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El Paso County Planning & Community Development
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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP Planner III
Edward Schoenheit, Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: SF-21-039
Project Name: Replat Lot 3 Akers Acres
Parcel No.: 53320-01-008

OWNER:	REPRESENTATIVE:
D&K Akers, LLC PO Box 38517 Colorado Springs, CO, 80937	Galloway & Company, Inc. 1155 Kelly Johnson Boulevard, Suite 305 Colorado Springs, CO, 80920

Commissioner District: 2

Planning Commission Hearing Date:	8/18/2022
Board of County Commissioners Hearing Date	9/6/2022

EXECUTIVE SUMMARY

A request by D&K Akers, LLC for approval of a vacation and replat to replat one (1) industrial lot as two (2) industrial lots. The 9.26-acre property is zoned M (Industrial), is subject to the CAD-O (Commercial Airport Overlay) District, and is located on the east side of Akers Drive, approximately one-half of a mile north of Constitution Avenue, and within Section 32, Township 13 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by D&K Akers, LLC for approval of a vacation and replat to replat one (1) industrial lot as two (2) industrial lots.

Waiver(s)/Deviation(s): The applicants are requesting a waiver to Section 8.4.3.B. of the El Paso County Land Development Code (2021) to allow for a lot to be created without having access and 30 feet of frontage along a public road.

Section 8.4.3.B, Minimum Frontage, of the Code states: "Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)."

The applicant is proposing to replat one (1) lot as two (2) lots. One (1) of the lots is proposed to have direct access to Akers Drive, an existing public road. The other lot is proposed to have access to Akers Drive via a forty (40) foot record shared access and maintenance easement agreement, as depicted on the proposed plat. This easement will encompass an existing thirty (30) foot Cherokee Metropolitan District easement.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested waiver. Adequate access can be provided to both lots via the existing public road and the proposed access easement. The applicant has depicted a layout that accommodates lot access to Akers Drive.

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

B. PLANNING COMMISSION SUMMARY

Request Heard: [Click here to enter text.](#)

Recommendation: [Click here to enter text.](#)

Waiver Recommendation: [Click here to enter text.](#)

Vote: [Click here to enter text.](#)

Vote Rationale: [Click here to enter text.](#)

Summary of Hearing: [Click here to enter text.](#)

Legal Notice: [Click here to enter text.](#)

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and



approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North: M (Industrial)	Industrial
South: M (Industrial)	Industrial
East: City of Colorado Springs	Residential
West: PUD (Planned Unit Development)	Residential

E. BACKGROUND

The subject property was legally platted as Lot 3 of the Akers Acres Subdivision No. 1 on July 30, 1965 (Plat No. 2510). The property was zoned M (Industrial) on September 20, 1965, when zoning was first initiated for this portion of El Paso County.

The property is currently being used for warehouse and storage uses. The existing warehouse structure on the property was constructed in 1999. The applicant is requesting to subdivide Lot 3 into two (2) lots. The proposed Lot 3A would comprise the easternmost 5.00 acres of the property and the proposed Lot 3 B would comprise the westernmost 4.26 acres of the property; the existing uses and the existing structure are proposed to be contained on the proposed Lot 3B.



If the request for a vacation and replat is approved, the applicant will be required to submit and receive approval of a site development plan application. The plat must be recorded prior to initiating any land disturbing activities unless approval of a pre-subdivision site grading request is granted by the Board of County Commissioners. In order to initiate any uses on the property, the applicant will need to obtain site development plan approval.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

The property is located within the CAD-O (Commercial Airport Overlay District) zoning overlay; however, it is not located within any of the sub-zones. The Colorado Springs Airport Advisory Commission (AAC) was sent a referral regarding the map amendment. The case was heard at the January 26, 2022, AAC hearing and the AAC provided a response indicating no objections to the proposed map amendment.

2. Zoning Compliance

The proposed replat will create two (2) industrial lots. The lots, as proposed, will conform to the standards of the M (Industrial) zoning district. The M (Industrial) zoning district density and dimensional standards are as follows:

- Minimum lot size: N/A
- Minimum setback requirement: front 15 feet, rear 15 feet, side 0 feet
- Maximum lot coverage: N/A
- Maximum height: 50 feet

The applicant has submitted a site plan indicating that all existing uses and the existing structure on the property will meet the dimensional standards of the M zoning district, should the proposed replat be approved.

In order to initiate any uses on the property, the applicant will need to obtain site development plan approval. The site development plan will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.



G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Urban Residential

Placetype Character:

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

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

Recommended Land Uses:

Primary

- Single-family Detached Residential (5 units/acre or more)
- Single-family Attached Residential
- Multifamily Residential

Supporting

- Mixed Use
- Restaurant
- Commercial Retail
- Commercial Service
- Institutional



- Parks
- Office

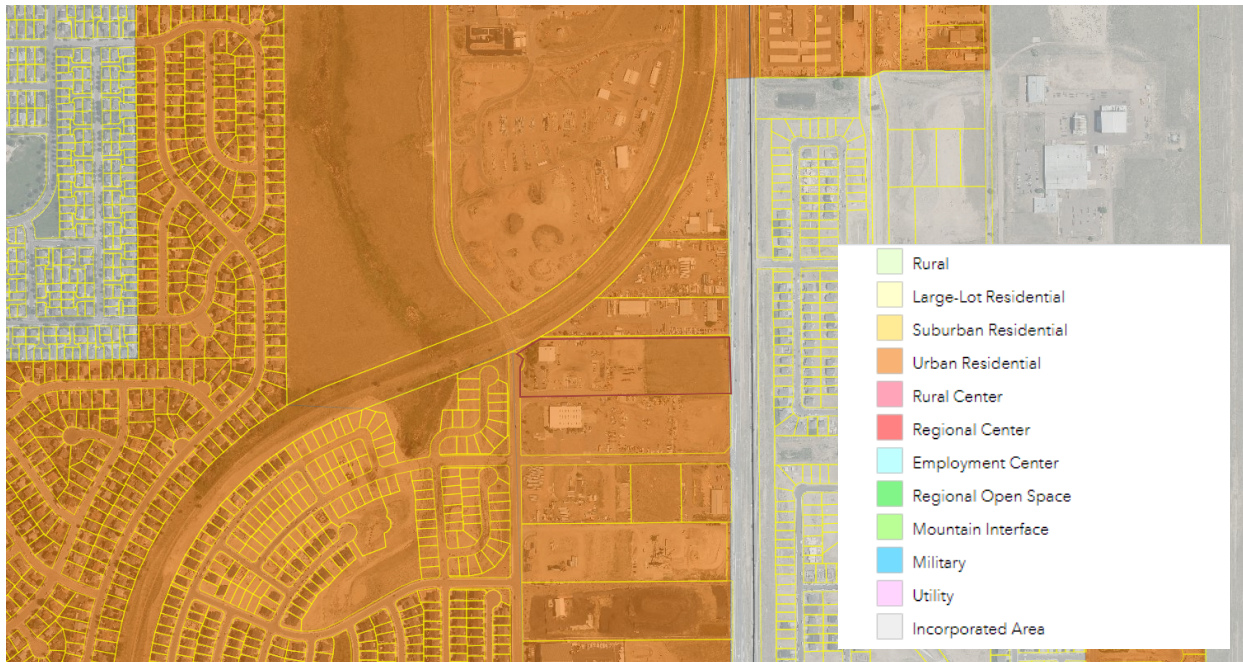


Figure G.1: Placetype Map

Analysis:

The property is located within the Urban Residential placetype. The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected, and complete neighborhoods with a mix of housing products and density. The relevant goals and objectives are as follows:

Goal LU1 – Ensure compatibility with established character and infrastructure capacity.

Goal LU3 – Encourage a range of development types to support a variety of land uses.

Objective ED3-4 – Strongly encourage mixed-use development within the Urban Residential placetype.

The property is located within the Urban Residential placetype; however, it is located within an established industrial area. Industrial development is

not identified as a recommended land use within the Urban Residential placetype; however, the Master Plan identifies the importance of establishing a mix of uses within the placetype. The existing M zoning district may also accommodate commercial retail and commercial service land uses, which are identified as supporting land uses within this placetype. The property is located within an urban enclave and an area identified as a transition area.

b. Area of Change Designation: Transition

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

Goal LU3 Priority – The Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment will be intense enough to transition the existing development setting to an entirely new type of development.



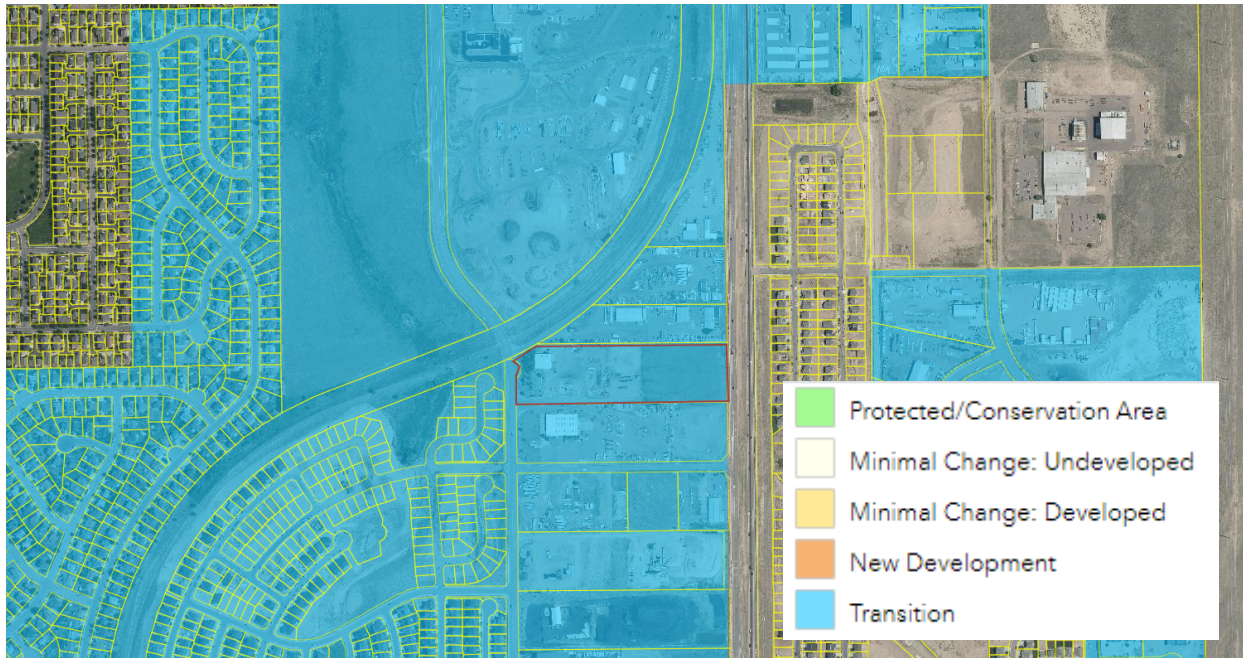


Figure G.2: Area of Change Map

c. Key Area Influences

El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is potentially influenced by the “Enclaves or Near Enclaves” Key Area.

Enclaves or Near Enclaves

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These include roadway improvements, stormwater improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and

intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration. A relevant objective is as follows:

Objective LU2-2 – The character and intensity of new development or redevelopment in County enclaves should match that of the development in the municipality surrounding it.

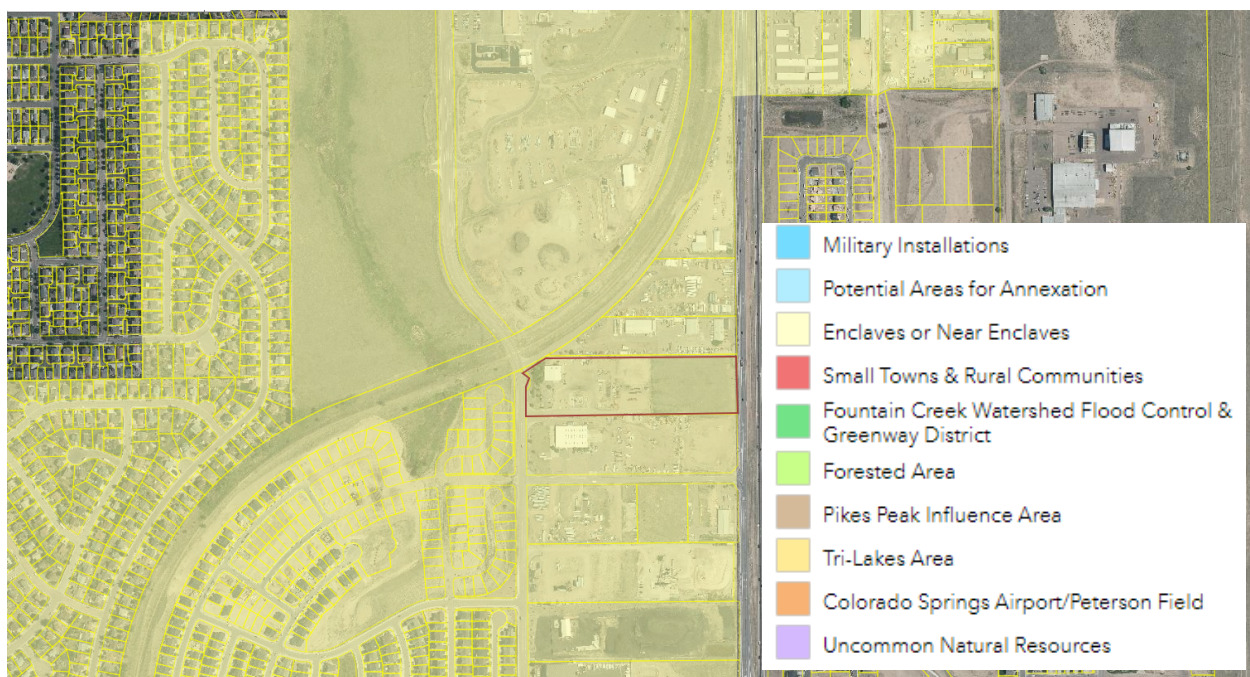


Figure G.3: Key Area

2. Water Master Plan Analysis

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

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

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

Goal 1.2 – Integrate water and land use planning.

Goal 4.5 – Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.

Policy 5.2.4 – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

“Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps.”

The Plan identifies the current demands for Region 5 to be 4,211 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,443 AFY (Figure 5.2). The projected demand in 2040 is at 6,468 AFY (Figure 5.1) with a projected supply in 2040 of 6,800 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 9,608 AFY (Figure 5.1) with a projected supply in 2060 of 10,131 AFY (Figure 5.2). This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.



Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the Water Master Plan. The needs analysis in the Plan states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that the proposed subdivision has an adequate water supply in terms of quality.

3. Other Master Plan Elements

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

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

The El Paso County Parks Master Plan (2013) identifies the proposed Marksheffel Road Bicycle Route adjacent to the east of the tract. This route will be accommodated within the public right of way and will not impact the development. The property is not located within a Candidate Open Space. Regional park fees are not required for commercial subdivisions. This application did not require Park Advisory Board consideration.

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

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the subdivision.



2. Floodplain

The site is not located within a defined floodplain as determined by staff following a review of the FEMA Flood Insurance Rate Map Panel No. 08041C0543G, effective on December 7, 2018

3. Drainage and Erosion

The property is located within the Sand Creek drainage basin (FOFO4000). Drainage basin and bridge fees are applicable for the newly created 5.0-acre lot. Fees are assessed on Industrial Use with 85% impervious value resulting in 4.25 impervious acres to be assessed drainage and bridge fees. The newly created 5.0-acre lot is partially disturbed (~1 acre) by existing commercial use and soil disturbance. The remainder of the new lot is undisturbed. Further development of the new lot will require adherence to the El Paso County Engineering Criteria Manual for stormwater management and water quality standards.

4. Transportation

The existing lot property is accessed from Akers Drive, currently classified as a County maintained, paved urban collector public road. Akers Drive is not identified as part of the EPC 2016 Major Transportation Corridors Plan (MTCP) for future road improvements. The new lot is proposed to have access to Akers Drive via a forty (40) foot record shared access and maintenance easement agreement, as depicted on the proposed plat. This easement will encompass an existing thirty (30) foot Cherokee Metropolitan District easement. A Commercial driveway access permit will be required as currently there is none on file. County Road impact fees are applicable for new development on the existing and newly created 5.0-acre lot. No Traffic Information Study (TIS) is required, at this time, pursuant to Section B.1.2.D of the El Paso County Engineer Criteria Manual.

I. SERVICES

1. Water

Water supply service will be provided by Cherokee Metropolitan District.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State 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 made a recommendation



for a finding of conditional sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

2. Sanitation

Wastewater is provided by the Cherokee 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 has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc. (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU). Both utility providers were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is located within the boundaries of the Cherokee Metropolitan District. The Cherokee Metropolitan District is a central water and wastewater provider and has committed to providing water and wastewater services to the property.

6. Schools

Fees in lieu of school land dedication are not required for a commercial subdivision.

J. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2021) staff recommends the following conditions and notations:



CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.



9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified sixteen (16) adjoining property owners on July 29, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
Airport Advisory Commission Letter



El Paso County Parcel Information

PARCEL	NAME
5332001008	D & K ACKERS LLC

File Name: SF-21-039

Zone Map No.: --

ADDRESS	CITY	STATE
PO BOX 38517	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80937	8517

Date: July 28, 2022



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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November 16, 2021 | **Revised: February 7, 2022** | **Revised: May 16, 2022**

El Paso County Development Services Department
Attn: Mr. Ryan Howser
2880 International Circle
Colorado Springs, CO 80910

**SUBJECT: Akers Acres Subdivision No. 1a (A Replat of Lot 3, Akers Acres Subdivision 1)
Final Plat (SF-21-39) – Letter of Intent**

Dear Mr. Howser,

This Letter of Intent (LOI) is being submitted as part of the Final Plat Review (SF-21-39) application for Akers Acres Subdivision No. 1a. D & K Ackers, LLC is proposing to subdivide “Lot 3, Akers Acres Subdivision 1” into two lots, approximately 5-acres and 4.26-acres in size.

This LOI provides (4) sections to help clarify the intent of this project.

- **[Introduction](#)**
 - This LOI includes all required information (#1-#5) listed in the “Final Plat Application – Letter of Intent” form provided by El Paso County (EPC) Planning and Development department.
- **[Supporting Documentation](#)**
 - A list of supporting documents and districts are provided with associated descriptions for further clarification of the project scope.
- **[El Paso County Master Plans](#)**
 - Additionally, summaries are provided to convey how the proposed project satisfies adopted El Paso County Master Plan policies, including *EPC Parks Master Plan*, *EPC 2016 Major Transportation Corridors Plan Update*, *EPC Water Master Plan*, and *Your EPC Master Plan*.
- **[Land Development Code: Final Plat Criteria of Approval](#)**
 - Lastly, responses are included addressing the Final Plat Criteria of Approval (LDC 7.2.1.D.3.F).

Introduction

1. OWNER/APPLICANT AND CONSULTANT:

DEVELOPER / APPLICANT:

Larry Dillie

Ldillie.ld@gmail.com

(719) 338-8499

D & K Akers, LLC

11826 E Del Timbre Dr.

Scottsdale, AZ 85259

CONSULTANT:

Grant Dennis, P.E.

GrantDennis@GallowayUS.com

(719) 900-7220

Galloway & Company, Inc.

1155 Kelly Johnson Blvd., Suite 305

Colorado Springs, CO 80920

2. SITE LOCATION, SIZE AND ZONING:

Location: Akers Acres Subdivision No. 1a project site is located in the Northwest Quarter of Section 32, Township 13 South, Range 65 West, of the Sixth Principal Meridian, County of El Paso, State of Colorado.

- The properties surrounding Akers Acres Subdivision No. 1a include:
 - **North:** THAT PART OF LOT 2 AKERS ACRES SUB 1 AS FOLS, BEG AT SE COR OF LOT, RUN N ON E SEC LN 221.83 FT, W 822.34 FT TO A PT ON ELY R/W LN OF CRI+P RR, SWLY ON SD R/W LN AN ARC DIST OF 389.67 FT, E ON S LOT LN 1141.96 TO POB, EX THAT PT CONV TO COUNTY BY REC #210030746
 - **East:** THE SANDS FIL NO 1
 - **South:** LOT 4 AKERS ACRES SUB 1, EX THAT PT CONV TO COUNTY FOR R/W/ BY REC #209135994
 - **West:** HANNAH RIDGE AT FEATHERGRASS FIL NO 5

Size: Lot 3, Akers Acres, Subdivision 1 (As Platted) consists of 9.26 acres. Akers Acres Subdivision No. 1a (As Replatted) proposes to subdivide Lot 3 into two lots: Lot 3a (4.26 acres) & Lot 3b (5.00 acres)

Zoning: The existing parcel is zoned M CAD-O. The zoning will remain unchanged with this project.

Schedule #: 5332001008



3. **REQUEST AND JUSTIFICATION:**

Request: Galloway & Company, Inc. on behalf of D & K Akers, LLC requests approval of the Akers Acres Subdivision No. 1a Final Plat.

Justification: The proposed project satisfies the goals and objectives of all adopted master plans of El Paso County. Additionally, the replat meets all required approval criteria of the El Paso County Land Development Code, 7.2.1.D.3.F. Detailed descriptions of EPC Master Plans & EPC LDC are provided below.

4. **EXISTING AND PROPOSED FACILITIES, STRUCTURES, AND ROADS, ETC:**

Existing: The existing parcel can be described as two halves. The west half is developed and has one large structure with an associated paved parking lot, currently occupied by Dillie and Kuhn, Inc. (a construction company). The remaining

portion of the west half is used as storage for construction equipment and materials. The east half is undeveloped, covered with native grasses and shrubs.

Proposed: This project proposes no facilities, structures, or roads.

5. **WAIVER/DEVIATION REQUESTS AND JUSTIFICATION:**

There is no waiver or deviation requests proposed for this project.

Supporting Documentation

SUPPORTING DOCUMENTS:

The following reports and information were submitted in support of the Akers Acres Subdivision No. 1a Final Plat application and are referenced in this LOI:

- Water & Wastewater Commitment Letter
- Electric Commitment Letter
- Gas Commitment Letter
- Fire Commitment Letter
- Drainage Letter
- Final Plat

SUPPORTING DISTRICTS

- Cherokee Metropolitan District
- Mountain View Electric Association, Inc.
- Colorado Springs Utilities
- Falcon Fire Protection District

UTILITIES

(Water & Wastewater, Electric, & Gas Commitment Letters / Cherokee Metropolitan District, Mountain View Electric Association, Inc., Colorado Springs Utilities)

No construction improvements are proposed, but this project includes commitment letters to service the undeveloped parcel that is proposed as "Lot 3b".

TRAFFIC AND ACCESS

(No Traffic Impact Study or Memo is provided)

No construction improvements are proposed. However, it is anticipated that the proposed "Lot 3b" will be sold and eventually developed. It is assumed that the use of "Lot 3b" will remain the same and therefore no Traffic Impact Study is required at this time. According to the EPC Engineering Criteria Manual, Appendix B, Section B.1.2.D, when no TIS is provided the following criteria must be satisfied:

Vehicular Traffic:

1. Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10

Response: No construction improvements are proposed with this project. Therefore, daily vehicle trip-end generation will remain the same.

2. There are no additional proposed minor or major roadway intersections on major collector, arterials, or State Highways

Response: No construction improvements are proposed with this project. Therefore, no additional road intersections will be constructed.

3. The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends

Response: No construction improvements are proposed with this project. Therefore, the number of vehicular trips will remain the same.

4. The change in the type of traffic to be generated does not adversely affect the traffic currently planned for and accommodated within, and adjacent to the property

Response: The zone and use are unchanged with this project. Therefore, the type of traffic remains consistent with the traffic currently planned for and accommodated within and adjacent to the property.

5. Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained

Response: No construction improvements are proposed with this project. Therefore, the LOS will be maintained.

6. No roadway or intersection in the immediate vicinity has a history of safety or accident problems

Response: No history or documentation was reported with a history of safety or accident problems in the vicinity of the project.

7. There is no change of land use with access to a State Highway

Response: No change in land use is proposed.

Pedestrian Traffic:

1. Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.

Response: The undeveloped parcel Lot 3b is adjacent to Marksheffel Rd. A concrete sidewalk already exists on Marksheffel Rd. Additionally, the proposed use (DISTRIBUTION WAREHOUSE) will not generate any new pedestrian traffic.

Bicycle Traffic:

1. Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic.

Response: The undeveloped parcel Lot 3b is adjacent to Marksheffel Rd. A paved bicycle lane already exists on Marksheffel Rd. Additionally, the proposed use (DISTRIBUTION WAREHOUSE) will not generate any new bicycle traffic.

When Lot 3b develops, if the criteria listed above is not met, then a traffic impact study or memo will be required.

Additionally, due to Lot 3a & 3b sharing the same ingress/egress, an easement is provided for shared driveway access and emergency services.

DRAINAGE

(Drainage Letter – provided by Galloway & Company, Inc.)

No construction improvements are proposed. Therefore, this project will not change existing drainage patterns. Per the provided drainage letter, any future improvements made to lot 3a & 3b will require a separate drainage analysis and at minimum provide water quality detention on-site in accordance with El Paso County criteria.

SOIL AND GEOLOGIC IMPACTS

(Soils & Geology Report – provided by Entech Engineering, Inc.)

Entech has performed an Environmental Investigation at the site located at 2875 Akers Drive in Colorado Springs, Colorado. The purpose of the test borings was to evaluate what, if any, impacts may exist in the subsurface soils beneath the Site. Based on the analytical results, it appears low levels of gas and diesel range organics have been identified in the subsurface soils. Additionally, the results of the site investigation conducted by Entech, no further environmental investigation is recommended (see the provided environmental investigation for more information).

Soil samples were not taken on the undeveloped portion of the existing parcel because the Phase 1 Environmental Site Assessment (ESA) completed by Entech did not find any items of concern in that area.

EMERGENCY SERVICES

(Fire Protection Commitment Letter / Falcon Fire Protection District)

The project is located within the Falcon Fire Protection District (FFPD) service area. Therefore, FFPD will provide emergency services to the property. A commitment letter is provided to El Paso County to confirm FFPD's commitment to providing emergency services for this project.

El Paso County Master Plans

YOUR EL PASO MASTER PLAN (MAY 2021)

The "Your El Paso Master Plan" was adopted on May 26, 2021 and provides an outline of the community's desires for the future of El Paso County. This Master Plan offers ten (10) core principles that will guide the county's growth over years to come.

- 1. Land Use and Development**
- 2. Housing & Communities**
- 3. Economic Development**
- 4. Transportation & Mobility**
- 5. Community Facilities & Infrastructure**
- 6. Military Installations**
- 7. Recreation & Tourism**
- 8. Community Health**
- 9. Environment & Natural Resources**
- 10. Resiliency & Hazard Mitigation**

Only the applicable core principles and associated goals are discussed below.

Land Use and Development (#1)

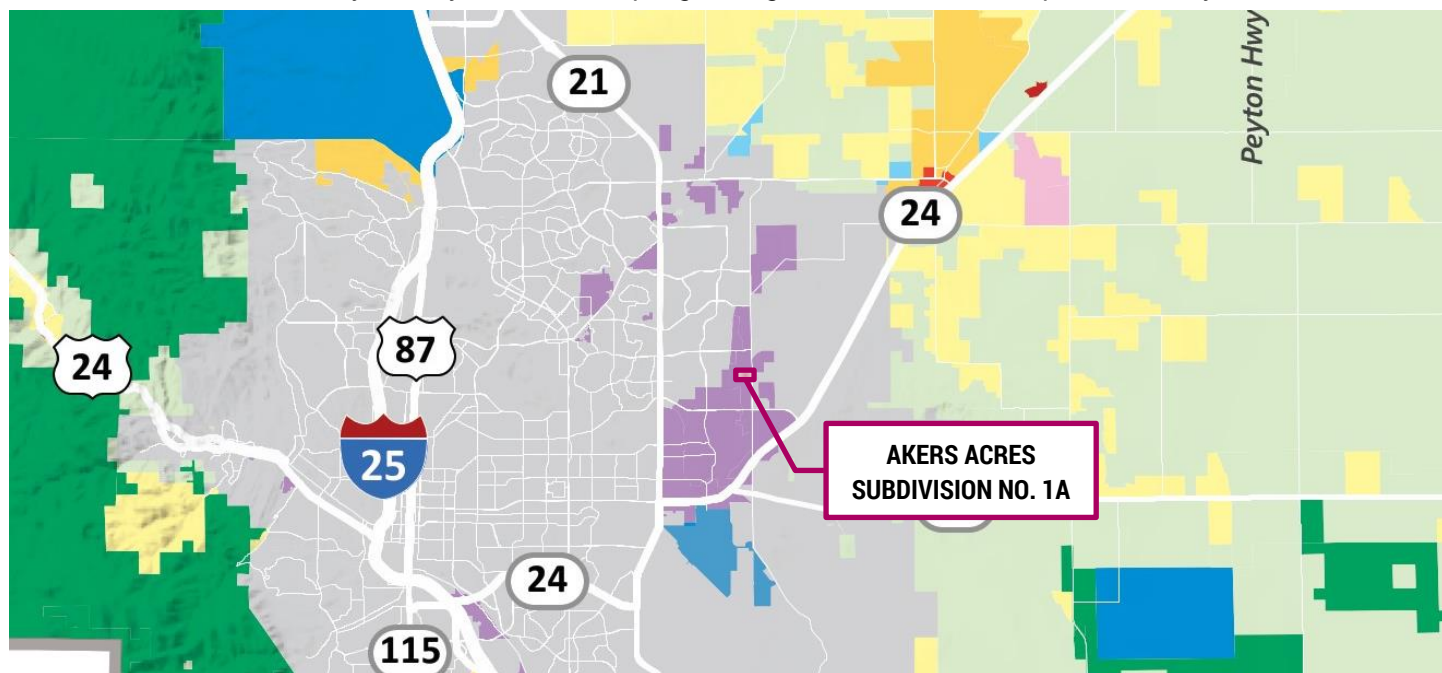
Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the county.

- Goal 1.1 – Ensure compatibility with established character and infrastructure capacity.
- Goal 1.2 – Coordinate context-sensitive annexation and growth strategies with municipalities.
- Goal 1.3 – Encourage a range of development types to support a variety of land uses.
- Goal 1.4 – Continue to encourage policies that ensure "development pays for itself".

EXISTING LAND USE

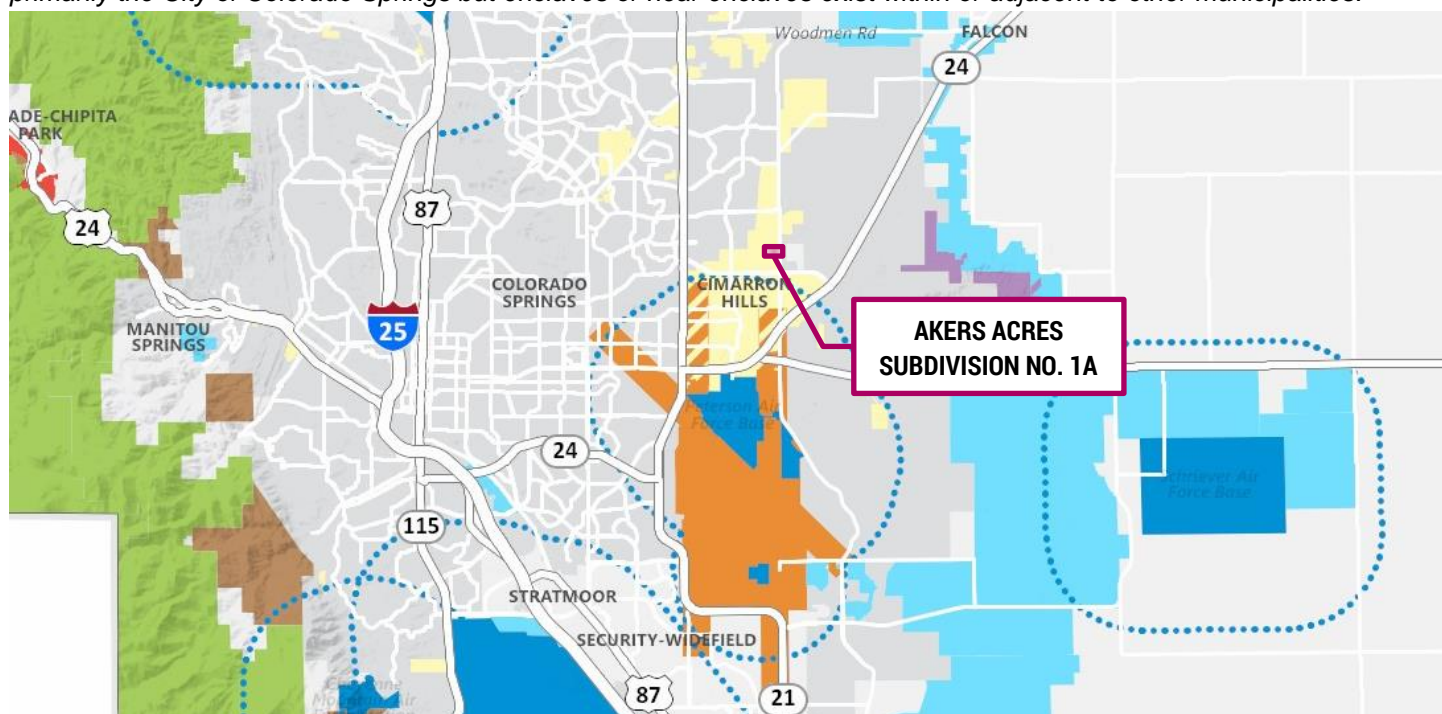
The snippet below is taken from *Your El Paso Master Plan* and shows the existing land use and development patterns of El Paso County. The project site is located in the purple boundary; this area is known as "Urban Enclave". The master

plan describes this land use as: *enclaves of developed and undeveloped land that remain unincorporated, although they are surrounded on all sides by the City of Colorado Springs and give the sense that it is part of the City.*



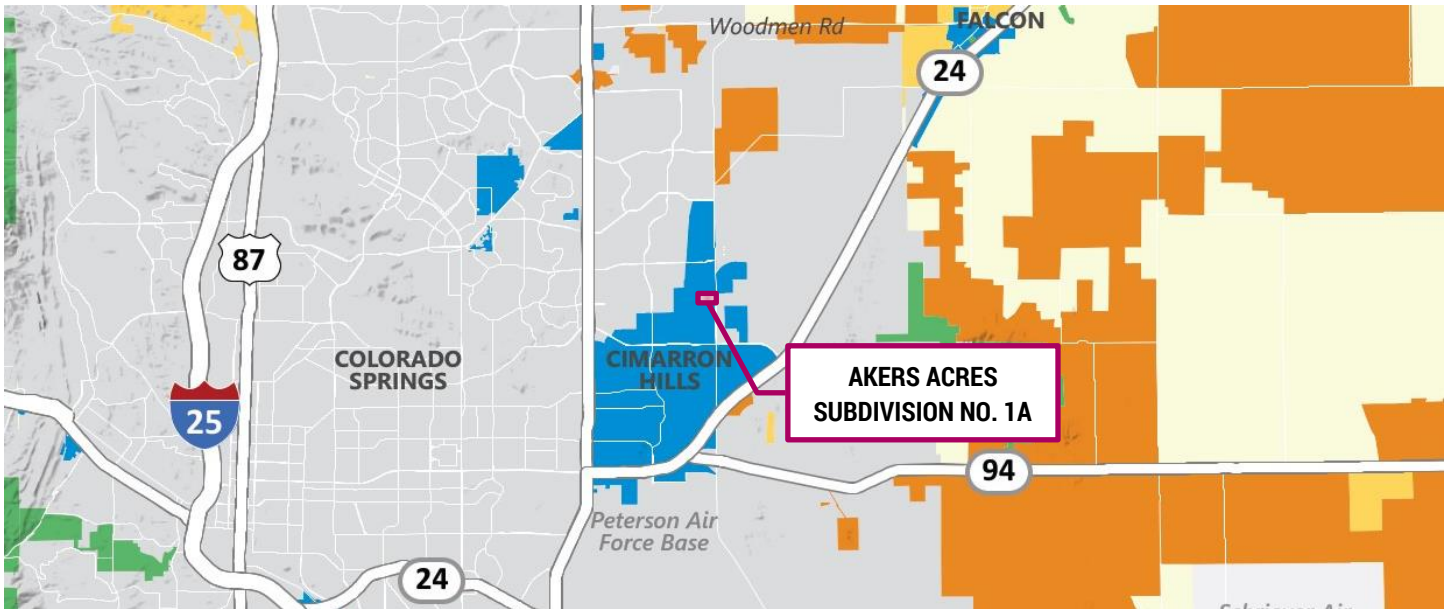
KEY AREAS

The snippet below is taken from *Your El Paso Master Plan* and shows the “Key Areas” of El Paso County. The project site is located in the peach boundary; this area is “Enclaves or Near Enclaves”. The master plan describes this Key Area as: *Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities.*



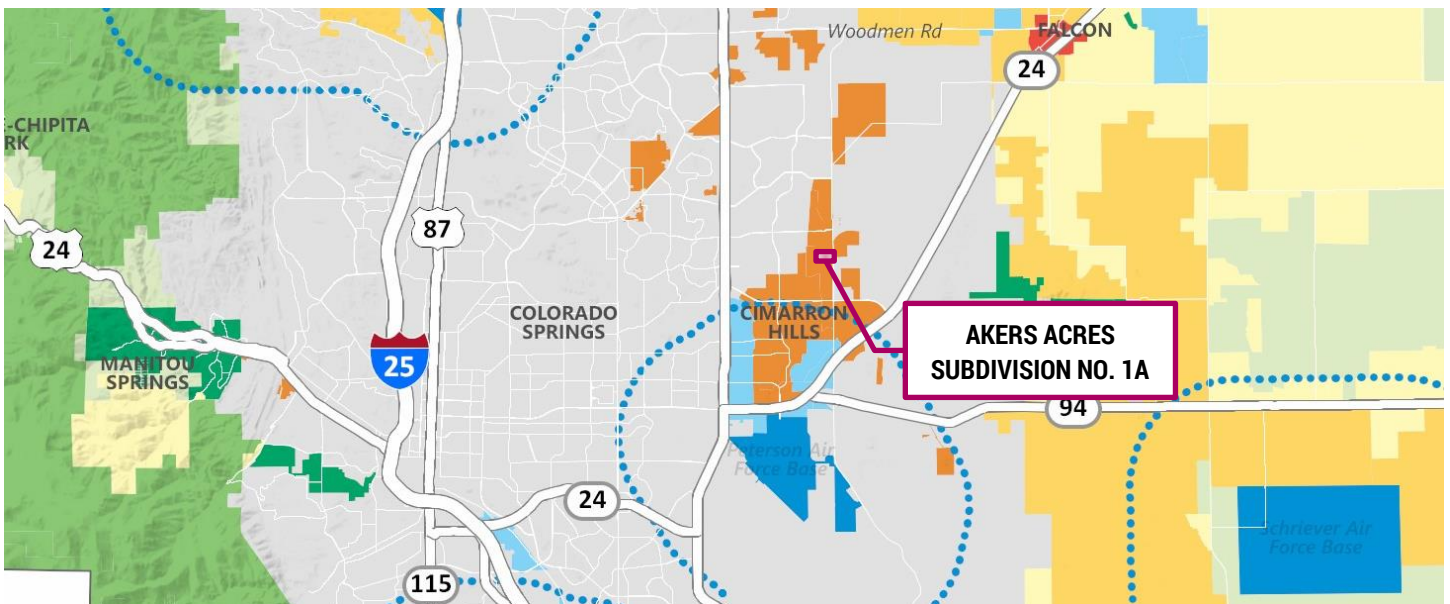
AREAS OF CHANGE

The snippet below is taken from *Your El Paso Master Plan* and shows the proposed “Areas of Change” for El Paso County. The project site is located in the blue boundary; this area is known as “Transition”. The master plan describes this Area of Change as: *These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a difference supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*



PLACETYPE

The snippet below is taken from *Your El Paso Master Plan* and shows the proposed placetypes of El Paso County. The project site is located in the dark orange boundary; this area is “Urban Residential”. The master plan describes this land use as: *The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.*



Core Principle #1 - Conclusions:

This project is located in the “Enclaves” Key Area as shown above. This area is expected to require significant improvement for annexation. Because of this, this area is labeled as a “transition” area of change. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development.

The project site land use does not match the primary land use for the associated placetype in the master plan. However, the supporting land use includes the following: Mixed Use, Restaurant, Commercial Retail, Commercial Service, Office, Parks and Open Space, and Institutional. The existing Lot 3a hosts an office building. Lot 3b is expected to develop a warehouse, which falls under commercial land use. Therefore, the project is in conformance with the master plan.

EL PASO COUNTY WATER MASTER PLAN (FEBRUARY 2019)

The “Water Master Plan” was adopted in February 2019 and includes an outline of goals and policies that provide a roadmap to implementing the Water Master Plan. This Master Plan offers six (6) sections with associated goals and policies that make up the plan.

- **Section 1 – Introduction**
- **Section 2 – Public Engagement**
- **Section 3 – Water Service Providers**
- **Section 4 – Water Supplies**
- **Section 5 – Projected Water Supply Needs**
- **Section 6 – Closing the Gap**
 - **6.1 – Water Efficiency**
 - **6.2 – Water Reuse**
 - **6.3 – Regional Water Supply Plans**
 - **6.4 – Renewable Water Development**

Only the applicable sections and goals are discussed below.

Section 3 – Water Service Providers

- 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 3.3 – Promote cooperation among water providers to achieve increased efficiencies on reuse
- Goal 3.4 – Promote cooperation between water providers to achieve increased efficiencies on storage.
- Goal 3.5 – Encourage water providers to adapt to drought conditions.
- Goal 3.6 – Develop and maintain partnerships with water providers.
- 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.

Section 3 - Conclusions:

The master plan encourages cooperation among water service providers to increase efficiencies of the infrastructure, treatment, reuse, and storage. Cherokee Metro District provided a commitment letter for water service and demand estimates. Therefore, this project is in compliance with the water master plan.

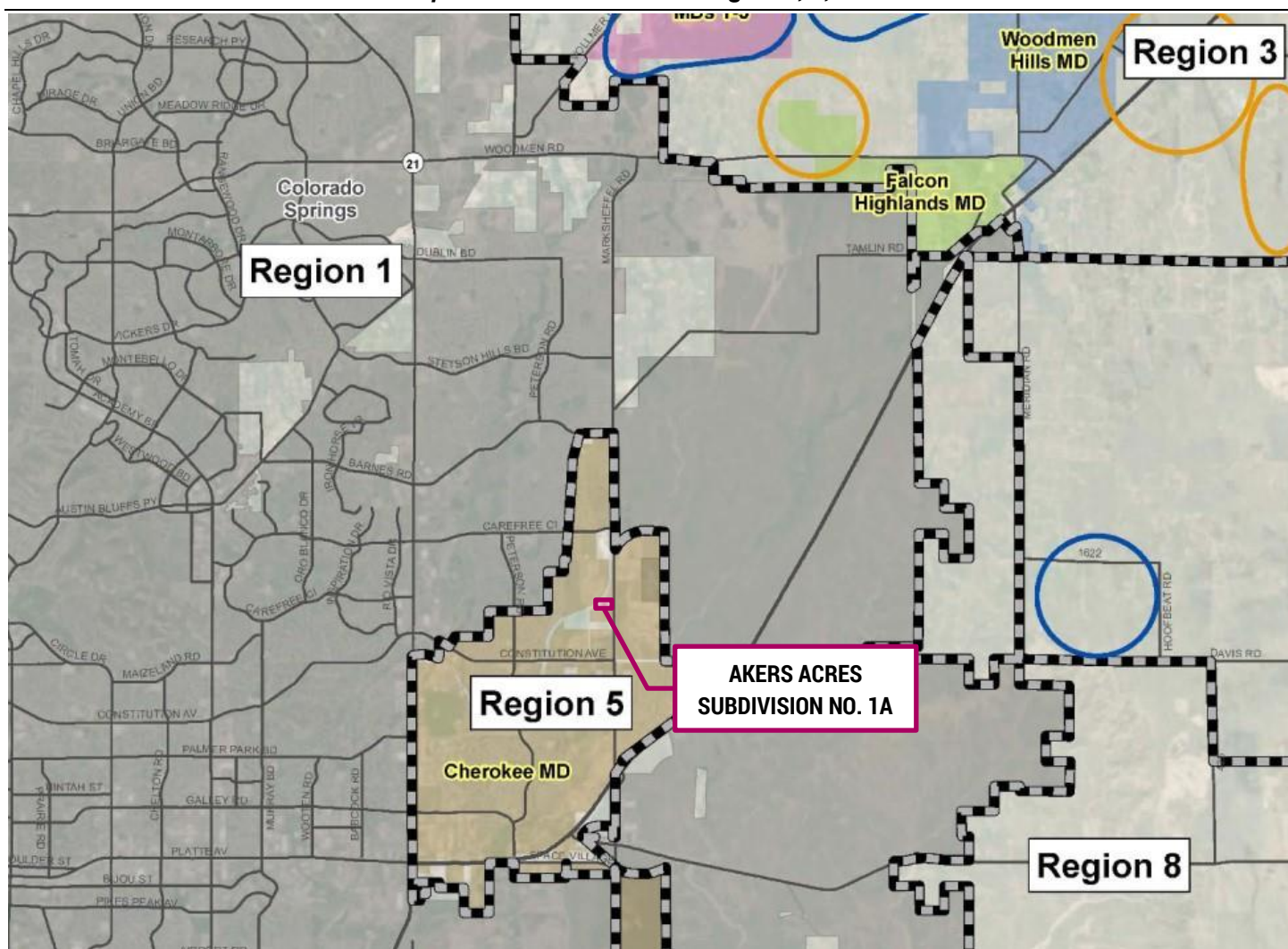
Section 5 – Projected Water Supply Needs

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

- Goal 5.2 – Identify regional opportunities and barriers to satisfying water supply needs at full development build-out (2060).
- Goal 5.3 – Reduce end user water consumption in the County.
- 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 5.6 – Protect property right

The project site is located in “Region 5” as shown in the snippet provided below.

Expected Growth Areas – Region 3, 4, and 5



The following table provides a summary of the existing and future water demand (AF per year) for this region.

Planning Region	Current Demand (AF per year)	2040 Demand (AF per year)	2060 Build-Out Demand (AF per year)
Region 5	4,396	6,468	9,608

Region 5 (Cherokee Metropolitan District Service Areas) is described in the Water Master Plan as, “*Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown in other maps.*”

Section 5 - Conclusions:

The project site is located in Region 5 as shown above. The water master plan states that this region is not expected to experience significant growth by 2060, i.e. water demand is not of great concern for this region. Therefore, this project is in compliance with the water master plan.

EL PASO COUNTY 2016 MAJOR TRANSPORTATION CORRIDORS PLAN UPDATE (DECEMBER 2016)

The “2016 Major Transportation Corridors Plan” (MTCP) is a long-term plan used to plan for the growth of El Paso County over the next 40 years. The report is organized with the following eight sections:

- Chapter I – Background and Context
- Chapter II – Community Engagement
- Chapter III – Growth in the County
- Chapter IV – 2040 Major Transportation Corridors Plan
- Chapter V – Multimodal Transportation
- Chapter VI – Corridor Preservation Plan
- Chapter VII – Funding Analysis
- Chapter VIII – Implementation

Only the applicable chapters are discussed below:

MTCP - Conclusions:

This project does not propose any construction improvements. Therefore, no provisions in the MTCP are applicable.

EL PASO COUNTY PARKS MASTER PLAN (JUNE 2013)

The purpose of the parks master plan is described as, “*The El Paso County Parks Master Plan (Master Plan) is a guiding document that works with other County plans to strategize and provide outdoor recreation opportunities such as parks and trails, long term protection of open space, and historic and cultural resources interpretation.*” This Master Plan offers eight (8) focus areas with associated goals that make up the plan.

- Overall System Mission/Role
- Regional Parks and Recreation Areas
- Regional Trails
- Open Space
- Recreation and Cultural Services Programs and Facilities
- Management and Administration
- Community Awareness
- Implementation and Funding

Only the applicable focus areas are discussed below:

El Paso County Parks Master Plan – Conclusions:

This project does not propose any construction improvements. Therefore, no focus areas in the Parks Master Plan are applicable.

EPC Land Development Code – Criteria for Approval

FINAL PLAT – CRITERIA FOR APPROVAL (LDC 7.2.1.D.3.F)

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan
The project is in conformance with all adopted El Paso County master plans. Detailed discussion for each master plan is provided above.
- The subdivision is in substantial conformance with the approved preliminary plan
No preliminary plan exists for this project.
- 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
Subdivision meets El Paso County subdivision design standards.
- 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 water commitment letter is provided by Cherokee Metro District. Estimated water demand and supply is included in the commitment letter.
- 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
A wastewater commitment letter is provided by Cherokee Metro District, meeting State and local laws and regulations, and the requirements of chapter 8 of the LDC.
- 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)]
Entech Engineering, Inc. completed an Environmental Site Assessment (ESA) for this project and identified 6 items of concern observed during the reconnaissance. A follow-up analysis was completed for these areas, it was determined that the project site indicated low levels of Gasoline and Diesel Range Organics and Oil and Grease in the subsurface soils on the Site. Entech Engineering, Inc. recommends care should be taken in the future to prevent spills and overfills of potentially hazardous materials stored and/or used on the project site. However, no further environmental investigation is recommended.
- 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 construction improvements are proposed with this project. A drainage report is provided to outline how the existing stormwater runoff is handled. Additionally, a statement is included to detail what future drainage improvements will be required should any future development occur.

- 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
Access to the proposed subdivision will be from Akers Drive. The Final Plat includes provisions for a shared access easement with maintenance responsibilities for this access.
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision
Falcon Fire Protection District (FFPD) will provide emergency services, Cherokee Metro District will provide water and wastewater, Colorado Springs Utilities will provide gas services, and Mountain View Electric will provide electric services. All associated commitment letters are provided with this submittal.
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code
The Final Plat contains a shared access easement with an included turnaround easement, meeting the requirements of Chapter 6 of the LDC. Additionally, a fire protection report is provided detailing commitment from FFPD and the emergency services offered.
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8
No construction improvements are proposed with this project. Therefore, there is no off-site related impact for this project.
- 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
No construction improvements are proposed with this project. Therefore, there is no impacts that require mitigation.
- The subdivision meets other applicable sections of Chapter 6 and 8; and El Paso County, Colorado Land Development Code Rules Governing Divisions of Land – Chapter 7-Page 10 Effective 05/2016
The proposed project meets all sections of Chapter 6, 7, and 8 of the EPC LDC.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]
There is no existing or proposed commercial mining for this project.

Respectfully submitted,

Grant Dennis
Civil Engineering Project Manager
Galloway & Company, Inc.

Akers Acres Subdivision No.1A
A Replat of Lot 3, Akers Acres
Subdivision 1,
Northeast Quarter, Section 32,
Township 13 South, Range 65 West of the
6th P.M., El Paso County, Colorado

Notes

1. The following reports have been submitted in association with the Preliminary Plan or final Plan for this subdivision and are on file at the County Planning and Community Development Department: Drainage Letter; Water Resources Report; Wastewater Disposal report; Geology and Soils Report; Fire Protection Report; Wildfire Hazard Report; natural Features Report.
2. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements, as specifically noted on the plat, shall be maintained by the individual property owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
3. Unless otherwise indicated, all side, front and rear lot lines are hereby platted on either side with a 10-foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20-foot public utility easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
4. Developer shall comply with federal and state laws, regulations, ordinances, review and other 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, US Army Corps of Engineers and the US Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Preble's Meadow jumping Mouse).
5. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
6. No driveway shall be established unless an access permit has been granted by El Paso County.
7. Mailboxes shall be installed in accordance with El Paso County and United States Postal Service regulations.
8. Structural foundations on lots in this subdivision shall be designed by a Colorado Registered Professional Engineer in accordance with Soils and Geology.
9. The subdivider agrees on behalf of him/herself and any developer or builder successors and assigns that the subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittal. 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 the sale of the property.
10. Individual purchasers are responsible for constructing driveways, including necessary drainage culverts per Land development Code Section 6.3.3.C.2. and 6.3.3.C.3.
11. There shall be no direct access to Marksheffel Road.
12. Due to their length some of the driveways will need to be specifically approved by the Falcon Fire District.
13. Road Impact fees will be assessed and paid at time of and paid at time of building permit for future development.

Be it known by these presents:

That D & K Akers LLC being the owner the following described tract of land:

1203.48
To Wit:

Legal Description:

A tract of land located in the East Half of Section 32, Township 13 South, Range 65 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows:

Lot 3, Akers Acres Subdivision No. 1, El Paso County, Colorado as shown on the plat thereof Recorded in Plat Book H-2 at Page 48, Reception Number 432490, except that part conveyed to to El Paso County, by instrument recorded under Reception No 209077955, said described tract contains 9.26 Acres, +/-.

DEDICATION:

The undersigned, being all the owners, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted into lots, and easements as shown hereon under the name and subdivision of AKERS ACRES SUBDIVISION NO.1A. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The utilities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and relate facilities.

D & K Akers Subdivision
Manager
D & K Akers Subdivision
Manager

ATTEST:

NOTARIAL:

State of Colorado)
County of El Paso)
The foregoing instrument was acknowledged before me this ____ day of _____, 2021 A.D. by

D & K Akers LLC
Manager
D & K Akers LLC
Manager
as owners.

My Commission expires: _____
Notary Public

Board of County Commissioners Certificate

This plat of Akers Acres Subdivision No. 1A was approved for filing by the El Paso County, Colorado Board of County Commissioners on the ____ day of _____, 20 ____ A.D. subject to any notes specified hereon and any conditions included in the resolution approval.

Chair, Board of County Commissioners
Date

Planning and Community Development Director
Date

Recording

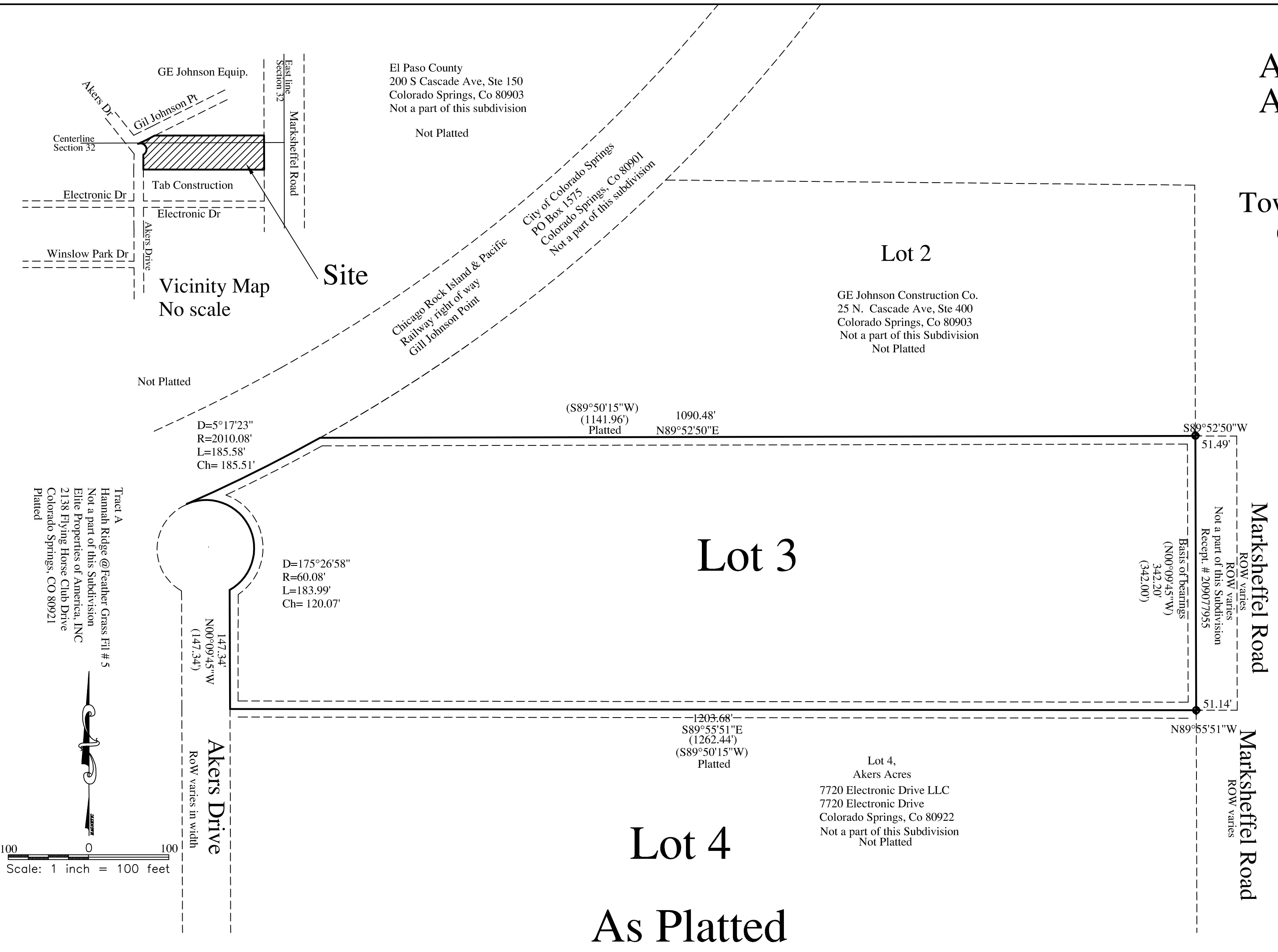
State of Colorado)
County of El Paso)
I hereby certify that this instrument was filed for record in my office at ____ o'clock ____M., this day of _____

20 ____ A.D. and is duly recorded under Reception Number _____ of the records of El Paso County, Colorado.

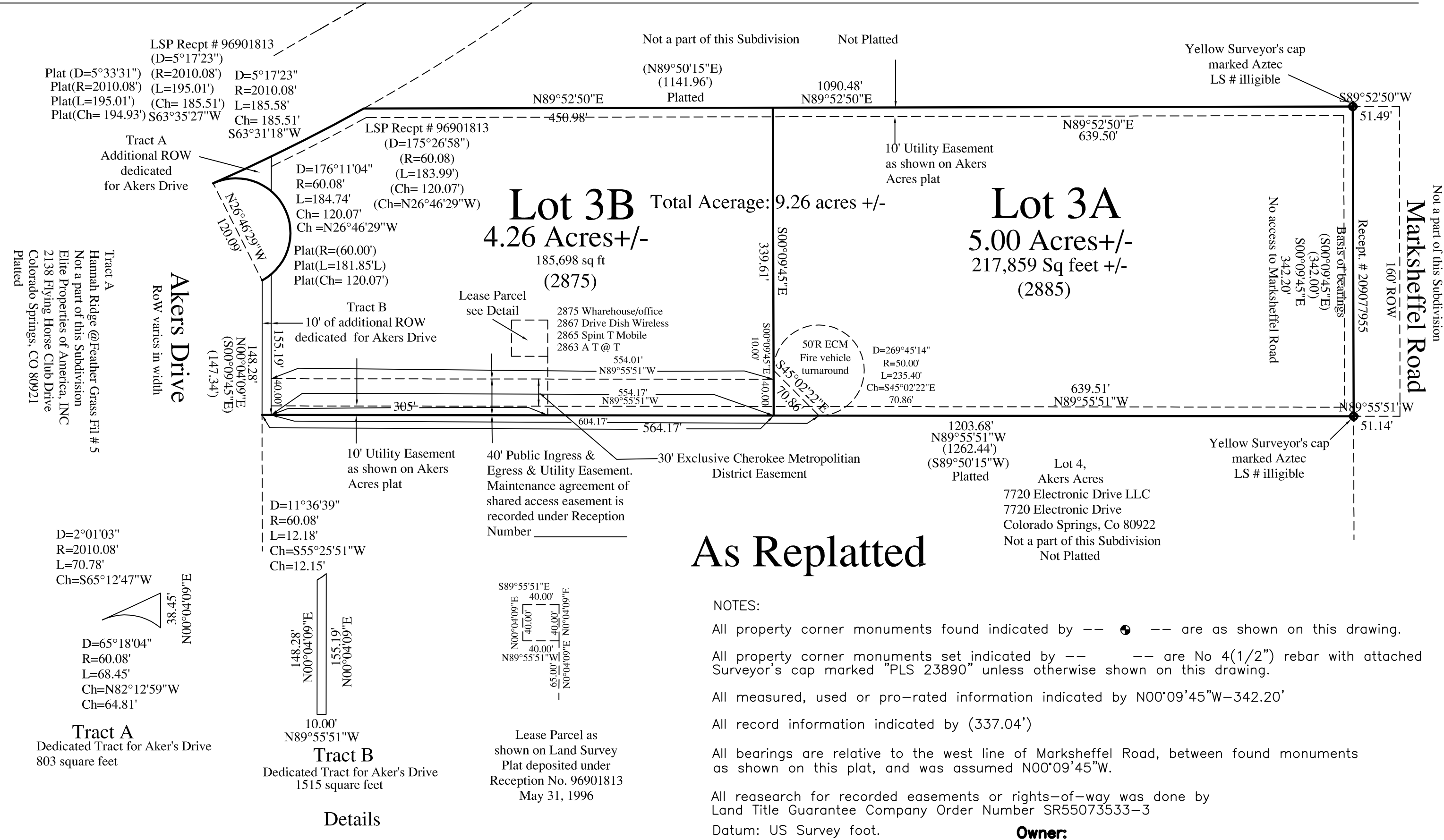
Chuck Broerman, Recorder

Fee _____
Surcharge _____
By: _____
Deputy

PCD File No#
SF-21-39



Lot 3
Lot 4
As Platted



As Replatted

NOTES:

- All property corner monuments found indicated by -- ● -- are as shown on this drawing.
- All property corner monuments set indicated by -- -- are No 4(1/2") rebar with attached Surveyor's cap marked "PLS 23890" unless otherwise shown on this drawing.
- All measured, used or pro-rated information indicated by N00°09'45"W-342.20'
- All record information indicated by (337.04')
- All bearings are relative to the west line of Marksheffel Road, between found monuments as shown on this plat, and was assumed N00°09'45"W.
- All reasearch for recorded easements or rights-of-way was done by Land Title Guarantee Company Order Number SR55073533-3
Datum: US Survey foot.

Owner:
D & K Akers, LLC
2875 Akers Drive
Colorado Springs, Colorado 80937

SUMMARY:
Total Acreage: 9.26 acres, +/-
Number of Lots: 2 each
Acreage Lot 1: 4.26 acres +/-
Acreage Lot 2: 5.0 acres +/-
Tract is zoned M-CAD-O
No 100 year flood plain boundaries.
No slopes that exceed 30% grade

"NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-5-508

John Keilers & Associates, LLC
9920 Otero Avenue
Colorado Springs, Colorado 80920
719-599-5938 719-649-9243 cell
Jack Keilers@gmail.com

DillieAkersReplat.dwg
May 15, 2021

Revisions:



July 11, 2022

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

RE: Akers Acres - Replat of Lot 3
Final Plat
NE1/4 Sec. 32, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 29081

To Whom It May Concern:

We have received additional information concerning the above-referenced proposal to subdivide 10 acres known as, Lot 3 of Akers Acres, into two approximately equal sized lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 2.20 acre-feet/year for all combined uses on both proposed lots. Cherokee has determined that the existing lot has used an average of 0.5 acre-feet/year and the new lot will require 1.7 acre-feet of new commitment from Cherokee.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and an updated letter of commitment from Cherokee dated April 27, 2022 was included with the submittal. According to the letter, they have committed to supply 2.2 acre-feet/year to the proposed development (domestic/irrigation). According to this office's records, it appears that Cherokee has adequate water resources to serve a total of 2.2 acre-feet/year for the proposed development.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. Should you have any questions, please feel free to contact me directly.



Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is fluid and cursive, with the first name "Ivan" and last name "Franco" clearly distinguishable.

Ivan Franco, P.E.
Water Resource Engineer

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

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Terry A. Sample
Dorey L. Spotts
Steven W. Martyn

August 2, 2022

SF-21-39 Akers Acres Subdivision No. 1a
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a final plat proposal by Galloway & Company, Inc. for D & K Akers, LLC ("Applicant") for replat of Lot 3 of Akers Acres Subdivision 1 into two lots: Lot 3a (4.26 acres) and Lot 3b (5.00 acres) (the "property"). The property is currently zoned M CAD-O (Industrial – Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the proposed total demand for the redevelopment is 2.20 acre-feet/per year which reflects 1.01 acre-feet for commercial use, plus 0.67 acre-feet for irrigation as well as 0.5 acre-feet for existing use due to an existing building on the property (Lot 3a).¹ Based on the total demand, Applicant must be able to provide a supply of 660 acre-feet of new water supply (2.20 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "CMD"). As detailed in the *Water Provider's Supplementary*

¹ Note: There appears to be a rounding difference on the WSIS. The WSIS shows the new water demand as 1.68 AF, plus existing use of 0.50 AF which totals 2.18 AF; however, the total water demand indicated on the WSIS is 2.20 AF. The *Water Resources Report* and the District letter both reference a rounded-up amount of new water demand of 1.7 acre-feet; therefore, the balance of this review will use the 1.7 acre-feet water demand (total amount of 2.20 acre-feet).

Report for Proposed Redevelopment of 2875 Akers Drive dated May 6, 2022 (“*Report*”), the District’s water supply is sourced entirely from Denver Basin sources. The *Report* indicates that “[w]ith 4,443.0 AFY of exportable supply and 4,318.9 AFY of commitments, CMD has a water balance of 124.1 AFY before the subject development. After commitment of 1.7 AFY to this development, the District will have 122.4 AFY remaining for additional commitments.”

4. The District’s General Manager provided a letter of commitment for the 2875 Akers Drive subdivision dated April 27, 2022, in which the District committed to providing water service for the two proposed lots at 2875 Akers Dr. in the amount 1.01 acre-feet/year, plus irrigation in the amount of 0.67 acre-feet/year, for an annual water requirement of 1.7 acre-feet/year of new water demand, along with 0.5 acre-feet/year of an existing commitment for a total of 2.2 acre-feet/year.

Finally, the District’s commitment is only a conditional commitment; therefore, the District’s letter noted “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

State Engineer’s Office Opinion

5. In a letter dated July 11, 2022, the State Engineer reviewed the proposal to subdivide the 10 +/- acre parcel into two approximately equal sized lots. The State Engineer stated that the proposed development is to be served by Cherokee Metropolitan District. A letter of commitment dated April 27, 2022 from Cherokee was provided with the materials and indicated that 1.7 acre-feet are committed to the proposed subdivision. Finally, “[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Akers Acres Subdivision No. 1a is 2.2 acre-feet per year to be supplied by the Cherokee Metropolitan District.

Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 1.7 acre-feet/year and a commitment from the District in the amount of 1.7 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set below, the County Attorney’s Office recommends a finding of conditional sufficiency as to water quantity and dependability for Akers Acres Subdivision No. 1a.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the 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. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided May 17, 2022, the *Water Resources Report* dated May 13, 2022, the *Cherokee Metropolitan District* letter dated April 27, 2022, and the *State Engineer Office's Opinion* dated July 11, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated April 27, 2022 (approval must be provided by April 27, 2023), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid.**

cc. Ryan Howser, Project Manager, Planner III

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard January 26, 2022
Land Use Review Item #12**

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): SF2139 COMMERCIAL PLAT		PARCEL #(S): 5332001008
DESCRIPTION: Request by Galloway & Company, Inc., on behalf of D&K Akers, LLC for approval of the D&K Akers Subdivision plat for Lots 1 and 2 consisting of 9.26 acres. The property includes an existing warehouse and vacant land; no change in land use is proposed. The site is zoned M/CAD-O (Industrial and Commercial Airport District Overlay) and is located northwest of Marksheffel Boulevard and Constitution Avenue.		
CONSTRUCTION/ALTERATION OF MORE THAN 100 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 3.91 miles northeast of Rwy 17R	
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 50 feet above ground level; 6,590 feet above mean sea level	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: None	
ATTACHMENTS: https://epcdevplanreview.com/Public/ProjectDetails/173091 CLICK ON VIEW FINAL PLAT DRAWINGS UNDER DOCUMENTS LIST		

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STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

Subject to Airport Advisory Commission Action

*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number).
- **FAA Form 7460-1:** If use of temporary construction equipment will exceed 65 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

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Project location exhibit:

