

WATERVIEW EAST COMMERCIAL PRELIMINARY PLAN

LETTER OF INTENT

03.23.23

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

WATERVIEW COMMERCIAL INVESTORS, LLC
2727 GLEN ARBOR DRIVE
COLORADO SPRINGS, CO 80920

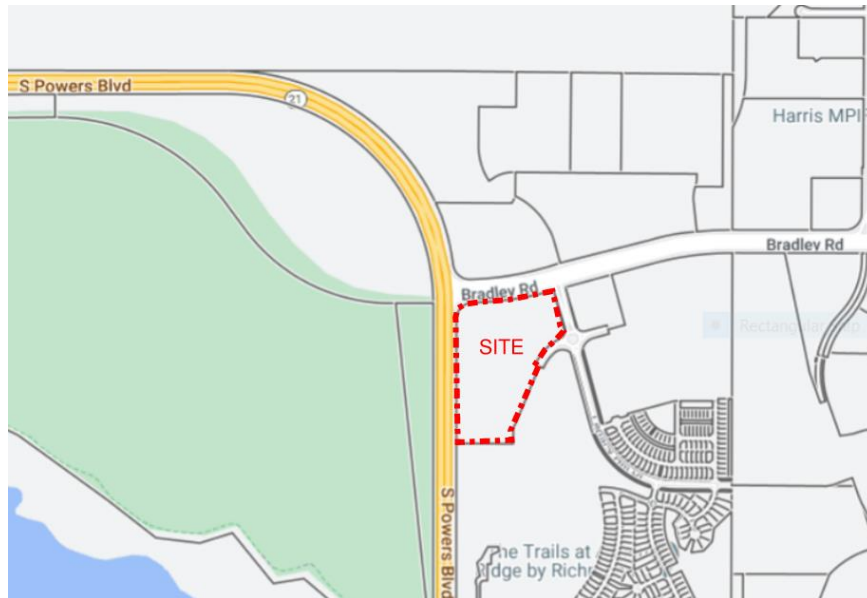
PLANNING

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

ENGINEERING

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

Dakota Springs Engineering
31 N. Tejon Street, Suite 501
Colorado Springs, CO 80903



PARCELS NO(S): 5509200002

SITE/BACKGROUND INFORMATION

The ±22.1 acres included in the preliminary plan is within the zoned CS, within the Commercial Airport Overlay District (CAD-O). The parcels are located southeast corner of intersections of Powers Boulevard and Bradley Road

A request and approval of the preliminary plan is to subdivide the existing into nine commercial (9) lots and four (6) Tracts under the CS CAD-O zoning. 8-Lots will be accessed by private roads (tract) and the 9th lot to be served by an access off a public road (Frontside Dr). The existing parcel and future lots are located within the Waterview III Metropolitan District.

CSAAC has no concerns with the proposed development. No additional information has been requested at this time.

Request & Justification

Waterview Commercial Investors, LLC (“The Applicant”) requests approval of the Waterview East Commercial Preliminary Plan that includes Nine (9) commercial lots, four (4) tracts for stormwater detention/water quality, public and private rights-of-way, road improvements including sidewalks public parking and access, utility infrastructure, and a preliminary landscape plan.

The applicant requests that the preliminary plan approval include the following:

- Findings of sufficiency with respect to water quality, quantity, and dependability are requested with the preliminary plan approval;
- BOCC authorization of pre-development site grading, which includes authorization to install wet and dry utilities.
- Waiver for a private road (see below)
- Waiver for alternative lot frontage dimension (see below)
- Approval of the following Deviation Requests:
 1. See included request for a right-in and right-out access onto Legacy Loop

The preliminary plan also provides a preliminary landscape plan that identifies required buffers, streetscape locations, typical details, and cross sections. Roadway landscaping requirements may be collateralized as public subdivision improvements to be owned/maintained by Waterview III Metropolitan District. Future individual lot landscaping will be submitted on a per site basis which shall conform to this overall preliminary landscape plan and current code.

The preliminary plan has been designed to conform to the dimensional requirements of the CS zone which include:

- Setbacks: 25’ front yard; 25’ side/rear yards (0’ from internal side/rear lot line within the same zone)
- Height: 45’

- Roadway Landscape Buffer/Setback Requirements:

Ex./Prop. Road	Roadway Classification	Landscaping Buffer/Setback	Req. Trees*/ Linear Foot of Frontage
US 21 Powers Blvd.	Expressway, Principal Arterial	25 feet	1 per 20 feet
Bradley Rd	Major Arterial	25 feet	1 per 20 feet
Legacy Hill Dr.	Non-Arterial	15 feet	1 per 30 feet
Frontside Dr.	Non-Arterial	15 feet	1 per 30 feet

*Note, the landscape plant will provide a minimum 1/3 trees shall be evergreen)

The preliminary plan provides direct access to Waterview East Commercial per three proposed access points: One from a southern full movement access along Frontside Drive (public road) approximately 600 feet west of Legacy Hill Drive and a second access (private road) to the southern lot approximately 1260’ south of the roundabout at legacy Loop Drive. Last, the third access is proposed as a Right-in (private road) access along Legacy Hill Drive approximately 200 feet south of Bradley Road. It is understood that for the third access point (right in only) to be approved at the site development plan stage, the existing plat will need to be amended. This amendment is being submitted under a separate application process.

See the related traffic study for public improvements and related access deviation enclosed. All off-site roadway, signing, striping, and signal improvements shall be incorporated into the Civil Drawings, and conform to El Paso County and/or CDOT standards as applicable, as well as the Manual on Uniform Traffic Control Devices – 2009 Edition (MUTCD).

PRELIMINARY PLAN REVIEW/APPROVAL CRITERIA & JUSTIFICATION

- ***The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;***
 - The subdivision generally conforms to the goals, objectives, and policies of the Master Plan, which includes the Your El Paso Master Plan and Water Master Plan as discussed below.

Your El Paso Master Plan Conformance

Key Area(s): *The site is located within overlapping boundaries of the following Key Areas:*

- A. Colorado Springs Airport/Peterson Air Force Base**
- B. Military Installations and 2-mile Notification Zone**



A. Enclaves/Near Enclaves *The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it.*

- Surrounding land uses include vacant open space on the western boundary opposite of Powers Boulevard; vacant land use and open space located north of the site opposite Bradley Road (being annexed into the City of Colorado Springs) and will provide compatible mix commercial and residential uses; and vacant land zoned PUD on the east opposite of Legacy Hill Drive is being developed as a mix-residential development. The uses and development pattern are consistent with identified development patterns in the Master Plan.

B. Colorado Springs Airport/Peterson Air Force Base: *The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County. Employment Centers not only provide additional job opportunities for County residents, but will expand the County's tax base, provide more opportunities to address other County issues*

such as upgrades to infrastructure, expand services and development of new roadways.

- The project proposes commercial development in the CR-CAD-O zone.

C. Military Installations and 2-mile Notification Zone

JLUS Recommendations

- Manage encroachment issues from nearby development that could impact utility infrastructure, transportation routes, and that may generate vertical obstructions beneath airspace utilized by flight operations.
- Implement consistent and compatible zoning regulations for land areas within Accident Potential Zones (APZs).

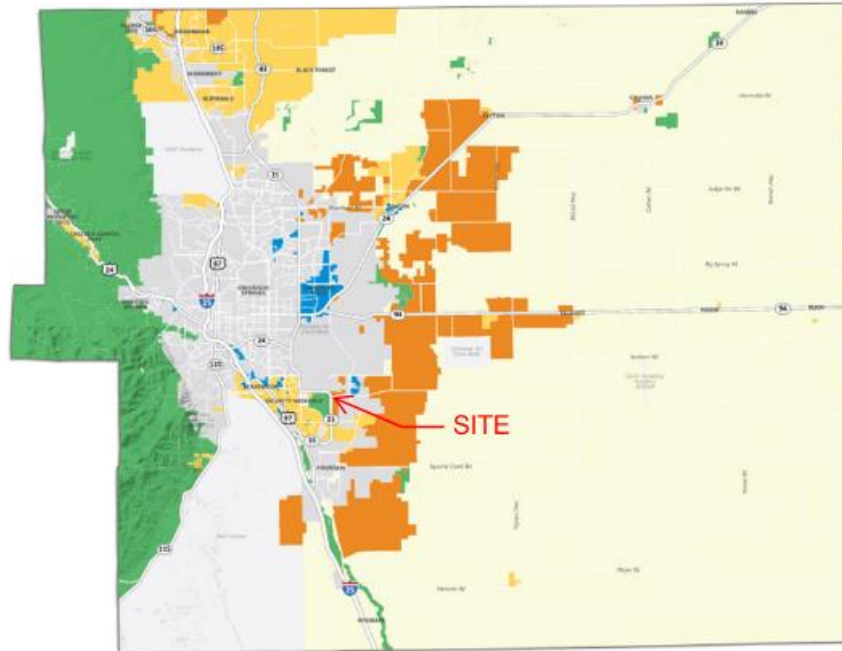
Core Principle: Foster effective working relationships with military installations to support planning efforts and mutual success.

Goal 6.1 - Support compatible land uses within and in close proximity to bases and associated facilities.

- No military encroachment issues have been identified by Peterson AFB. Vertical development will be in accordance with existing height restrictions in the CAD-O zone. The commercial zoning is compatible with Peterson AFB operations and JLUS recommendations. No review comments have been provided to date from Peterson AFB.

Areas of Change:

Transition: *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 different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*



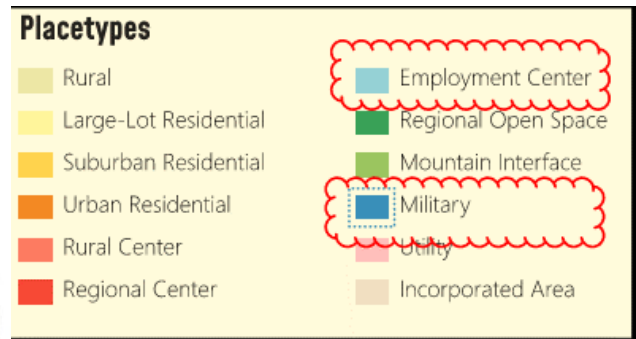
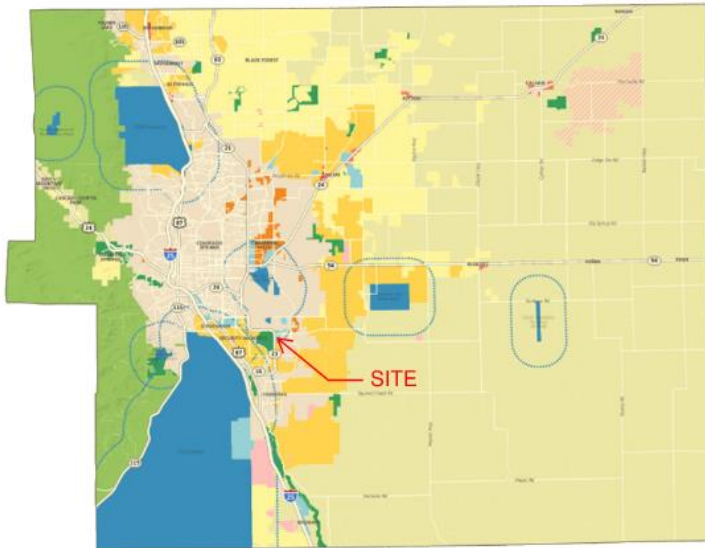
Areas of Change



BOCC approval of the rezone of parcels included in the preliminary plan area from the M to the CR (CAD-O) zone for consolidation of land under a single zone for future commercial development. Prior to the current development application, zoning and ownership of the parcels were fragmented. The current entitlement efforts are placing underutilized property into production as a unified commercial development and will support the adjacent land uses.

Placetype: Employment Center (within Military Impact Buffer)

Primary land uses within this Placetype include office, light industrial/business park, and heavy industrial. Supporting land uses include restaurant, commercial retail, and Commercial Service. Planned uses within the Waterview East Commercial preliminary plan include supporting retail and service uses within the Employment Center Placetype. This is consistent with the Area(s) of Change (Transition) whereby “redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development”.



WATER MASTER PLAN CONSIDERATIONS:

PLACETYPES	LAND USES																		
	Agriculture	Farm/Homesite	Esate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Office	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility
Rural	●	●	○																
Large-Lot	○			●				○	○						○				
Suburban				●	○	○			○	○					○				○
Urban Residential				●	●	●	○	○	○	○					○				○
Rural Center				●	○	○		●	●	●									●
Regional Center					○	●	○	●	●	●					○				○
Employment Center								○	○	○					●	●	●		
Regional Open Space																●	●		
Mountain Interface				○					○	○	○				●	●			○
Military				○	○	●		○	○	○				○	○	○			○
Utility																			●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype.
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

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

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

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

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

Water service is planned from Widefield Water and Sanitation District. Adequate water resources in terms of quality, quantity, and sustainability are available to adequately serve the proposed development.

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

Land uses within the existing Waterview East Commercial area is served by centralized utilities. The proposed development is consistent with the existing utility providers master plans.

The development area is in REGION 7 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Widefield Water and Sanitation District (WWSD) Service Area. Region 7 consists of areas served by WWSD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 7. No specific growth map was created for Region 7; these areas are shown in other maps.

The District’s customer base is primarily residential, representing 98% of all accounts. The remaining 2% of accounts are commercial. There are no industrial accounts within the District. A population of about 22,295 is served within the water boundaries. For wastewater, a population of about 23,758 is served. At the end of 2021, the District served about 9,695 water accounts and about 10,251 wastewater accounts

WWSD has adequate supply, water quality, and the existing and planned infrastructure in the area to serve this development and maintains required regulatory compliances.

Per the Water Master Plan, water supplies in Region 7 from current to 2060 build out are as follows (*taken from EPC WMP*):

Planning Region	Current Supplies (AF per year)	2040 Supplies (AF per year)	2060 Build-Out Supplies (AF per year)
Region 7	15,376	25,241	27,840

Table 5-2: Current, 2040, and Build-Out Water Supply by El Paso County Planning Region

Planning Region	Demand (AF)	Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 7	10,141	15,376	5,236	0	0%

Table 5-3: Current Demand and Current Supplies by El Paso County Planning Region

Planning Region	2040 Demand (AF) Need (AF) Need (%)	Current Supplies (AF)	(AF) Average-Year Surplus**	Need (AF)	Need (%)
Region 7	15,846	15,376	0	470	3%

Table 5-4: Future (2040) Demand and Current Supplies by El Paso County Planning Region

Planning Region	2060 Demand (AF)	Current Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 7	26,969	15,376	0	11,593	43%

Table 5-5 – Build-out (2060) Demand and Current Supplies by El Paso County Planning Region

Water supplies in Region 7, and specifically from WWSD, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. The District has been planning to reduce demand through its conservation and reuse programs. Additional water resources are planned through WWSD interconnections and regional collaboration with partner and/or neighboring water providers.

According to the District Report, water commitments stand at 13.42 AFY. The Tipton and Kane commitments are related to an arrangement from the mid-2000’s where developers reserved commitments on two new wells. The water from these wells is considered fully committed to these developers even if they have not yet begun the

projects associated with the reserved commitments. Due to a complex legal history, the “Kane” water right was not tied to a specific physical water well but instead operates as a commitment served from WWSD’s general supply portfolio.

Table 3: WWSD Commitments before addition of new development

Lot	Land Area (sqft)	Land Area (acres)	Building Area (sqft)	Use	Assumed Tap Size (inches)	SFE/Acre	SFE's	SFE's x 317 gpd/SFE = ADD (gpd)	SFE's x 677 gpd/SFE = MDD (gpd)
1	68,670	1.58	7,800	Commercial/Gas	1.5	4	6.3	1,999	4,269
2	49,366	1.13	21,939	Commercial/Grocery	3	4	4.5	1,437	3,069
3	16,284	0.37	10,800	Commercial/Retail	1	4	1.5	474	1,012
4	12,693	0.29	3,000	Commercial/Fast Food	1.5	4	1.2	369	789
5	12,681	0.29	3,500	Commercial/Fast Food	1.5	4	1.2	369	788
6	226,977	5.21	8,064	Commercial/Storage	0.75	4	20.8	6,607	14,111
7	16,656	0.38	11,038	Commercial/Retail	1	4	1.5	485	1,035
8	9,576	0.22	6,600	Commercial/Retail	1	4	0.9	279	595
9	12,948	0.30	9,015	Commercial/Retail	1	4	1.2	377	805
A	478,965	11.00		Landscaping	1.5	4	44.0	13,942	29,776
B	12,179	0.28		Landscaping	1.5	4	1.1	355	757
C	23,134	0.53		Landscaping	1.5	4	2.1	673	1,438
D	23,467	0.54		Landscaping	1.5	4	2.2	683	1,459
Totals	963,596	22.12	81,756				89	28,213	60,253

WWSD has committed to allocate 31.15 AF/YR for the proposed development out of its current supplies. It should be noted that the district has committed to serve development within the proposed development boundaries since the property was annexed into the district

WWSD has a collection of wells, pump stations, conveyance pipelines, storage tanks, and treatment facilities to deliver potable water to its customers. Deviation from the estimated tap size will require the District to take an additional look at the water supply. Car washes have not been considered in this commitment and would need to be reevaluated for approval with future site development applications.

THE SUBDIVISION IS CONSISTENT WITH THE PURPOSE OF THE CURRENT DEVELOPMENT CODE

The stated purpose of the preliminary plan is to provide an in-depth analysis of the proposed division of land including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular and pedestrian circulation, and relationship to surrounding land uses. Necessary reports including, but not limited to drainage, grading and erosion control, water/wastewater resource reports, traffic impact analysis, and the preliminary plan have been provided in order to review and refine the design of the subdivision taking into account the review of the referenced documents, plans, and reports in order to guide the design of the development to meet the intent and purposes of the preliminary plan as stated in the Code.

- **The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**
 - The subdivision conforms to the design standards of the current Code with approval of the associated waivers and deviations. The Security Fire Protection Department has reviewed the access and proposed lots and does not object to the access design or private drive circulation pattern and access points.
 - The project does request two waivers
 - private roads waiver (see below)
 - alternative minimum front lot width waiver (see Below)

- **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**
 - The preliminary plan is within the Widefield Water and Sanitation District service boundaries. A commitment to provide water service has been provided by the District. The District has identified it has adequate water resources to serve the proposed development. Offsite improvements to extend service lines to the site will be required and are planned by the District to deliver.

- **A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;**
 - The subdivision will connect into an existing public sewage disposal system what has been installed together with other public improvements associated with Aspen Trail development to the east. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of the County Land Development 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)];**
 - 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 or will achieve compatibility through compliance with recommendations of corresponding reports and plans.

- **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;**

- Adequate drainage improvements have been provided by the subdivision design, including but not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM.

Detention facilities have been designated within three (3) tracts identified as Tract B, C and D on the Preliminary Plan. Ownership and maintenance of all drainage facilities and improvements shall be provided by the Waterview III Metropolitan District. The drainage system has also been planned in corporation with the larger drainage Master Plan. See the drainage report.

- **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;**
 - 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. The site and use has been recognized with the development and study associated with the adjacent developments as well. This includes the Villages at Waterview North and the Trails at Aspen Meadow.
 - Referenced public improvements include, but are not necessarily limited to, grading and erosion control, stormwater runoff and drainage and detention/water quality facilities, transportation and roadway related improvements, utility service delivery infrastructure and related improvements.
 - The preliminary plan provides the additional development of local public roads/lanes to serve the subdivision which provide access and frontage to lots, open spaces, and detention facilities.
 - Public road cross sections include ADA compliant sidewalk improvements (per local conditions and standards), together with all required wet and dry public utilities.
- **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;**
 - Legal and physical access is and will be provided to all parcels/lots by planned public and private road access points. A deviation for a proposed right-in movement access point along Legacy Loop is requested with the preliminary plan. The deviation request will be subject to conditions of approval. Also see Traffic Study.
 - A waiver for private roads is provided for 8 of the proposed lots (see waiver below). As part of the request, the applicant has submitted the private road layout and related circulation and access to the Fire District and received written support/approval. See support letter

- To further support free access to all lots, each lot will participate in a shared lot-to-lot parking, access and maintenance agreement.
- **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;**

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 and use.
 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
 5. By incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so that there is no negative impact to County services and facilities
- **Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**
 - Necessary services, which include police and fire protection, recreation, utilities, open space and transportation system, are and will be available to serve the proposed development. Required service commitments have been provided in support of the development application. These negotiations are occurring concurrently with the Waterview East Commercial development application review; however, final plans,

agreements, and permitting are likely to extend beyond the preliminary plan and final plat approval process for this development application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**
 - The subdivision provides evidence via commitment letters from Security Fire Protection District for emergency and fire service and Widefield Water and Sanitation District for water for fire suppression as well as preliminary plan layout and design of access and utilities demonstrate show that the proposed methods for fire protection comply with Chapter 6 of the County Code.
- **The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**
 - The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the County Code or otherwise approved with conditions imposed by the BOCC.

The applicant is requesting the following deviations:

A deviation from the standards of or in Section 2.2.5.D (and 2.3.2) of the Engineering Criteria Manual (ECM) is requested. The request is for a right-in access to Legacy Hill Drive approximately 350 feet south of Bradley Road (and 250 feet north of the roundabout intersection (Frontside Drive)- centerline spacing). Please refer to the TIS report prepared for this project for additional information A deviation from the standards of or in Section 2.2.5.D (and 2.3.2) of the Engineering Criteria Manual (ECM) is requested.

This deviation is for private “access allowed” and if the proposed private shopping center access drive proposed to connect to Legacy Hill Road is considered comparable to a local public street, then “intersection spacing along a Collector” is a consideration with this deviation.

See full deviation request and related exhibits prepared by LSC Transportation Consultants Inc.

The applicant is requesting the following waivers:

1. Private Road Waiver: In reference to Private Roads, code section 8.4.4.E, private roads require waiver and approval of the BOCC.
 - a. The applicant agrees to enter into a private road maintenance agreement. It is the intend that the private road will be maintained by the Waterview III Metropolitan District.
 - b. The road will be designed and built to the current ECM standards. See associated road sections.

- c. The private road will be provided in a public road tract
 - d. The proposed private road, circulation and access has been reviewed and approved by the Fire District. See commitment/ letter of support.
 - e. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or the function of the intended use.
 - f. The waiver does not have the effect of nullifying the intent and purpose of this Code
2. **Alternative minimum lot frontage width:** In reference to minimum lot frontage, 8.4.4 c-5, Lots shall have a minimum of 30 feet of frontage on and have access from a public, except where private roads are approved by the BOCC.
- a. The request is to develop Lots 5 (1 of 9 lots) with an alternative frontage along a private road. The proposed minimum lot frontage is 24' in place of the 30' minimum as started in the code.
 - b. The reduced front secures the access from the private road, while the share parking and access agreement further supports additional and greater circulation for Lot 5 and the adjacent lot uses.
 - c. The reduced frontage will have not adverse impact on the use or value of the property.
 - d. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or the function of the intended use.
 - e. The waiver does not have the effect of nullifying the intent and purpose of this Code

