



8/6/2020

## LETTER OF INTENT: SPACE VILLAGE APARTMENTS FINAL PLAT

### Property/Owner Information:

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 single multifamily residential lot in the CC zoning district to correct a subdivision violation whereby the parcel was rendered an illegal subdivision or illegal parcel.

The plat request is in support of resolving longstanding land use violations and bring the existing multifamily use into conformance with County Zoning and Subdivision Ordinances.

### 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 preliminary plan and final plat applications included waivers of report requirements and bridge and drainage fees based on the existing developed condition of the subject properties. The BOCC approved the waiver of report requirements in lieu of submitting a "post" development report. The Board resolution of the final plat for the preliminary plan area included a separate resolution to waive bridge and drainage fees for plats within the preliminary plan area. These allowances were granted by a previous Board to address circumstances and conditions which may no longer exist. 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

The final plat review criteria are listed below together with discussion on how each is addressed through the application process:

### **Criteria for Approval.**

In approving a final plat, the BOCC shall find that,

- ***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.

**Water Master Plan Compliance:** 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 Widefield Water and Sanitation 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;~~  
Findings of sufficiency for the existing water supply were made with the preliminary plan approval (cir1990). Water service will continue to be provided by Cherokee Metropolitan District.

- **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;**

The existing wastewater service from Cherokee Metropolitan District was found to be acceptable at the time of preliminary plan approval. Wastewater service will continue to be provided by Cherokee Metropolitan District.

New finding of sufficiency required since criteria has changed since 1990

Same comment as above. Review revised Chapter 8 and ensure that current standards are met.

- 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 ~~letter~~ 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;**

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Off-site impacts have been evaluated at the time of development of the site for compliance with County requirements. Drainage and traffic letter 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.*

The applicant requests consideration of the justification provided in support of compliance with the final plat findings and review criteria.

**Property History/Development Timeline**

Property has been subject to numerous zoning approvals, subdivision actions, and site development plan approvals and amendments. Which accommodated the existing uses throughout a larger planned development area. Conveyances of property among previous owners have resulted in the current configuration of the Subject Parcel.

- Portions of the property were zoned I-3 (Heavy Industrial) and C-1 (Commercial)
- PBP-83-002Z: rezoned CC (Community Commercial, formerly PBP) February 24, 1983
  - Split zoned (portions of property zoned I-3 and C-1)
  - Hotel/lodging were permitted uses in C-1
  - Staff encouraged zoning to PBP (Currently CC)
- PBP-83-017: Site Development Plan Approval which included:
  - 22,000 SF 70- unit hotel with conference and business facilities.
  - Two (2) extended stay lodges with suite/studio style units with kitchenettes and laundry facilities
  - Convenience commercial and retail
  - Lodging (hotel/motel/extended stay options)
  - Single story 20-unit building.
- BOA -83-074: approved dimensional variances necessary to mitigate limitations of zoning district with respect to existing development on the property. See attached for additional information.
- Hotel constructed in 1985 together with hotel on adjacent property (parcel ID No. 54170-00-020)
- Subject property in current configuration created Cir 1986 in support of development of hotels located on both the subject and adjacent parcel (not part of this application or associated with applicant and/or subject property.)
- SP-90-001: Approved as part of 4 lot preliminary plan
- 1991 County LDC amendments CC (Community Commercial) district required special use for hotel/lodging uses. Subject property becomes legal nonconforming use.
- AL-02-022: made nonconforming use as hotel conforming in new CC zone district