Ms. Merriam** – I know the traffic can be dangerous, especially during the winter. You're adding the additional families, and you're putting a place where children will want to go across the highway, but I don't see any consideration for a pedestrian bridge on either direction. What is the consideration on that?

**Mr. Mientka** – We had a very exhaustive traffic analysis for all these developments, and it looked at each one of these and how they interfaced with one another. We agreed with that study and our discussions with the city, the county and cdot on a

number of improvements that will be made incrementally as these developments come online. There is actually a lot of public improvements that come about these developments as they start to develop. Traffic signals, sidewalks, ADA accessibility, extended turn lanes, off ramps, it is quite extensive.

**Ms. Merriam** – An area that is similar is the MLK bypass on Chelton, and they had to create a pedestrian bridge for the boys and girls club across the street. That isn't nearly as large as this development. The other question was that it will be quite a mall complex, and in the report, it had sit down restaurants at 8000 square feet and the fast food was at 11 square feet. I'm assuming that is a total, not that the fast food is bigger than the sit down, am I correct?

**Mr. Mientka** – That may very well be a typo.

**Mr. Moraes** – You've talked about the housing shortage that is in the area, have you thought about using some of that retail space and going vertical by putting apartments or lofts on top of the development. Has that been thought here?

**Mr. Mientka** – We are restricted within the Crossroads North of course due to the accident protection zone with the airport. We can't do any residential within that Crossroads North. We're looking at extraordinary densities within Reagan, I see this as infill and we're going to get more mileage off the road and utility network that exists, and then we're upgrading the utilities. This land is finally in front of you because it took all of the time to aggregate the scale large enough to meet that lift on the utilities. Density is the name of the game.

**Mr. Moraes** – I would think that you would maximize density when you start going into the third dimension. I think that is something for people to think about as we continue to develop the county. I would encourage if it is feasible to underground all that detention because I have been in communities where the detention areas are used as open space and park space and eventually it becomes somebody's problem to clean it up as water from wherever starts to fill that area and it becomes a swampy mess.

**Mr. Mientka then introduced Jim Houlk with Kimley-Horn to provide the site specific presentation.**

**Mr. Carlson** – It looked like the airport is requiring the multifamily folks to sign an acknowledgement that they are in a noisy airport zone, did they require of that of development no. 4? **Mr. Houlk** – Yes they did.

**Ms. Parsons** gave a brief presentation to the Planning Commission. Her report is on the permanent file.

**Ms. Merriam** – If appropriate for the area, at what stage would a pedestrian bridge be developed?

**Ms. Irvine** – Typically when you look at a pedestrian bridge, you're looking at more of a generation thing, pedestrian generation. We would look at the kind of pedestrian traffic. What I would say about this area is that it is likely to continue development. There is a long range planning document for US HWY 24 that the county developed with CDOT and the City of Colorado Springs, at this time it has not identified a pedestrian bridge in this area. There are other locations where that pedestrian access is more appropriate.

**Ms. Merriam** – You're doing something completely different. The historic reference doesn't seem to be relevant to this particular case, because I want the success of the development and I can see this as one of the shortfalls.

**Ms. Irvine** – Those pedestrian bridges are typically done with CDOT because it is a state highway, so it isn't something that is done with this type of development that you see in front of you. **Ms. Merriam** – Is it a public partnership that can be utilized with some of the big box stores? **Ms. Irvine** – It could be down the road. I think what we will see here is those connectivity's at the larger intersections down the road.

**Mr. Moraes** – How old is that US 24 plan?

**Ms. Irvine** – I want to say it was adopted in 2019. **Mr. Moraes** – So before multifamily housing was even a thought in this area. **Ms. Irvine** – No, we knew this type of redevelopment was coming in this area. Those are the type of things from a long range planning standpoint, we look at the highest and best use, so those kinds of developments were already planned for this area. **Mr. Moraes** – I see this plan as developing multifamily and not having access to the sports complex across the highway, without using a car.

**Ms. Ruiz** – I just want to remind the planning commission that the rezoning has already gone through and is in place today. With that rezoning they did prepare a traffic study. **Mr. Moraes** – Did the traffic study include pedestrians? **Ms. Ruiz** – I haven't viewed the traffic study myself, but what is for discussion today is the specific layout and not the land uses. So, if the traffic study doesn't call for improvements and our county engineer has identified at this time there are also no improvements for a pedestrian bridge, it would be inappropriate for us to have that discussion.

**Mr. Moraes** – The rezoning was the use of the area. When we get to the preliminary plan, that's solving all the other issues that come with it. **Ms. Ruiz** – Those improvements that have been identified in the reports prepared by the appropriate professional that says roadway improvements might be necessary and so on, that is correct. **Mr. Moraes** – For vehicular traffic.

**Ms. Parsons** – I mentioned that Meadowbrook Parkway would be extended when the development to the west occurs, Meadowbrook Parkway will then be further developed to the interchange with sidewalks. People will have the ability to walk that area by utilizing the pedestrian bridge or at grade pedestrian crossing, and when

Reagan Ranch develops in the city there are requirements to have those sidewalks meeting the ADA standards throughout the development. You're talking about a multiyear project to achieve the goal, but you will have that pedestrian connectivity to the sports complex when all the developments are on the ground.

**Ms. Fuller** – I think we are a little bit off topic as far as the pedestrian bridge. This part of the county is car dependent. My suggestion would be to accept the traffic study as it is and move on.

**Mr. Carlson** – I agree.

**Note for the record: The Chair called a short recess at 10:20. The hearing reconvened at 10:30. Quorum is still place.**

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Ms. Dillard** – The parking issue is a concerning. I would like to know how the noise and parking issues will be resolved on Boreal Drive.

**Ms. Parsons** – The Boreal Street is in the residential development across from this proposed preliminary plan, and yes I can assure the Planning Commission that the LDC does require the development to house its parking on its own lot, so there isn't going to be any street parking

**DISCUSSION: NONE**

**PC ACTION: BAILEY MOVED/CARLSON SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, SP-20-011, FOR A PRELIMINARY PLAN FOR CROSSROADS AT MEADOWBROOK MIXED USE, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-054, WITH SIX (6) CONDITIONS, THREE (3) NOTATIONS AND ONE (1) WAIVER, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**4. AMP-21-001**

**CHAVEZ/IRVINE**

**CO 83 ACCESS CONTROL PLAN  
INFORMATIONAL PURPOSES ONLY – NO ACTION NEEDED**

The Colorado Department of Transportation (CDOT), City of Colorado Springs (COS), and El Paso County collaborated to develop an Access Control Plan (ACP) for CO 83 between Powers Boulevard (CO21) and County Line Road (Palmer Divide Road) or 9.85 miles. An ACP is a long-range plan for ultimate access conditions that address

existing spacing deficiencies, improves mobility and enhances safety. The CDOT presentation is part of the permanent record.

**Mr. Carlson** – You mentioned that there were 75 private entrances notified. How were those people notified?

**Mr. Sprague** – We mailed a postcard to all the properties and advertise in four of the local newspapers in the area, and reached out to the homeowners associations in the area and provide them with the information to share with their residents.

**Mr. Carlson** – There are a lot of properties that will lose access to the highway. Were those people notified they were going to lose access? **Mr. Sprague** – They were invited to the meetings. **Mr. Carlson** - What would trigger closing off those access points to the individual properties and who would determine that? **Mr. Sprague** –First of all we had over a hundred individuals that visited the website and only 44 that left comments, meaning a lot of individuals did visit the meeting. In terms of closing access nothing happens to their property. 95% of these driveways will never change they will remain full movement access to the highway. If they are redeveloped at the time of the design, it would be addressed. Properties can never have their driveways closed.

**PC ACTION: NO ACTION NEEDED; ITEM IS FOR INFORMATIONAL PURPOSES ONLY.**

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at [www.elpasoco.com](http://www.elpasoco.com) to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Fuller moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. SF-20-025  
SPACE VILLAGE APARTMENTS FILING NO. 1**

WHEREAS, Bridle Dale, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for Space Village Apartments Filing No. 1 Subdivision 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 October 7, 2021; 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 subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision 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 that the Planning Commission recommends approval of the application for the final plat of the Space Village Apartments Filing No. 1 Subdivision with the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat

recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. The developer shall construct a sidewalk along Space Village Avenue north of the property. The sidewalk shall be depicted on the associated site development plan and shall be constructed within 90 days of administrative approval of the site development plan. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to construct the improvements.
9. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$10,274.00 and urban park (Area 5) fees in the amount of \$6,490.00 shall be paid at the time of plat recordation.
10. Fees in lieu of school land dedication in the amount of \$2,244.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

## **NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Planning and Community Development Department.

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.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye

Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Fuller	aye
Commissioner Carlson	aye
Commissioner Lucia-Treese	aye
Commissioner Merriam	aye
Commissioner Brittain Jack	aye

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

DATED: October 7, 2021

---

Brian Risley, Chair

## EXHIBIT A

### LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER, SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 OF THE RECORDS OF SAID COUNTY, ALSO BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489 OF SAID RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17;

THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS E, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 1005 AT PAGE 262 OF SAID RECORDS, (ALL BEARINGS REFERRED TO HEREIN ARE RELATIVE TO THE NORTH LINE OF SAID SECTION 17, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST);

THENCE, NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 533.50 FEET ALONG SAID WESTERLY EXTENSION AND SOUTHERLY LINE TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 3630 AT PAGE 188;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 280.10 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST 118.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 10 DEGREES 54 MINUTES 42 SECONDS WEST, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE NORTH 79 DEGREES 5 MINUTES 8 SECONDS WEST, 53.77 FEET

THENCE NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE CONTINUING NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 85.84 FEET TO THE POINT OF BEGINNING.

RESOLUTION NO. 21-

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

APPROVE FINAL PLAT FOR SPACE VILLAGE APARTMENTS FILING NO. 1  
(SF-20-025)

WHEREAS, Bridle Dale, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Space Village Apartments Filing No. 1 Subdivision 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 October 7, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on October 26, 2021; 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.
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. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision 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 final plat application for the Space Village Apartments Filing No. 1 Subdivision;

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

**CONDITIONS**

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

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. The developer shall construct a sidewalk along Space Village Avenue north of the property. The sidewalk shall be depicted on the associated site development plan and shall be constructed within 90 days of administrative approval of the site development plan. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to construct the improvements.
9. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$10,274.00 and urban park (Area 5) fees in the amount of \$6,490.00 shall be paid at the time of plat recordation.
10. Fees in lieu of school land dedication in the amount of \$2,244.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

12. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

**NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
  
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Planning and Community Development Department.

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

DONE THIS 26<sup>th</sup> day of October, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

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

EXHIBIT A

**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTHWEST QUARTER, SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 OF THE RECORDS OF SAID COUNTY, ALSO BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489 OF SAID RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17;  
THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS E, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 1005 AT PAGE 262 OF SAID RECORDS, (ALL BEARINGS REFERRED TO HEREIN ARE RELATIVE TO THE NORTH LINE OF SAID SECTION 17, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST);

THENCE, NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 533.50 FEET ALONG SAID WESTERLY EXTENSION AND SOUTHERLY LINE TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 3630 AT PAGE 188;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 280.10 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST 118.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 10 DEGREES 54 MINUTES 42 SECONDS WEST, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE NORTH 79 DEGREES 5 MINUTES 8 SECONDS WEST, 53.77 FEET

THENCE NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE CONTINUING NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 85.84 FEET TO THE POINT OF BEGINNING.