


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Kari Parsons, Planner III
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: SP-20-010
 Project Name: Bent Grass East Commercial
 Parcel Nos.: 54080-07-005**

OWNER:	REPRESENTATIVE:
Land First, Inc. 1378 Promontory Bluff View Colorado Springs, CO. 80921	N.E.S., Inc. 610 S. Cascade Avenue, Suite 201 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	11/2/2021
Board of County Commissioners Hearing Date	11/9/2021

EXECUTIVE SUMMARY

A request by Land First, Inc., for approval of a preliminary plan to create six (6) commercial lots. The 5.05-acre parcel is zoned CS (Commercial Service) and is located at the southwest corner of the Bent Grass Meadows Drive and Meridian Park Drive intersection and is within Section 1, Township, 13 South, Range 65 West of the 6th P.M. The property is included within the boundaries of the Falcon/Peyton Small Area Master Plan (2008). The applicant is also requesting the Board of County Commissioners make a finding of water sufficiency in terms of quality, quantity, and dependability. Approval



by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s). The applicant is also requesting approval to perform pre-development site grading to include installation of wet utilities.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Land First, Inc., for approval of a preliminary plan to create six (6) commercial lots.

Waiver(s)/Deviation(s): The applicant is requesting waiver(s) and deviation(s) of the El Paso County Land Development Code (2019) and Engineering Criteria Manual (2020) with this application.

The applicant is requesting the following waivers of the LDC:

1. A waiver of Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are not proposed to be built to public road standards.
 - Section 8.4.4.C, *Public Roads Required*, of the Code states: “Divisions of land, lots and tracts shall be served by public roads.”
 - Section 8.4.4.E.3, *Private Road Allowances*, of the Code states: “Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths; and
 - Maximum grade.”

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested waivers. Per the proposed preliminary plan, adequate lot accessibility can be provided via the proposed private roadway. The applicant has depicted a sidewalk design and layout that accommodates pedestrian movement throughout the proposed preliminary plan and allows for connections to the adjacent existing sidewalks.

The applicant has obtained written endorsement from the Falcon Fire Protection District and the maintenance for the private roads is proposed to be provided by the Bent Grass Commercial Merchants Association.

The applicant is requesting the following deviation(s) from the Engineering Criteria Manual (ECM) (2016):

1. A deviation of Section 2.2.4.B.6, Table 2-7, and Section 2.5.2.B.3 of the ECM to allow for a modified private road cross-section from the County standards for their roadway to include a reduced centerline radius of 100 feet and a sidewalk on one side of the roadway.

Table 2-7 of the ECM identifies a centerline radius of 200 feet for urban local roadways. Additionally, Section 2.5.2.B.3 indicates that sidewalks shall be installed on both sides of the roadway.

ECM Administrator Recommendation:

The deviation request has been approved by the ECM Administrator as the proposed centerline radius will provide adequate truck access as shown in the truck turning exhibit submitted with the application, no parking will be allowed on the roadway, and the applicant has obtained written endorsement from the fire protection district. Additionally, the proposed sidewalk will connect to existing sidewalks and mid-block pedestrian ramps will be provided to the other side of the roadway providing circulation for all lots.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a Preliminary Plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed

subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North:	RR-5 (Residential Rural)	Single Family
	PUD (Planned Unit Development)	Vacant (Commercial)
South:	CS (Commercial Service)	Drainage Tract
East:	CS (Commercial Service)	Commercial
West:	PUD (Planned Unit Development)	Single Family Detached

E. BACKGROUND

The Bent Grass Overall Development and Phasing Plan (PCD file no. PUD-06-004), approved by the Board of County Commissioners on April 12, 2007, addressed general land uses, overall density, transitions, and buffers. It also designated major open space, drainage, and transportation corridors. The proposed Bent Grass East Commercial Filing No. 2 Preliminary Plan is located at the southeastern boundary of the overall Bent Grass development, which established a commercial land use in the subject area.

A map amendment (rezoning) (PCD file no. P-12-005) to CS (Commercial Service) for 13.2 acres of the Bent Grass Overall Development and Phasing Plan, was approved by the Board of County Commissioners March 26, 2013.

A 13.2-acre preliminary plan (PCD file no. SP-12-007), which included four (4) commercial lots, a detention tract and public right-of-way, was also approved by the Board of County Commissioners on March 26, 2013. A final plat (PCD file no. SF-12-012) was also approved by the Board and included one (1) commercial lot and a future development tract, known as "Tract A", Bent Grass East Commercial Filing No. 1. The plat was recorded on June 3, 2013.

The Board of County Commissioners approved a second final plat within the preliminary plan area which included replatting the future development tract into three (3) commercial lots, a detention facility tract and a future development tract, on

September 9, 2014. The subject 5.35-acre future development tract is known as “Tract B” pursuant to the Bent Grass East Commercial Filing No. 2 Final Plat (PCD file no. SF-14-011), which was recorded on October 9, 2014.

The applicant has made a request for approval of a preliminary plan for “Tract B” of the Bent Grass East Commercial Filing No. 2 Final Plat to allow for the creation of create six (6) lots and a tract to be utilized for a private roadway, stormwater drainage flows and utilities. A request for a finding of sufficiency for water quality, quantity, and dependability is included with the preliminary plan request. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s).

F. ANALYSIS

1. Land Development Code Compliance

The application meets the preliminary plan 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).

This portion of El Paso County has experienced, and continues to experience, significant growth and development along the Meridian Road and Woodmen Road corridors. Immediately adjacent to the west is the Bent Grass Residential Subdivision Filing No. 1, which has been completely built out and is zoned PUD (Planned Unit Development). An existing cedar fence separates the proposed commercial development from the residential land use. The developer is required to provide landscape adjacent to the fence to further mitigate the commercial land use from the residential land use. It should be noted that at the time the residential development to the west was developed the subject property was zoned CS (Commercial Service). To the east across Meridian Park Drive, which is a public urban local roadway, the properties are zoned CS and are developed with commercial uses. Immediately adjacent to the subject property to the south is an existing drainage detention pond that serves the overall Bent Grass Commercial development. An animal hospital has also been constructed to the south on an adjacent platted lot within the Bent Grass East Commercial Filing No. 2.

Falcon Meadows Market Place is zoned CR (Commercial Regional) and is located one-quarter (1/4) of a mile south of the proposed development area at the northwest corner of the Woodmen Road and Meridian Road intersection.

Meridian Park Drive, a public urban local roadway, is anticipated to connect from the requested preliminary plan area to Falcon Market Place, a public collector roadway, within the Falcon Meadows Market Place development through the property to the south which is currently zoned RR-5 (Residential Rural) and is anticipated to be redeveloped for commercial land uses. Falcon Market Place connects to Woodmen Frontage Road, which ultimately connects to Woodmen Road at its intersection with Golden Sage Road.

2. Zoning Compliance

The subject property is zoned CS (Commercial Service). The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.

The density and dimensional standards for the CR zoning district are as follows:

- Minimum lot size: none
- Minimum setback requirement: front 25 feet * ***, side 25 feet * ** ***, rear 25 feet* ** ***
- Maximum lot coverage: none
- Maximum Height: 40 feet

*Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from residential zoning districts. Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

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

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

The applicant is requesting approval of a preliminary plan to allow for the creation of six (6) commercial lots and one (1) tract to be utilized for private roadways, utilities, and stormwater drainage flows. All of the lots included within the preliminary plan meet the minimum lot size requirement of the CS zoning district.

Site development plans will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards of the Code.

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. A finding of consistency with the El Paso County Policy Plan (1998) was made previously by the Board of County Commissioners with approval of the following: The Bent Grass Overall Development and Phasing Plan (PCD file no. PUD-06-004); the map amendment (rezoning) (PCD file no. P-12-005) from PUD (Planned Unit Development Rural) to CS (Commercial Service); the Bent Grass East Commercial Filing No. 1 Preliminary Plan (PCD file no. SP-12-007) and with Bent Grass East Commercial Filing No. 1 subdivision plat (PCD file no. SF-12-12), and with the Bent Grass East Commercial Filing No. 2 subdivision plat (PCD file no. SF-14-011). The proposed preliminary plan application is consistent with each of the prior approvals.

4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008). A finding of consistency with the Falcon/Peyton Small Area Master Plan (2008) was made previously by the Board of County Commissioners with approval of the following: the map amendment (rezoning) (PCD file no. P-12-005) from PUD (Planned Unit Development Rural) to CS (Commercial Service); the Bent Grass East Commercial Filing No. 1 Preliminary Plan (PCD file no. SP-12-007) and with Bent Grass East Commercial Filing No. 1 subdivision plat (PCD file no. SF-12-12), and with Bent Grass East Commercial Filing No. 2 subdivision plat (PCD file no. SF-14-011). The proposed preliminary plan application is consistent with each of those prior approvals.

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.

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

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

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

Policy 6.0.11 – *Continue to limit urban level development to those areas served by centralized utilities.*

The subject property is located within Region 3, Falcon Area, which is expected to experience significant growth in the County by 2060. Region 3 primarily draws from nonrenewable resources in the Denver Basin. Specifically, the Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the north and south sides of Falcon Highway directly east of Falcon.”

The proposed development is within the projected growth area just north of Woodmen Road and includes lots to be served by Woodmen Hills Metropolitan District. Water sufficiency has been analyzed with the review of the proposed Bent Grass East Commercial Filing No. 2 Preliminary Plan. Please see the Water section below for a summary of the water findings and recommendations for the proposed development. The State Water Engineer and the County Attorney’s Office have recommended that the proposed development has an adequate water supply in terms of quantity and dependability.

The Plan identifies the current demands for Region 3 to be 4,494 AFY (acre feet per year) (Figure 5.1) with the projected need at build-out in 2060 at 8,307 AFY (Figure 5.3). Region 3 currently has 7,164 AFY in supplies. By 2060 there is anticipated to be a deficiency of 1,143 AFY (Table 5-2).

The water resources report submitted in support of the proposed development identifies that Woodmen Hills Metropolitan District has adequate water rights to serve the proposed development. The report indicates that 53 percent of the District's water source is alluvial wells in the Upper Black Squirrel Basin, which are earmarked as renewable water sources. The report acknowledged the District's ongoing efforts to secure more water rights for the anticipated future demands. The remaining water is sourced from the Denver, Arapahoe, and Laramie-Fox Hills Basins which are non-renewable. The total demand is 5.8878 AFY for the proposed development. The Plan specifically identifies this area as an anticipated area of development by 2060. The timing of the proposed development is in line with the anticipated growth schedule included in the Plan. Additionally, the applicant has provided a commitment letter and water resources report documenting that the District has adequate capacity to serve the additional lots. Staff recommends that the preliminary plan is consistent with the policies pertaining specifically to the concept of integrating water usage and land uses in terms of planning by connecting to existing infrastructure and by limiting urban level development to those areas served by centralized utilities.

6. Other Master Plan Elements

The EI Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. Colorado Parks and Wildlife and the EI Paso County Community Services Department, Environmental Services Division, were each sent a referral and have no outstanding comments.

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

The EI Paso County Parks Master Plan (2013) does not depict any parks, trails, or open space within the development area.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The applicant submitted a Soil, Geology and Geologic Hazard Evaluation prepared by Entech Engineering, Inc., dated October 15, 2020, in support of the preliminary plan application. The report concludes that no hazards were identified that would preclude development of the site within the preliminary plan area; however, shallow ground water was encountered within the preliminary plan area. The report includes recommendations for shallow foundations with either subsurface perimeter drains or slabs above exterior grade for the commercial lots to mitigate shallow groundwater. The applicant has included the following note on the preliminary plan:

“The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the Geohazard Evaluation Report prepared by Entech Engineering, Inc., dated October 15, 2020. This report is held in the Bent Grass Commercial Preliminary Plan File (SP2010) at the El Paso County Planning and Community Development Department.

- Potentially Seasonally High Groundwater: Lots 1-6
- Other Hazard:
 - Artificial Fill: Eastern portion of the site.
 - Loose Soils: Lots 1-6.
- In Areas of High Groundwater: Lots 1-6

All foundations shall comply with recommendations in the Soils & Geology Report. Where necessary, interceptor drains or under slab drains may be necessary where foundations encroach the ground water table.”

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0553G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Falcon (CHWS1400) drainage basin. The Falcon drainage basin is a fee basin with associated drainage and bridge fees. Drainage and bridge fees will be required to be paid at the time of final plat recordation.

The site generally drains to the south. Stormwater runoff will be conveyed via over land flow across lots and within curb and gutter to a proposed storm sewer system. The storm sewer system will then convey the developed flows to an existing full spectrum detention pond that will mitigate developed runoff and provide the necessary permanent stormwater quality for the proposed development. The existing detention pond accounted for developed flows from this site and was constructed with the Bent Grass Residential Filing No. 1 Subdivision (PCD File No. SF1412). The detention pond is owned and maintained by the Bent Grass Metropolitan District. Per the associated drainage report, the development of this project will not adversely impact surrounding properties.

A grading and erosion control plan that identifies construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system will be required with the subsequent final plat application

5. Transportation

The property is located at the southwest corner of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. The applicant is proposing an internal private roadway that will access the public roadways, Bent Grass Meadows Drive and Meridian Park Drive. The private roadway is classified as an urban local roadway and will be owned and maintained by the Bent Grass Commercial Merchants Association.

The submitted traffic impact study identifies roadway improvements on Table 4 that are the obligation of this development. The improvements consist of an auxiliary right turn lane on Meridian Park Drive at the eastern site access and roadway restriping along Bent Grass Meadows Drive between the northern site access and Meridian Park Drive. Large-scale off-site improvements have also been identified in Table 4 that are the responsibility of the current subdivisions for Bent Grass Residential Filing No. 2 and Falcon Meadows at Bent Grass. The developer shall participate in a fair and equitable manner for these off-site improvements with the final plat application. The roadway improvements

identified in the traffic study are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

The development will be subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471) as applicable for property located within the Woodmen Road Metropolitan District.

H. SERVICES

1. Water

Water supply service will be provided by the Woodmen Hills Metropolitan District.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has recommended a finding of sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Wastewater service is provided by the Woodmen Hills Metropolitan District. The District has provided a commitment letter to serve the anticipated development.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and provided a response in support of the requested preliminary plan. Additionally, the District provided a commitment letter to provide fire protection services to the development.

4. Utilities

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

5. Metropolitan Districts

The subject parcel is included within the boundaries of Bent Grass Metropolitan District. Bent Grass Metropolitan District will own and maintain the private road tract within the proposed development. The District collects an ad valorem (property) tax of 38.641 mills.

6. Parks/Trails

Commercial developments are not required to pay park fees in lieu of park land dedication with final plat(s). The El Paso County Parks Master Plan (2013) does not depict any parks, trails, or open space within the development area.

7. Schools

The site is within the boundaries of Falcon School District No. 49. Commercial developments are not required to pay fees in lieu of school land dedication with final plat(s).

I. APPLICABLE RESOLUTIONS

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Disapproval Page 26

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission 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) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable drainage and bridge fees shall be paid with each final plat.
2. 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.
3. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, 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.

4. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
5. Any remaining unresolved engineering comments shall be resolved to the satisfaction of the ECM Administrator, and approved engineering documents shall be required, prior to the Board of County Commissioner hearing.
6. The Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 4 of the Falcon Meadows at Bent Grass Transportation Impact Analysis and as identified below:
 - a. Lengthening of the current eastbound single left-turn deceleration lane on Woodmen Road approaching Golden Sage Road.
 - b. Southbound exclusive right-turn lane on Golden Sage Road approaching Woodmen Road.
 - c. Signalization of Golden Sage Road/Woodmen Frontage Road or reconstruction as a modern roundabout
 - d. Construction, paving, and associated repairs to Bent Grass Meadows Drive southwest of the site, including design and construction of an eastbound left turn lane on Woodmen Frontage Road at Bent Grass Meadows Drive, if not constructed or covered by financial assurances of others. These road improvements may be eligible for cost recovery from adjacent developers.

The improvements and fair shares are to be verified with an updated traffic memorandum with the final plat for Bent Grass East Commercial Filing No. 3. An escrow agreement, including a financial assurance estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed and escrow deposited with the subsequent final plat(s) if these improvements have not been constructed or covered by financial assurances provided by others.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Department Director.

2. Approval of the preliminary plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 19 adjoining property owners on October 18, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Preliminary Plan Drawing
State Water Engineer Letter
County Attorney Letter
EPC Public Health Letter

El Paso County Parcel Information

PA	NAME
530	LAND FIRST I

File Name: SP-20-010

Zone Map No. --

Date: October 15, 2021



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



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BENT GRASS EAST COMMERCIAL FILING 3 – PRELIMINARY PLAN

LETTER OF INTENT

~~MARCH 2021~~ **OCTOBER 2021**

OWNER/APPLICANT:

Land First Inc.
1378 Promontory Bluff VW
Colorado Springs, CO. 80921

CONSULTANT:

N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, CO. 80903

REQUEST

Land First Inc. requests approval of the following applications:

1. A Preliminary Plan for six (6) commercial lots and, one (1) tract for a private access road and utilities on approximately 5.351 acres.
2. Water Sufficiency with the Preliminary Plan.
3. Subsequent Final Plats to be approved administratively.
4. Waiver from LDC Chapter 8.4.4.(E).(2). & (3) requesting Bent Grass Market View (Tract A) to be developed as private road serving only this development and not meeting County ECM Standards.
5. Deviation from ECM 2.2.4.B.6 & 2.5.2.B.3 Private Roads to meet County Standards.
6. Waiver from LDC Code Section 8.4.3.(B).(2) requesting no minimum lot frontage for Lot 6.

LOCATION

The approximately 5-acre site is located north of E. Woodman Road, west of Meridian Road, and south of Bent Grass Meadows Drive.

Legal Description: Bent Grass East Commercial Filing No. 3

Tract BB as platted in Bent Grass East Commercial Filing No. 2B recorded under reception No. 218714172, records of El Paso County, Colorado.

Containing a Calculated area of 219,877 SF. 5.048 AC.



PROJECT DESCRIPTION/CONTEXT

In 2007, the Bent Grass Overall PUD was approved consisting of 178.77 acres including 540 single family residential lots, 29 acres of commercial, and 7.2 acres of park and open space. In 2013, a preliminary plan was approved for Bent Grass East Commercial consisting of 4 lots including this area as Lot 4, this application further requested a rezone from PUD to CS. In 2014, a preliminary plan amendment and final plat for Bent Grass East Commercial Filing 2 was approved creating three lots and two tracts, Tract B and a lot line adjustment approved in 2018 created Tract BB (this site). The property is zoned CS (Commercial Services) and is proposing 6 lots on approximately 5 acres.

To the north is zoned PUD RR 5 (Rural Residential), currently two of the three lots are vacant and planned for commercial, the remaining lot is residential/agriculture. The adjacent property to the west is zoned PUD and is developed as urban residential, the east is developed as commercial, to the south is an animal care clinic, and a 1.5 AC detention pond serving the Bent Grass Development and rural residential development. The Falcon Market Place is currently being developed to the south at the intersection of Meridian Road and Woodmen Road. Falcon Market Place has provided a stub out at the north property line that is anticipated to connect to this development in the future at Meridian Park Drive. A fifteen (15') landscape buffer is provided as a buffer to the single family residential to the west and along Bent Grass Meadows Drive. The existing 6' opaque fence along the eastern boundary of the single family residential will serve as screening and be maintained by the Bent Grass Merchants Association.

Schools: This site is part of the El Paso County School District No. 49. There is no residential housing or increase of students associated with this development. This development is commercial and will not be required to pay school fees at plat recordation.

Traffic: Two access points are provided to the commercial site. The north access connects to Bent Grass Meadows and the east access connects to Meridian Park Drive. Meridian Park Drive is stubbed to the south for an anticipated future connection to Falcon Market Place at Woodmen and Meridian. The Traffic Study prepared by LSC anticipates no negative impacts. Tract A will be developed as a private road, classified as “Urban Local” and will be constructed to be 40ft wide. Bent Grass Market View will serve to provide access to individual lots, and connect Bent Grass Meadows Drive to Meridian Park Drive. The private road will be maintained by the Bent Grass Commercial Merchants Association. A site development plan for each individual lot will address lot access design and site circulation to accommodate the anticipated design vehicle – either single unit or multi-unit trucks. Each lot will be required to provide sufficient on-site parking as on street parking will not be allowed. With no on-street parking, two-way traffic will be maintained along the length of the Tract A.

The currently-proposed Bent Grass Market View is planned to incorporate separate left- and right-turn lanes approaching Bent Grass Meadows Drive. Bent Grass Market View will incorporate a dedicated left-turn lane and shared through and right-turn lane approaching Meridian Park Drive. The existing single-lane approach for 7-eleven access on the west side of Meridian Park Drive will be signed for “No straight through” due to the offset between the east and west legs.

The existing section of Bent Grass meadows Drive between Meridian Road and Meridian Park Drive has recently been widened to allow for a three-lane eastbound approach at Meridian/Bent Grass Meadows. As part of this improvement, Bent Grass Meadows has been restriped to remove the existing westbound left-turn lane for the 7-Eleven access, which has been closed, and lengthen the existing westbound left-turn bay approaching Meridian Park Drive. The restriped lane will be about 195 feet long plus an 85-foot taper. Based on the queuing analysis discussed above, the proposed 195-foot lane will provide adequate storage for the projected queues. A westbound left-turn already exists on Bent Grass Meadows Drive approaching the west site access. The roadway was originally striped with a 110-foot long westbound left-turn lane approaching the access location (Bent Grass Market View) and a 150-foot-long eastbound left turn lane approaching the future access that will align with Meridian Park Drive. Based on the criteria of the *ECM* and a design speed of 40 miles per hour, the westbound left turn lane approaching the west site access should be 215 feet long plus a 160 foot taper. Previous Bent Grass reports showed side-by-side left-turn lanes between Meridian Park and the west access. However, it as been agreed upon through meetings with County staff, that back to back left turn lanes are the best solution given this existing section of Bent Grass Meadows Drive. Figure 12 of the traffic report completed by LSC depicts a dedicated eastbound left turn lane at Meridian Park Drive/Bent Grass Meadows Drive and a striped center two way left turn lane west of that.

Drainage: Drainage improvements for this project are designed to the most current El Paso County Engineering Criteria Manual and the El Paso County Drainage Criteria Manual, the most recent MDDP and Urban Storm Drainage Criteria Manual. Overall, drainage of the site will be provided by an offsite 1.5AC detention pond located to the immediate south of the site.

Utilities: The property is located within the boundaries of Bent Grass Meadows Metropolitan District and Woodmen Hills Metropolitan District. Water, Wastewater, Storm water will be provided by Woodmen Hills Metropolitan District. Maintenance of right-of-way landscaping will be maintained by

the Bent Grass Merchant Association. Mountain View Electric Association, Inc. will supply electricity service and Colorado Springs Utilities will supply natural gas.

Geologic Hazards: The site was found to be suitable for development. Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods. A map of the hazard areas and proposed mitigation measures can be found in the Soils, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc., dated October 15, 2020.

Wildlife: Wildlife that has been viewed on the site and surrounding areas including rodents, and small game. Potential for several species of mammals, rodents, larger game and vegetation is possible but unlikely to be impacted by the project. As development occurs within Bent Grass East Commercial Filing 3, reasonable care will be taken to minimize human and wildlife conflicts within reasonable limits.

Wildfire: The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a low-moderate wildfire hazard potential and no specific fire mitigation plans or other actions are necessary.

Districts Serving the Property:

- Woodmen Hills Metropolitan District will provide water and wastewater services. A will serve letter is provided with this application.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Colorado Springs Utilities will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- Bent Grass Metropolitan District
- Bent Grass Merchant Association
- Woodmen Road Metropolitan District.
- Pikes Peak Library
- School District 49

PROJECT JUSTIFICATION

The relevant County Plans for Bent Grass East Commercial Filing 3 are the County Policy Plan, the 2040 Major Transportation Corridor, the County Parks Master Plan, and the Water Master Plan. The proposed commercial preliminary plan and final plat satisfies the following policies for the County Policy Plan and the Water Master Plan.

FALCON/PEYTON SMALL AREA PLAN

The site is located within a Proposed Urban Density area of the Falcon/Peyton SAP and designated as Potential Node and Corridor of Activity. These areas are suitable for urban density development and a

concentration of mixed land uses. This development furthers the goals of providing a buffer and transition of uses from the Meridian Road corridor and the single-family residential.

3.1.1: Provide a balance of land uses that respects existing and historical patterns while providing opportunities for future residents and businesses.

3.1.2 Promote the concepts of urban cores and community identity.

3.1.5 Promote the idea of mixed-use, historical town centers that attract and provide for residents.

3.2.2.: Advocate for quality-of-life amenities that will bring jobs and tax base to the area.

The proposed development will provide commercial resources and local jobs in the nearby area. The development of this area will promote a balance of land uses because of its adjacency to an existing residential development to the west and existing commercial to the east. The additional commercial will provide opportunities and local jobs for the nearby neighborhood that would not otherwise be present.

This proposed commercial development will enhance the quality-of-life amenities for residents within the area by increasing the tax base with commercial development, providing local job opportunities, and providing local commercial resources. This area currently has minimal developed commercial resources for nearby residents, commercial development within this area will aide to fulfill this need, thus increasing the quality of life to the area.

COUNTY POLICY PLAN

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 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.4: Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

Policy 6.1.5: Support the development of well-planned mixed-use projects which promote all, or most, of the following objectives:

- maximize the economy and efficiency of land use
- integrate employment, housing, shopping, schools and other use

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

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The proposed development provides additional commercial opportunities in an urbanizing area planned for commercial development. The site connects to two existing access points provided by Meridian Park Drive and Bent Grass Meadows Drive which will connect to Meridian Road. Landscaping is provided along the west side of the site to buffer the commercial use from the existing residential. The commercial uses are anticipated to be neighborhood commercial services that will support the surrounding residential.

WATER MASTER PLAN

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

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

Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.

Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.

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

Goal 5.4 – Promote the long-term use of renewable water. Goal 5.5 – Identify any water supply issues early on in the land development process.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Woodmen Hills Metro District has sufficient supply and existing infrastructure in the area to serve this development. Water quality is good and Woodmen Hills is in compliance with all regulatory limits.

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on

the north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year.

Full build out of the Woodmen Hills Metro District (District) is anticipated within the 2040 timeframe. The Water Resources Report indicates that the District has sufficient supply to meet the expected need at full build out by 2040 and 2060. As stated in the Water Resources Report, the 2040 Woodmen Hills Metro District projected buildout needs are estimated at 1218.0 annual acre-feet and the 300-year current supply is 1459.5 annual acre-feet.

As stated in the Water Resources Report, this development proposes 6 lots totaling 4.57 acres 17% coverage suggests probable total building space of 33,814SF. The planner estimates that two areas of landscaping are anticipated being 26,810 SF and 10,280 SF of active landscaping. Per County code the water resources report projects that indoor use will demand 3.79 Acre-feet a year with the landscaped area generating a demand of 2.09 acre-feet a year. In total, this development is projected to need 5.88 annual-acre feet of water per year. Currently, the Woodmen Hill Metropolitan District supply is 1,459.5-acre feet on a 300-year basis.

The District currently incorporates a 20% reserve into their future planning. Based on the needs, current supply, and reserve the District has sufficient water to meet the needs but a possible very small shortage of 23.5 annual acre-feet might be expected due to the 20% reserve. However, additional long-range planning, regionalization, and acquisitions are discussed in the Water and Wastewater Report under future supplies.

Woodmen Hills Metropolitan Districts (District) has provided a water and wastewater commitment letter to serve the development. The Districts has roughly 14 wells and four different types of water supply from renewable and non-renewable sources:

- local wells mainly in the Arapahoe and Laramie Fox-Hills formations, (non-renewable source)
- off-site wells four operating in the Denver Basin in the Guthrie Ranch and adjacent area (non-renewable source)
- offsite alluvial wells also in the Guthrie Ranch Area which pump renewable water from Upper Black Squirrel Basin (renewable source)
- a perpetual right to 350 acre-feet of water per year from Cherokee Water utilizing the Upper Black Squirrel Basin (renewable source).

The District developed a water policy intended to facilitate goals of continual addition of water sources prioritizing renewable sources. In addition, the District will be acquiring and or improving sources of supply and increasing water reliability and efficiency over time. New sources/expansions are expected to come from five areas: developer inclusion, acquisition, regionalization, facility expansion (including extensions of existing jointly owned transmission systems), and indirect, lawn irrigation return flows (LIRF) credits and direct reuse. The District has Municipal Interconnects on both the raw water and potable water systems. Current connecting systems include Meridian Service Metropolitan District;

Cherokee Metropolitan District; and Falcon Highlands Metropolitan District. The District has two major off-site transmission lines which are jointly owned with Meridian Service Metropolitan District. The District is responsible for the operation of both the Tamlin and Guthrie systems. The District owns and operates three water treatment plants and three water storage facilities. The District treats and filters 100% of their water supply. A fourth tank is under construction and will bolster fire flows, service pressures, system reliability, and potable water storage.

The District's current use is based on an average of 53% renewable water sources and is continually acquiring and working towards establishing additional renewable sources. Discussions of long-term planning are included in the Water Wastewater Report. Current Water Quality is presented in the Water and Wastewater Report in the Appendix E being the WHMD 2020 Consumer Confidence Report.

Waiver of an existing LDC or ECM Standard (LDC Chapter 7.3.3)

A Waiver is requested for Bent Grass Market View to be developed as a private road not meeting County ECM standards. Bent Grass Market View is being developed as an access road with the primary purpose of providing access to each private lot and utilities. Development of a private road will allow for the Bent Grass Merchants Association to maintain the road and access to each lot.

A second waiver is requested for Lot 6 to be developed with no minimum lot frontage. An access and utility easement is proposed to provide access to this lot. This easement will provide direct access to Lot 6 and enable Lot 6 to develop internally and promote a more efficient use of land. A note and easement for common use and cross access for parking, vehicular, and pedestrian maneuvering is provided to allow all the properties to function as one cohesive development.

Deviations from Standards (ECM Chapter 5.8)

A deviation is requested for the roadway design criteria for an urban local roadway. Including deviations to the minimum CL curve radius, right of way width, paved width, intersection spacing, and sidewalks on both sides of the roadway. The proposed private roadway consists of a 30' paved width, with a sidewalk along one side. This site is a small commercial development that has 6 individual lots ranging from 25,706 SF to 45,047 SF that all have direct access to the proposed private roadway. Given the total site acreage of 5.0 ac. and its configuration related to the surrounding public roadways and adjacent properties, the Min. CL curve radius of 200' would not be reasonably functional. The typical public Right-of-Way requiring easements and setbacks would not allow for efficient commercial land use of this type. Each individual lot will be required to provide adequate parking and thus parking is not needed or allowed on the private roadway based on the proposed paved width of 30'. This width is consistent with the County urban local roadway standards. Each individual lot will have its own direct driveway access to the private road and given the lot dimensions the intersection spacing will likely need to be less than the typical 175' min. This commercial development is proposing 5.0' wide sidewalk along one side only of the private roadway which will allow for adequate pedestrian access and circulation. Two mid block pedestrian ramp crossings are proposed along Bent Grass Market View.

The ECM does not provide criteria for a private roadway in commercial development such as this. A public Right-of-Way meeting all County standards limits the development ability for this type of

commercial project. Per the TIS, the proposed roadway design will be adequate for the projected site generated traffic. Per the provided truck turning exhibit, the proposed CL radius provides adequate and efficient truck movement throughout the site. A proposed 5' sidewalk with two mid-block crossings, along the northern side of Bent Grass Market View, provides pedestrian connectivity throughout the site. Additional sidewalk is provided on the perimeter of the site adjacent to Bent Grass Meadows Drive and Meridian Park Dr. which further increases pedestrian circulation.

Preliminary Plan Review Criteria Chapter 7.2.1.D.2.e

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

As stated previously, this project is in conformance with the goals, objectives and policies of the County Water Master Plan, Falcon/Peyton small area master plan, 2040-2060 Major Transportation Corridor Plan, and County Master Plan. This project provides sufficient quality water to meet 300-year demand and is maintained by Woodmen Hills Metropolitan District. As previously described, the Falcon/Peyton small area master plan is supported by this project providing a balance of land uses and increasing the quality of life with nearby commercial resources and local employment opportunities. Bent Grass Meadows Drive and Meridian Road are not planned for roadway expansion in 2040 however commercial development in this area will serve as an amenity to commuters along Highway 24. The proposed development provides additional commercial opportunities in an urbanizing area. The uses are anticipated to be neighborhood commercial services that will support the surrounding residential.

2. The subdivision is consistent with the purposes of this Code;

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. Land use compatibility with this purpose is determined through zoning. This subdivision is consistent with CS zoning and approved Preliminary Plan.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

The subdivision design standards are met and the subdivision is compatible with the approved Bent Grass East Commercial Preliminary Plan.

4. 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 sufficient water supply is available as demonstrated by the water supply commitment letter provided by Woodmen Hills Metropolitan District and the Water Resources Report provided by JDS Hydro.

- 5. 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;**

Public sewage disposal is addressed in the Wastewater Treatment Report provided by JDS Hydro.

- 6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];**

Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods. These matters are addressed in the Geohazard Evaluation Report prepared by Entech Engineering Inc., dated October 15, 2020.

- 7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Preliminary Drainage Report prepared by Classic Consulting.

- 8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.**

This commercial development is situated between urban residential and existing commercial. A fifteen (15) foot landscape buffer has been provided between the existing urban residential to the east and proposed commercial development. Access to the site will be provided by Bent Grass Meadows Drive and Meridian Park Drive. Both Bent Grass Meadows Drive and Meridian Park Drive are existing and presently serve both residential and commercial traffic. There are no major impacts to the adjacent land uses anticipated with this application.

- 9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

All lots will be accessible by existing public streets, a private road, or an access easement that comply with the LDC and ECM. All streets shall be named and constructed to El Paso County Standards and any approved deviations. Upon acceptance by El Paso County, public streets shall be maintained by the County.

- 10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

Water and sanitary sewer service are to be provided by Woodmen Hills Metropolitan District. Electric Service is provided by Mountain View Electric Association, Inc. The site is entirely within Colorado Springs Utility territory for natural gas services. The required Will Serve letters are included with the submittal. Recreation opportunities are provided through connected sidewalks from the

residential properties to the west and commercial properties to the east and southeast. No formal open space is provided with this application.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The site lies within the Falcon Fire Rescue Protection District. A Fire Protection Report and Fire Commitment Letter is included with this submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code

The proposed subdivision meets the applicable sections of these parts of the Code.

P:\Land First Inc\Bent Grass East Commercial Filing 3\Admin\Submittals\5th Submittal

BENT GRASS EAST COMMERCIAL FILING 3

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION

TRACT BB AS PLATTED IN BENT GRASS EAST COMMERCIAL FILING NO. 2B RECORDED UNDER RECEPTION NO. 218714172, RECORDS OF EL PASO COUNTY, COLORADO

CONTAINING A CALCULATED AREA OF 219,877 SF, 5.048 ACRES

GENERAL NOTES

- Private roads are to be paved asphalt with concrete curbs.
- Landscaping in public-rights-of-way, western landscape buffer will be maintained by the Bent Grass Commercial Merchants Association or designee.
- Landscaping along Bent Grass Market View will be provided and maintained by site specific private property owners.
- All streets shall be named and constructed to El Paso County Standards and any approved deviations. Upon acceptance by El Paso County, public streets shall be maintained by the County.
- There shall be no direct lot access to Bent Grass Meadows Drive or Meridian Park Drive.
- Notwithstanding anything depicted in this plan in words or graphic representation, all design and construction related to roads, storm drainage and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted El Paso County standards, including the Land Development Code (LDC), the ECM, the Drainage Criteria Manual (DCM), and the DCM Volume 2. Any deviations from these standards must be specifically requested and approved in writing to be acceptable. The approval of this Preliminary Plan does not implicitly allow any deviations or waivers that have not been otherwise approved through the deviation approval process.
- The following utility providers will serve the Bent Grass East Commercial Filing 3 Preliminary Plan area:
Water: Woodmen Hills Metropolitan District
Wastewater: Woodmen Hills Metropolitan District
Gas: CSU
Electric: MVEA
- Easements: Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot (5 feet for lots smaller than 2.5 acres) public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot (7 feet for lots smaller than 2.5 acres) public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- All access driveways, drivers, aisles, maneuvering and parking areas, and easement shall be for the common use and maintenance of all users, public or private, and owners of this development. Free and unimpeded vehicular and pedestrian movements shall be maintained and permitted across all property lines at all times regardless of future ownership or platting actions.
- All property within this subdivision is within the boundaries of the Woodmen Road Metropolitan District and, as such, is subject to a mill levy, platting fees and building permit fees for the purpose of financing construction of specified improvements to Woodmen Road.
- The private roads as shown on this plat will not be maintained by El Paso County until and unless the streets are constructed in conformance with El Paso County standards in effect at the date of the request for dedication and maintenance.
- Pedestrian ramp locations may change subject to lot access on individual site development plan.
- All lots will be required to provide adequate pedestrian facilities with individual site development plans.

FEMA FLOODPLAIN NOTE

1. Floodplain Statement: This site located at 8090 MERIDIAN PARK DR is not within a designated F.E.M.A. Floodplain as determined by the flood insurance rate map, community panel number 08041C0553G, effective December 07, 2018.

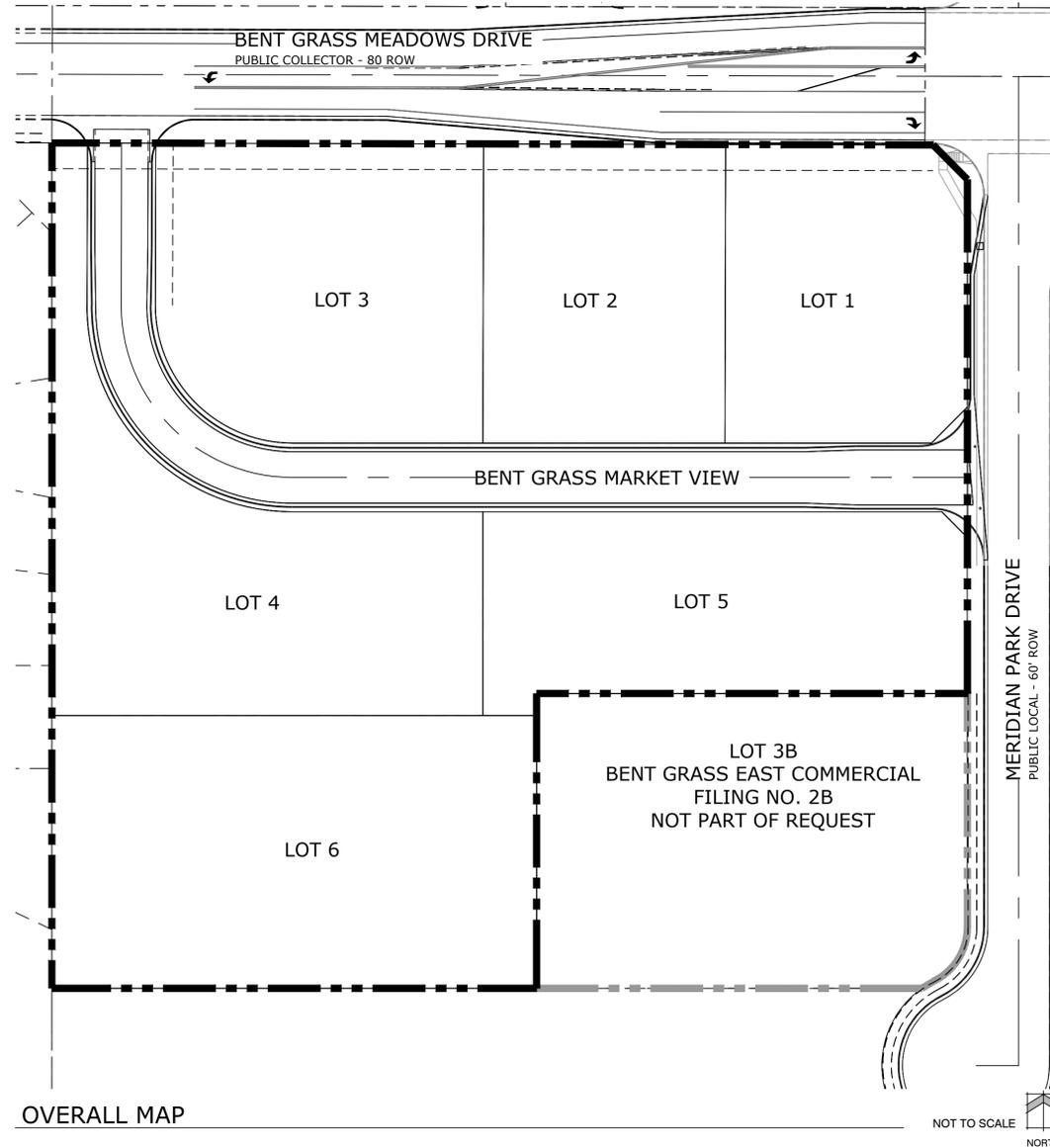
GEOLOGIC HAZARD DISCLOSURE STATEMENT

The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the Geohazard Evaluation Report prepared by Entech Engineering Inc., dated 10 15, 2020. These reports are held in the Bent Grass Commercial Preliminary Plan File (SP2010) at the El Paso County Planning and Community Development Department.

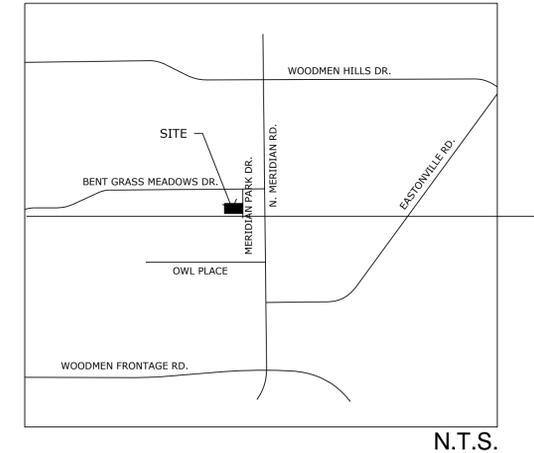
- Potentially Seasonally High Groundwater: Lots 1-6
- Other Hazard:
 - Artificial Fill: Eastern portion of the site.
 - Loose Soils: Lots 1-6.

In Areas of High Groundwater: Lots 1-6

All foundations shall comply with recommendations in the Soils & Geology Report. Where necessary, interceptor drains or underslab drains may be necessary where foundations encroach the ground water table.



VICINITY MAP



SITE DATA

OWNER:
LAND FIRST INC.
1378 PROMONTORY BLUFF VW
COLORADO SPRINGS CO 80921-3945

PREPARED BY:
NES INC.
619 N. CASCADE AVE STE 200
COLORADO SPRINGS, CO 80903

Tax ID Number: 5301101060

Current Zoning: CS

Building Setbacks
Front: 25'
Side: 25'
Rear: 25'
Maximum Height: 45'

Landscape Setback:
Bent Grass Meadows Drive: 10'
Bent Grass Market View: 10'
Meridian Park Drive: 10'

Landscape Buffer:
West Boundary: 15'
North Boundary: 15'

Development Schedule: Fall 2021

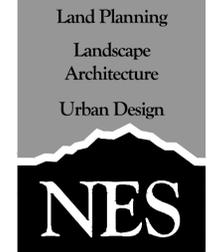
Proposed Land Use: Commercial

Land Use:
Lots: 4.54 ac - 6 Lots (90%)
Tract A (Private Road): 0.51 ac (10%)
Total Area: 5.05 ac (219,875 SF)

*Tracts are to be maintained by the Bent Grass Merchants Association

SHEET INDEX

Sheet 1 of 7:	COVER SHEET
Sheet 2 of 7:	ADJACENT PROPERTIES & TRACT MAP
Sheet 3 of 7:	PRELIMINARY PLAN
Sheet 4 of 7:	PRELIMINARY GRADING PLAN
Sheet 5 of 7:	PRELIMINARY UTILITIES
Sheet 6 of 7:	LANDSCAPE NOTES AND DETAILS
Sheet 7 of 7:	LANDSCAPE PLAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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BENT GRASS EAST COMMERCIAL FILING 3

PRELIMINARY PLAN

8090 MERIDIAN PARK DR
EL PASO COUNTY, CO

DATE: 11.16.20
PROJECT MGR: A. BARLOW
PREPARED BY: J. SHAGIN

ENTITLEMENT

DATE: BY: DESCRIPTION:

COVER SHEET

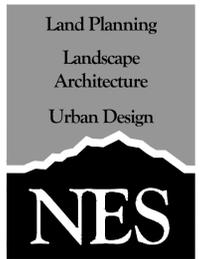
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1 OF 7

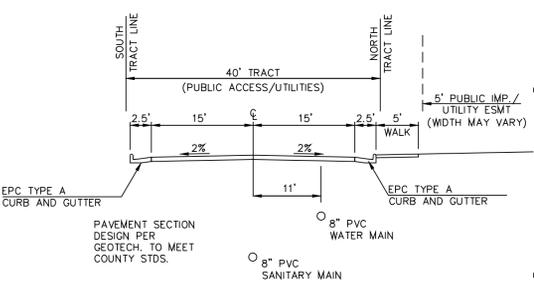
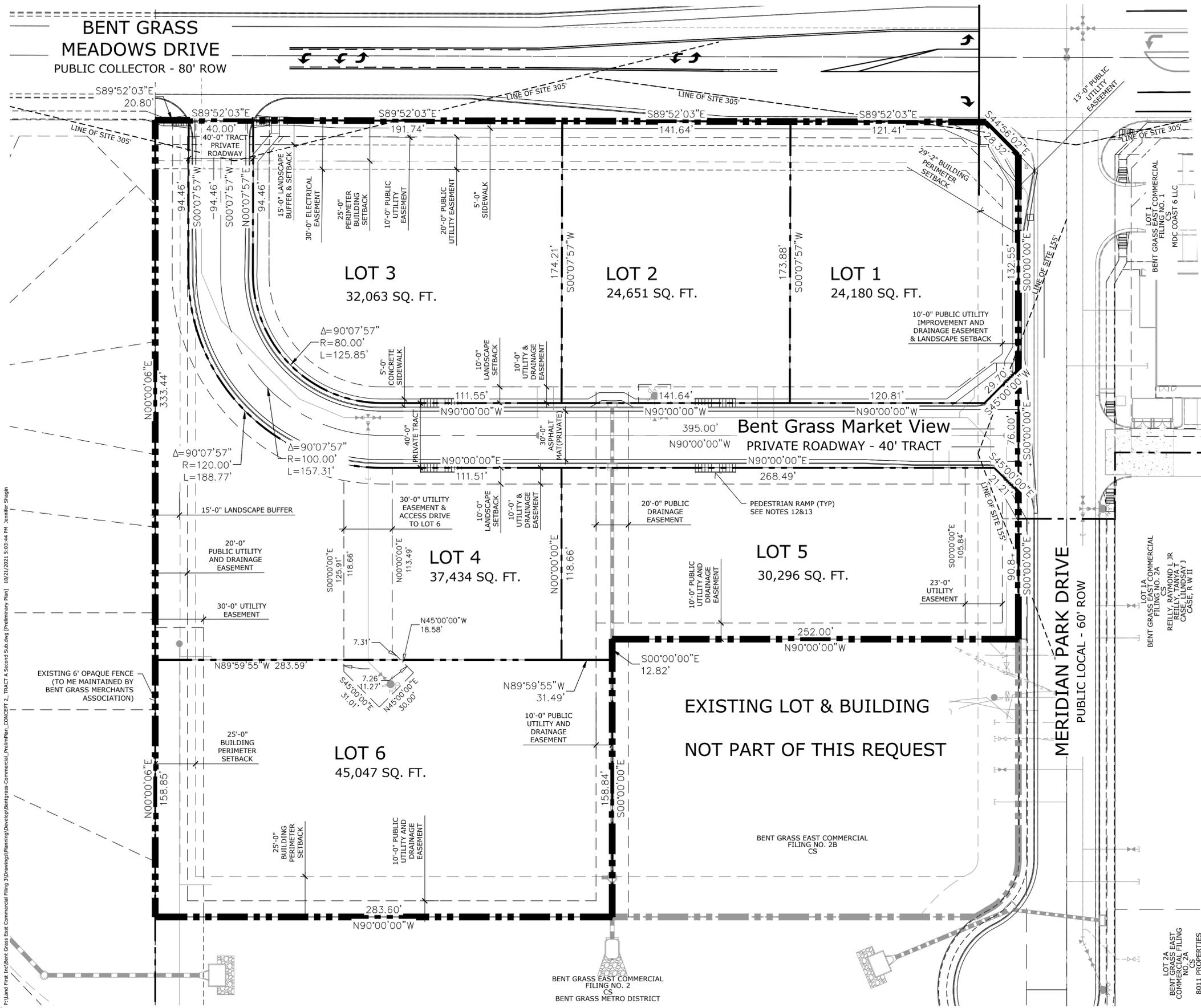
PLAN FILE # PCD#: SP-20-010

BENT GRASS EAST COMMERCIAL FILING 3

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH,
RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, COLORADO



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BENT GRASS EAST COMMERCIAL FILING 3

PRELIMINARY PLAN

8090 MERIDIAN PARK DR
EL PASO COUNTY, CO

DATE: 11.16.20
PROJECT MGR: A. BARLOW
PREPARED BY: J. SHAGIN

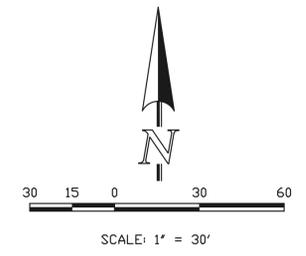
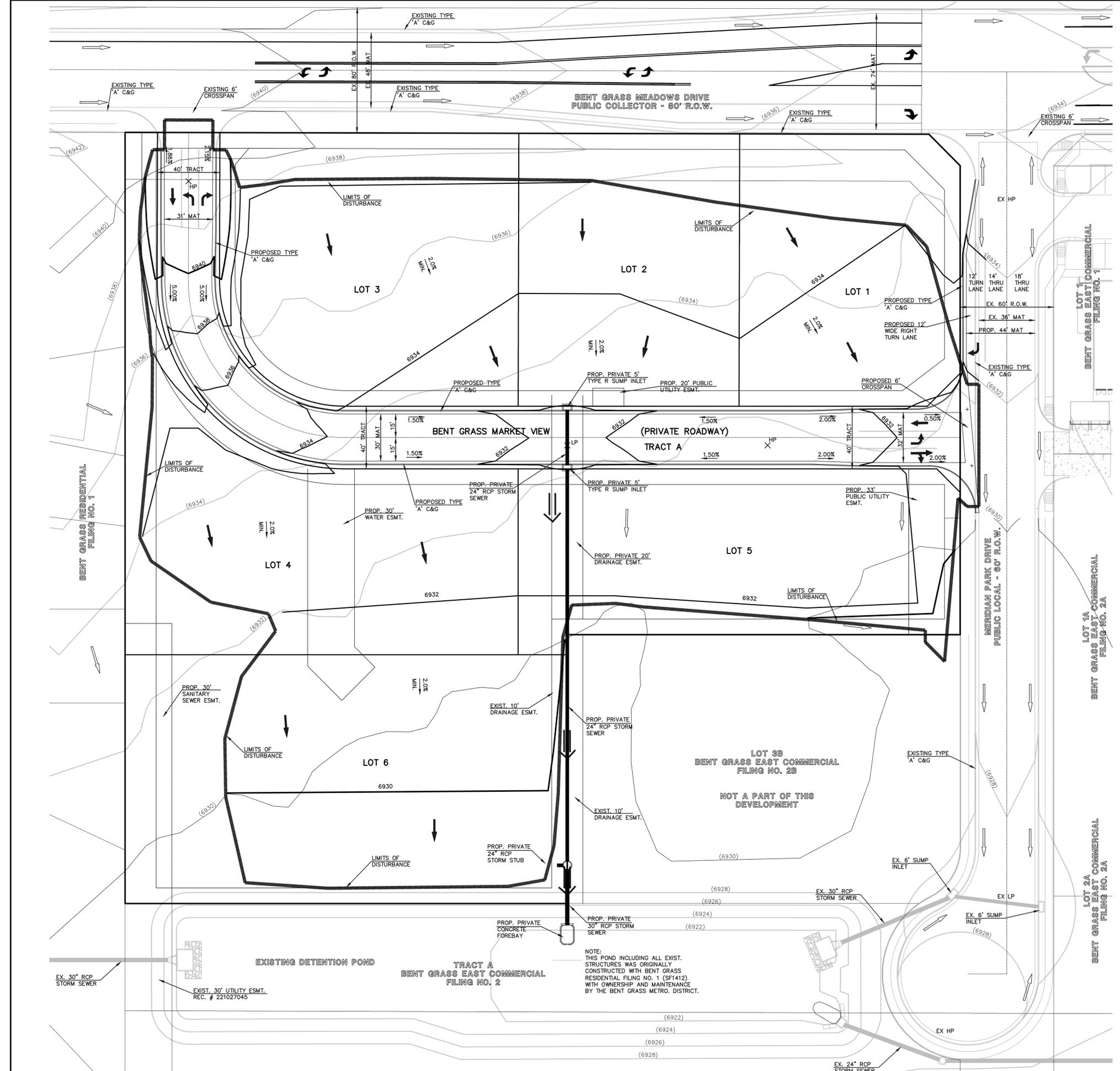
ENTITLEMENT

DATE:	BY:	DESCRIPTION:

PRELIMINARY PLAN

3
OF 7
PCD#: SP-20-010

P:\Land Plan\Bent Grass East Commercial\Filing 3\Drawings\Planning\Develop\Bentgrass-Commercial_PrelimPlan_CONCEPT 2 - TRACT A Second Sub.dwg [Preliminary Plan] 10/21/2021 5:03:44 PM Jennifer Shagin



DESCRIPTION	SYMBOL
PROPOSED CONTOUR-10	
PROPOSED CONTOUR-2	
EXISTING CONTOUR-10	
EXISTING CONTOUR-2	
PROPERTY LINE	
BOUNDARY LINE	
PROPOSED PRIVATE STORM SEWER	
PROPOSED STORM INLET	
EXISTING STORM SEWER	
EXISTING STORM INLET	
EXISTING FIRE HYDRANT	
EXISTING WATER MAIN	
EXISTING SANITARY SEWER MAIN W/ MANHOLE	
PROPOSED SANITARY	
PROPOSED WATER	
LIMITS OF DISTURBANCE	
EXISTING FLOW DIRECTION	
PROPOSED FLOW	
HIGH POINT	HP
LOW POINT	LP
OVERFLOW ROUTE	

NOTE:
THIS POND INCLUDING ALL EXIST.
STRUCTURES WAS ORIGINALLY
CONSTRUCTED WITH BENT GRASS
RESIDENTIAL FILING NO. 1 (SF1412)
WITH OWNERSHIP AND MAINTENANCE
BY THE BENT GRASS METRO. DISTRICT.

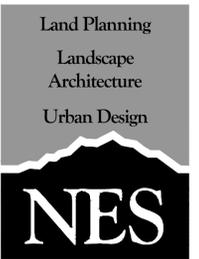


BENT GRASS EAST COMMERCIAL FILING NO. 3			
PRELIMINARY PLAN			
PRELIMINARY GRADING PLAN			
DESIGNED BY	PRA	SCALE	DATE 10-27-20
DRAWN BY	PRA	(H) 1" = 30'	SHEET 4 OF 7
CHECKED BY	(V) 1" = N/A	JOB NO.	2177.64

619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799 (Fax)

BENT GRASS EAST COMMERCIAL FILING 3

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
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LANDSCAPE NOTES

- ALL PRESERVATION AREAS CONTAINING VEGETATION DESIGNATED TO BE PRESERVED, SHALL BE FENCED OFF DURING CONSTRUCTION TO MINIMIZE DISTURBANCE IN THESE AREAS. ALL FENCING SHALL BE INSTALLED AROUND PRESERVED VEGETATION PRIOR TO ANY GRADING ON THE PROPERTY. A 4-FOOT, ORANGE, CONSTRUCTION SAFETY FENCE SHALL BE USED IN THIS APPLICATION.
- SOIL AMENDMENT - INCORPORATE 3 CUBIC YARDS/1000 S.F. AREA OF CLASS 2 A1 ORGANICS PREMIUM ORGANIC COMPOST ON TALL FESCUE SOD AREAS. INCORPORATE 2 CUBIC YARDS/1000 S.F. AREA OF CLASS 3 COMPOSTED COW MANURE (AGED 1 YEAR) ORGANIC COMPOST TO ALL SEED AREAS. AMENDMENTS MAY CHANGE TO BE BASED ON SOIL ANALYSIS OF FINAL INFILL.
- FOR GRADES REFER TO CIVIL ENGINEERING DRAWINGS.
- CONTRACTOR TO UTILIZE STOCKPILED TOPSOIL FROM GRADING OPERATION AS AVAILABLE. TILL INTO TOP 6" OF SOIL.
- CONTRACTOR TO APPLY EROSION CONTROL BLANKET TO ALL AREAS WITH 3:1 SLOPES.
- ALL SOD SHALL BE TALL FESCUE BLEND.
- NO SOD SHALL BE PLANTED ON SLOPES IN EXCESS OF 6:1 GRADIENT.
- FOR ALL SEED AREAS REFER TO SEED MIXES SPECIFIED ON THIS SHEET.
- ALL NATIVE SEED AREAS SHALL HAVE A TEMPORARY ABOVE-GROUND SPRAY IRRIGATION SYSTEM UTILIZED UNTIL SEED IS ESTABLISHED, AND ALL TREES AND SHRUBS WITHIN NATIVE SEED AREAS SHALL HAVE A PERMANENT DRIP IRRIGATION SYSTEM.
- A FULLY AUTOMATED SPRINKLER IRRIGATION SYSTEM WILL DRIP IRRIGATE ALL TREE, SHRUB, AND GROUND COVER PLANTINGS, AND SPRAY ALL TALL FESCUE SOD AND LOW ALTERNATIVE TURF AREAS. AN IRRIGATION PLAN WILL BE PREPARED AT A LATER DATE AND WILL INCLUDE AN IRRIGATION SCHEDULE THAT NOTES APPLICATION RATES BASED ON TURF TYPE, RATES FOR NEWLY INSTALLED PLANTS VS. ESTABLISHED PLANTS, AND GENERAL RECOMMENDATIONS REGARDING SEASONAL ADJUSTMENTS.
- NO TREES AND NO PLANTS OVER 2 FEET TALL SHALL BE INSTALLED WITHIN 5 FEET OF ANY FIRE HYDRANTS.
- ALL PLANTS TO RECEIVE 3 INCH DEPTH OF GORILLA HAIR SHREDDED CEDAR WOOD MULCH UNLESS OTHERWISE SPECIFIED. FOLLOW PLANTING DETAILS FOR MULCH RING DIMENSIONS WITHIN ROCK, SOD, OR SEED AREAS.
- COBBLE: 2-3" CRIPPLE CREEK ORE, AT 3-4" DEPTH, AT ALL INTERSECTION CORNERS BETWEEN HANDICAP RAMPS. INSTALL GEOTEXTILE FABRIC UNDER ALL COBBLE AREAS.
- GRAVEL ROCK: 3/4" CIMARRON GRANITE, AT 3-4" DEPTH. INSTALL GEOTEXTILE FABRIC UNDER ALL ROCK AREAS.
- ALL SHRUB BEDS TO BE ENCLOSED BY SOLID STEEL EDGING, AS A SEPARATOR FROM SOD, SEED, AND ALTERNATIVE TURF. SEPARATION BETWEEN SOD AND SEED, AND BETWEEN ALTERNATIVE TURF AND SEED SHALL BE A MOWED STRIP, WITHOUT STEEL EDGING.
- SCHEDULE PLANTS SIZES IN TABLE ARE SUGGESTED. PLANTS TO BE CONSIDERED FOR FULFILLING COUNTY LANDSCAPE REQUIREMENTS SHALL HAVE A MINIMUM CALIPER SIZE (MEASURED SIX INCHES ABOVE GROUND) FOR DECIDUOUS SHADE TREES SHALL BE 1-1/2 INCHES AND FOR DECIDUOUS ORNAMENTAL TREES 1 INCH. EVERGREEN TREES SHALL BE A MINIMUM OF 6 FEET IN HEIGHT ABOVE GROUND. SHRUBS SHALL BE A MINIMUM OF 5 GALLON SIZE.
- ALL PLANTS SHOWN IN PRELIMINARY LANDSCAPE PLAN ARE FULFILLING A COUNTY LANDSCAPE REQUIREMENT. ADDITIONAL AND INTERIOR PLANTING WILL BE SHOWN IN FINAL LANDSCAPE PLAN.
- ANY FIELD CHANGES OR DEVIATIONS TO THESE PLANS WITHOUT PRIOR COUNTY APPROVAL OF AN AMENDED SITE DEVELOPMENT PLAN MAY RESULT IN A DELAY OF FINAL APPROVAL AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THESE PLANS ARE FOR COUNTY APPROVALS ONLY AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION.
- SITE SPECIFIC LOT LANDSCAPE WILL BE SUBMITTED WITH SITE DEVELOPMENT PLAN PER EACH LOT.

Landscape Setbacks & Buffers

Street Name or Zone Boundary	Street Classification	Width (in Ft.) Req./Prov.	Linear Footage	Tree/Feet Required	No. of Trees Req./ Prov.
Bent Grass Meadows Drive	Local	10	516	1 / 30	17/9
Meridian Park Drive	Local	10	298	1 / 30	10/5
Bent Grass Market View	Private	10	638	1 / 30	21/

Shrub Substitutes	Shrub Substitutes Required / Provided	Width (in Ft.) Req./Prov.	Percent Ground Plane Veg. Req. / Provided
Bent Grass Meadows Drive	80/80	10'	75% / 75%
Meridian Park Drive	50/50	10'	75% / 75%
** Bent Grass Market View	--/--	10'	75% / 75%

Bent Grass Market View (To be planted at time of lot development)

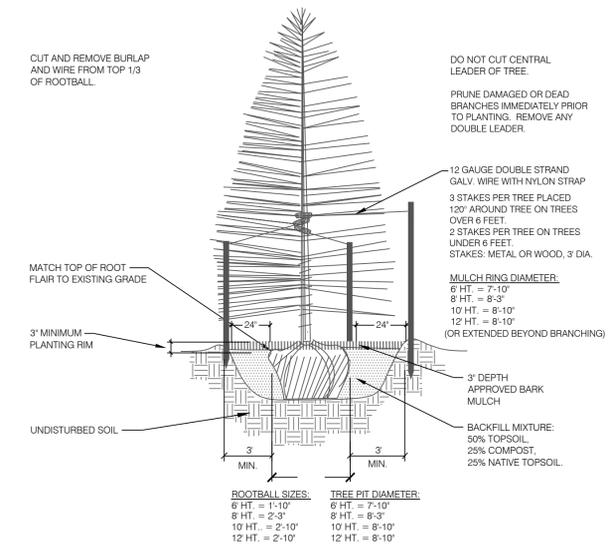
Landscape Buffer & Screens

Street Name or Property Line	Width (in Ft.) Req. / Prov.	Linear Footage	Tree/Feet Required	Buffer Trees (1/25')	*Length of 6' Opaque Structure Req./Prov.
West Landscape Buffer	15/15'	492	1 / 25'	20/20	492/492

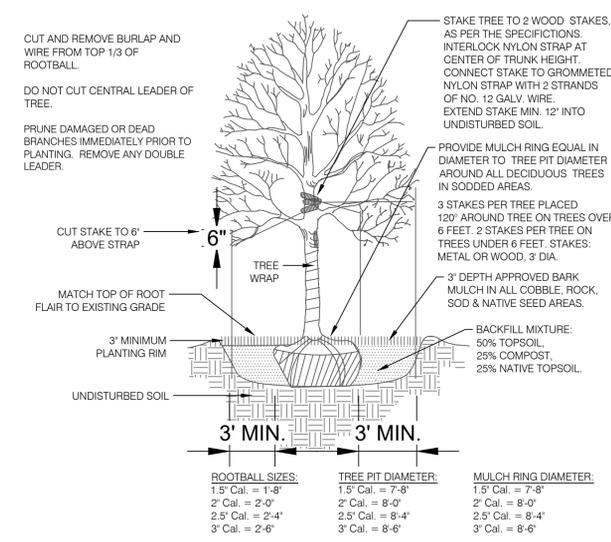
*Existing 6' Opaque Fence along West Landscape Buffer property boundary to be maintained by the Bent Grass Merchants Association
**Bent Grass Market View to be landscaped with site specific site development plans.

PLANT SCHEDULE

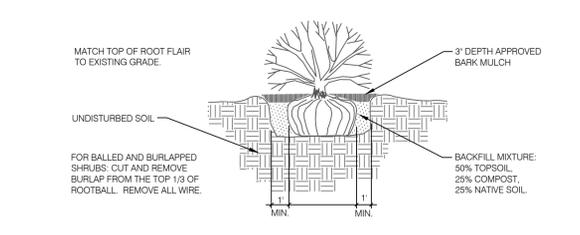
DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE
	Ap	3	Acer platanoides 'Cavalier' / Cavalier Norway Maple	50'	50'	1.5" Cal.
	Gs	12	Gleditsia triacanthos 'Skyline' / Skyline Honey Locust	45'	40'	1.5" Cal.
EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE
	Jw	15	Juniperus scopulorum 'Wichita Blue' / Wichita Blue Juniper	15'	6'	6" HT
	Pic co2	7	Picea pungens / Colorado Spruce	30'	20'	6" HT
	Pin syl	4	Pinus sylvestris / Scotch Pine	30'	40'	6" HT
DECIDUOUS SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE
	Cor fl2	10	Cornus sericea 'Flaviramea' / Yellow Twig Dogwood	8'	8'	#5 CONT.
	Cs	28	Cornus sericea 'Isanti' / Isanti Red Twig Dogwood	5'	7'	#5 CONT.
	Pp	26	Prunus besseyi 'P011S' TM / Pawnee Buttes Sand Cherry	1.5'	6'	#5 CONT.
	Va	23	Viburnum dentatum / Arrowwood Viburnum	10'	10'	#5 CONT.
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE
	Jun old	54	Juniperus chinensis 'Old Gold' / Old Gold Juniper	4'	6'	#5 CONT.
	Jhw	8	Juniperus horizontalis 'Wiltonii' / Blue Rug Juniper	0.5'	8'	#5 CONT.
	Je	15	Juniperus horizontalis 'Pancake' / Pancake Creeping Juniper	0.5'	2'	#5 CONT.
	Pp2	24	Prunus besseyi 'P011S' TM / Pawnee Buttes Sand Cherry	1.5'	5'	#5 CONT.



1 CONIFEROUS TREE PLANTING DETAIL
SCALE: NOT TO SCALE



2 DECIDUOUS TREE PLANTING DETAIL
N.T.S.



3 SHRUB PLANTING DETAIL
SCALE: NOT TO SCALE

BENT GRASS EAST COMMERCIAL FILING 3

PRELIMINARY PLAN

8090 MERIDIAN PARK DR
EL PASO COUNTY, CO

DATE: 11.16.20
PROJECT MGR: A. BARLOW
PREPARED BY: J. SHAGIN

ENTITLEMENT

DATE:	BY:	DESCRIPTION:

LANDSCAPE NOTES AND DETAILS

6 OF 7
PCD#: SP-20-010

P:\Land Plan Inc\Bent Grass East Commercial Filing 3\Drawings\Planning\Develop\Bentgrass-Commercial_PrelimPlan_CONCEPT_2_TRACT A Second Sub.dwg (LS NOTES) 8/30/2021 5:26:31 PM Jennifer Shagin



December 29, 2020

Kari Parsons
El Paso County, Planning and Community Development
DSDcomments@elpasoco.com

RE: Bent Grass East Commercial Filing No. 3
Part of the SE ¼ of the NE ¼, Sec. 1, T13S, R65W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have received your December 9, 2020 submittal concerning the above-referenced proposal for the subdivision of 5.35 acres into six commercial lots and one tract.

Water Supply Demand

According to the Water Supply Information Summary and the Bent Grass East Commercial Filing No. 3 Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants dated November 2020 (“Water Resources Report”), the total estimated water requirement for the six commercial lots for Filing No. 3 is 5.88 acre-feet per year for a 300 year water supply.

Source of Water Supply

Woodmen Hills Metropolitan District (“District”) is the proposed water supplier. The District has provided a letter dated November 24, 2020 committing to serve six commercial lots with a water commitment of 5.88 acre-feet per year.

The District’s sources of water are a combination of bedrock aquifer allocations from the Denver Basin as well as alluvial sources. The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the annual amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.



Information available in our files indicates the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year.

The uncommitted annual water supply of 305 acre-feet/year is more than the estimated annual demand of 5.88 acre-feet/year for Bent Grass East Commercial Filing No. 3 Subdivision.

State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

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

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

Should you have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Joanna Williams, P.E.
Water Resources Engineer

Ec: Upper Black Squirrel Creek Ground Water Management District

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

March 15, 2021

SP-20-10 Bent Grass East Commercial Filing 3
Preliminary Plan

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

FINDINGS AND CONCLUSIONS:

1. This is a preliminary plan proposal by Land First, Inc. ("Applicant"), to subdivide an approximately 5.35 acre parcel (the "Property") into 6 commercial lots, plus 1 tract for a private access road and utilities. The Property is zoned CS (Commercial Service).

2. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District ("District" or "WHMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water needs to serve commercial use for the entire subdivision at 5.88 acre-feet, which includes 3.79 acre-feet for the 6 lots, plus 2.09 acre-feet for irrigation. Based on these figures, the Applicant must be able to provide a supply of 1,764 acre-feet of water (5.88 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.

3. The District's Engineer provided a letter of commitment for Bent Grass East Commercial Filing 3 dated November 24, 2020, in which the District committed to providing water service to the subdivision of 6 commercial lots at an annual amount of 5.88 acre-feet. The Engineer stated that "[t]his commitment is for 16.66 SFE and a water commitment of 5.88 Acre-feet/year. WHMD has adequate 300-year water supplies to meet the anticipated additional demand."

4. Applicant also provided a *Water Resource Report for Woodmen Hills Metropolitan District-Bent Grass East Commercial Filing 3* dated November 2020

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

(“*Report*”) which detailed the District’s water supply. The Report notes that the District’s water supply includes both “renewable sources and Denver Basin non-renewable sources. The District’s total legal supply on a 300-year basis currently stands at 1459.48 annual acre-feet.” The *Report* concludes that “Woodmen Hills Metropolitan District has an adequate Water Supply to meet the needs of Bent Grass East Commercial Filing 3 (Water Demand Estimate — 5.88 Annual Acre-feet (16.66 SFE) on a 300-year basis.”

5. In a letter dated December 29, 2020, the State Engineer reviewed the application to subdivide the 5.35 +/- acres into 6 commercial lots and 1 tract. The State Engineer reviewed this matter based on information provided in the WSIS, the District’s letter dated November 24, 2020, and the *Water Resources Report*, which estimated a water demand of 5.88 acre-feet per year for the subdivision. The State Engineer stated that information in their files indicates “the District’s water supply totals approximately 1,426 acre-feet/year¹ for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year.” The State Engineer further stated that the uncommitted annual water supply of “305 acre-feet/year is more than the estimated annual demand of 5.88 acre-feet/year” for the subdivision. Finally, the State Engineer stated that “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. Analysis: As indicated above, the District provided a *Water Resource Report* dated November 2020, detailing the sources of the District’s water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 5.88 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for Bent Grass East Commercial Filing 3.

7. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

¹ Note: State Engineer’s figures for water supply differ slightly from figures provided in the *Water Resources Report*; however, both figures represent an adequate water supply for this subdivision.

REQUIREMENTS:

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

cc: Kari Parsons, Project Manager, Planner III



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

Bent Grass Commercial, Filing No. 3, SP-20-10

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

- The 5.05-acre site, 6-commercial lot development project, is provided water and wastewater services by Woodmen Hills 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. The Colorado Department of Public Health and Environment has assigned PWSID #CO0121930 to the District. There is a Commitment Letter from Woodmen Hills Metropolitan District dated 24Nov2020, on file for providing water and wastewater services to the project.
- Woodmen Hills Metropolitan District (WHMD) has adequate capacity for the projected wastewater flow generated from the project. The JDS - Hydro Consultants, Inc., Water Resources and Wastewater Reports for Woodmen Hills Metropolitan District, dated November 2020 supports the adequacy of treatment capacity at the treatment facility.
- 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 through the use of sidewalks, and bike trails. Walkability features help reduce obesity and associated heart diseases.

Mike McCarthy
El Paso County Public Health
719-575-8602
mikemccarthy@elpasoco.com
20Apr2021