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**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Ashlyn Mathy, Planner II  
Edward Schoenheit, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: VR2316  
Project Name: Bent Grass Replat  
Parcel Number: 5301104002

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
CD MERIDIAN & BENT GRASS LLC 106 S. KYRENE RD., CHANDLER, AZ, 85226	Virgil Sanchez virgils@mscivil.com (719) 481-0818

**Commissioner District: 2**

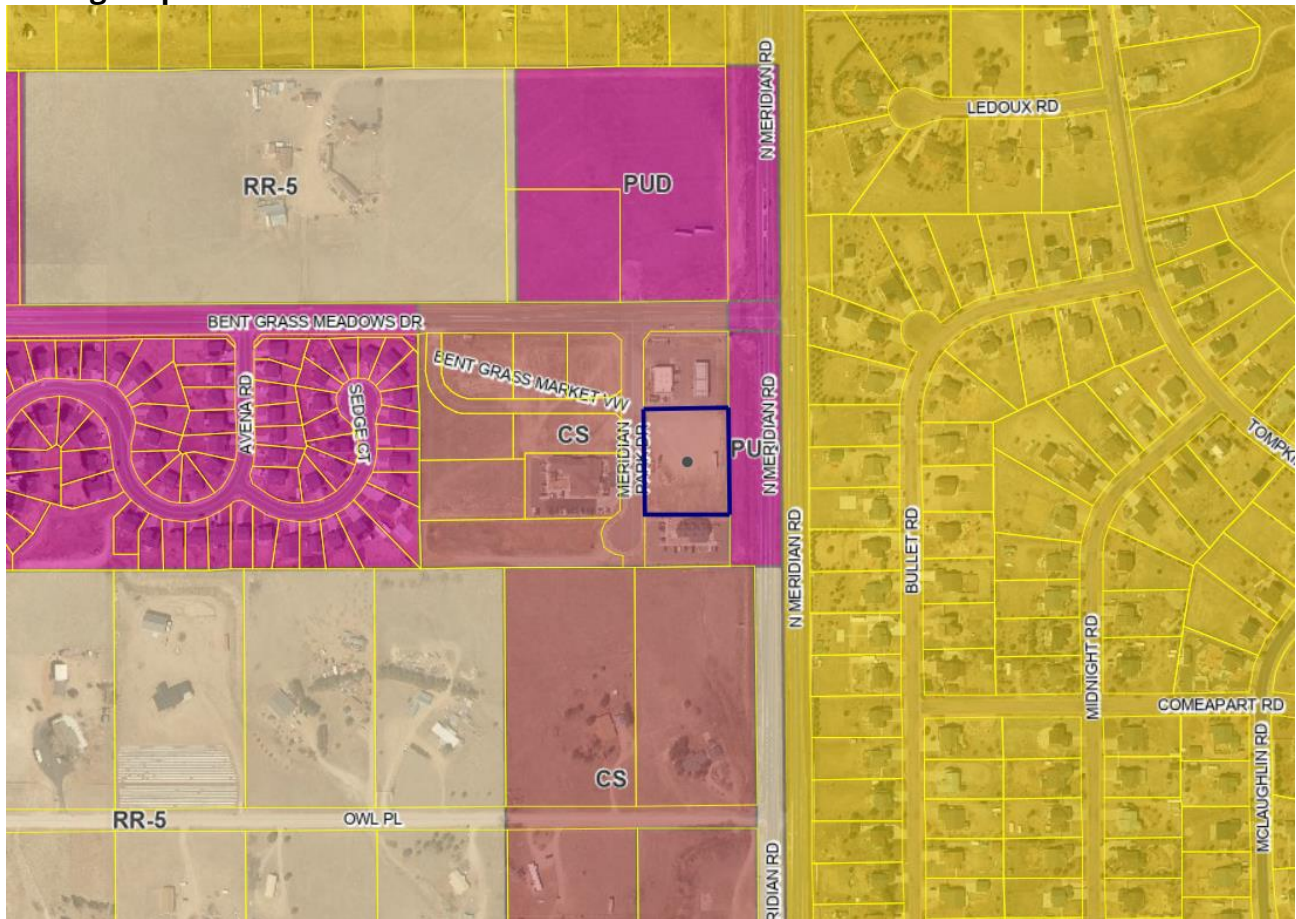
<b>Planning Commission Hearing Date:</b>	<b>4/18/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>5/9/2024</b>

**EXECUTIVE SUMMARY**

A request by Cd Meridian & Bent Grass LLC for approval of a 1.46-acre Vacate and Replat creating two (2) commercial lots in the CS (Commercial Service) Zone District. The new lots will be 33,776 square feet and 29,685 square feet in size which is appropriate for the zone district as the CS (Commercial Service) zone does not have a minimum lot size requirement.



**Zoning Map:**



**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):**

There are no waivers associated with this request.

**B. APPROVAL CRITERIA**

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (As Amended) 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 defines 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;

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- 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.

**C. LOCATION**

North:	CS (Commercial Service)	Merchandising
South:	CS (Commercial Service)	Special Purpose
East:	RR-0.5 (Residential Rural)	Single Family Residential
West:	CS (Commercial Service)	Special Purpose

**D. BACKGROUND**

The subject property is part of a previous plat under file number VR149, known as “Bent Grass East Commercial Filing No. 2A”. This plat was approved on December 1, 2014. The intention is to Vacate and Replat the one lot into two lots for future construction of two commercial users.

**E. ANALYSIS**

**Land Development Code and Zoning Compliance**

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

- Minimum zoning district area: 2 acres (11)
- Minimum front yard setback: 25 ft (1, 3, 11)
- Minimum side yard setback: 25 ft (1, 2, 3, 11)
- Minimum rear yard setback: 25 ft (1, 2, 3, 11)
- Maximum lot coverage: none
- Maximum height: 45 ft



1 Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

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

3 Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

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

## **F. MASTER PLAN COMPLIANCE**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character:** Regional Center

*The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses. This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-work-play environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments.*

*This placetype includes large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers. Multifamily apartments provide commercial businesses direct access to potential customers.*

*Regional Centers are major commercial destinations for residents and are easily accessible from major transportation routes throughout the County. Regional Centers in El Paso County are surrounded by Urban Residential, Suburban Residential, and Employment Center placetypes. In addition, Regional Centers can also be extensions of commercial areas within incorporated municipalities such as the Gleneagle area.*

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## Recommended Land Uses:

### Primary

- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Entertainment*
- *Multifamily Residential*

### Supporting

- *Office*
- *Institutional*
- *Mixed Use*
- *Single-family Attached Residential*

## Analysis:

The subject property is located within the CS zone district, which is known as Commercial Service, thus providing services to the community. This meets the primary land uses of the Regional Center placetype. The proposed development of one lot is a coffee shop, which provides a service of goods to the community.

### **b. Area of Change Designation:** Minimal Change: Developed

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*

## Analysis:

The subject property and surrounding area are developing and have a large portion zoned Commercial Service. This provides a mix of uses throughout the zoning district. The area of change designation, Minimal Change: developed,



allows for a mix of uses in addition to residential in the area. The subject area does have CS zoning but there are also RR-5, RR-.5, and PUD districts in proximity to the request, which is within what is to be expected for this area of change designation.

**c. Key Area Influences:** The property is not located within a key area.

## 2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; to better understand the 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 3.6 – Develop and maintain partnerships with water providers.**

**Goal 4.2 – Support the efficient use of water supplies.**

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 32 AFY is anticipated for Region 3.

See the Water section below for a summary of the water findings and recommendations.

## 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. EPC Parks Department, EPC Environmental



Services, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There are no hazards associated with the project.

**2. Floodplain:** The property is not located within a floodplain per the Federal Insurance Rate Map number 08041C0553G effective December 7<sup>th</sup>, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-year flood zone.

**3. Drainage and Erosion:** The property is located within the Falcon Drainage basin. Drainage basin fees were previously credited for subdivision area improvements, and bridge fees were paid, during the original commercial subdivision under PCD File #SF1411. The Vacate and Replat does not result in an increase in impervious land cover therefore no additional drainage or bridge fees are due with this replat. Runoff from the lot flows southwest to an existing detention pond. No public drainage improvements are proposed or required with the plat.

A drainage report was prepared by MS Civil Consultants Inc. and included with the application. The report concluded that the subdivision and development will not have adverse effects on adjacent or downstream properties.

**4. Transportation:** The property is located along Meridian Park Drive which is a County maintained, paved local road. Access to the two lots is limited to the shared access easement located within Lot 1 as shown on the Final Plat. No public transportation improvements are proposed or required with this development. The planned commercial development is expected to add approximately 1067 daily trips to the local road network. El Paso County Road Impact Fees are not applicable to the development as the property is located in the Woodmen Road Metro District per Resolution 13-041.

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## **H. SERVICES**

### **1. Water**

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 Final Plat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

### **2. Sanitation**

Sanitation is provided by Woodmen Hills Metropolitan District

### **3. Emergency Services**

The property is within the Falcon Fire Protection District.

### **4. Utilities**

The utility provider associated with the subject property is Colorado Springs Utilities.

### **5. Metropolitan Districts**

Woodmen Hills Metropolitan District  
Woodmen Road Metropolitan District  
Bent Grass Metropolitan District

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

Fees in lieu of parkland dedication will not be due at the time of recording the replat.

### **7. Schools**

Fees in lieu of school land dedication will not be due at the time of recording the replat.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

## **J. STATUS OF MAJOR ISSUES**

No major issues are associated with the project.





## **K. RECOMMENDED CONDITIONS AND NOTATION**

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 (As Amended) staff recommends the following conditions and notation:

### **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 and submit the mylar to enumerations for addressing.
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. 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.
5. 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.
6. 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.

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7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/1/2024, as provided by the County Attorney's Office.

#### **NOTATION**

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

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 22 adjoining property owners on April 3, 2024 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

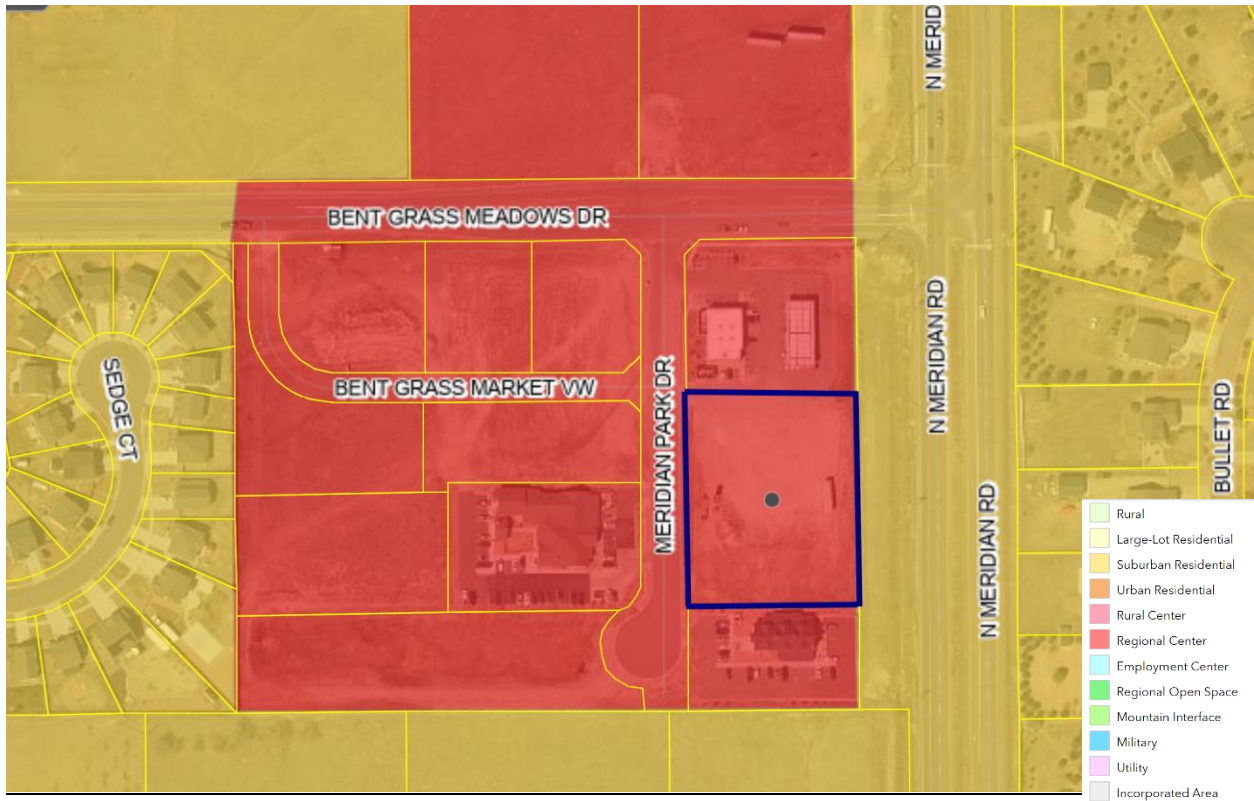
#### **M. ATTACHMENTS**

Map Series  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter  
Draft Resolution

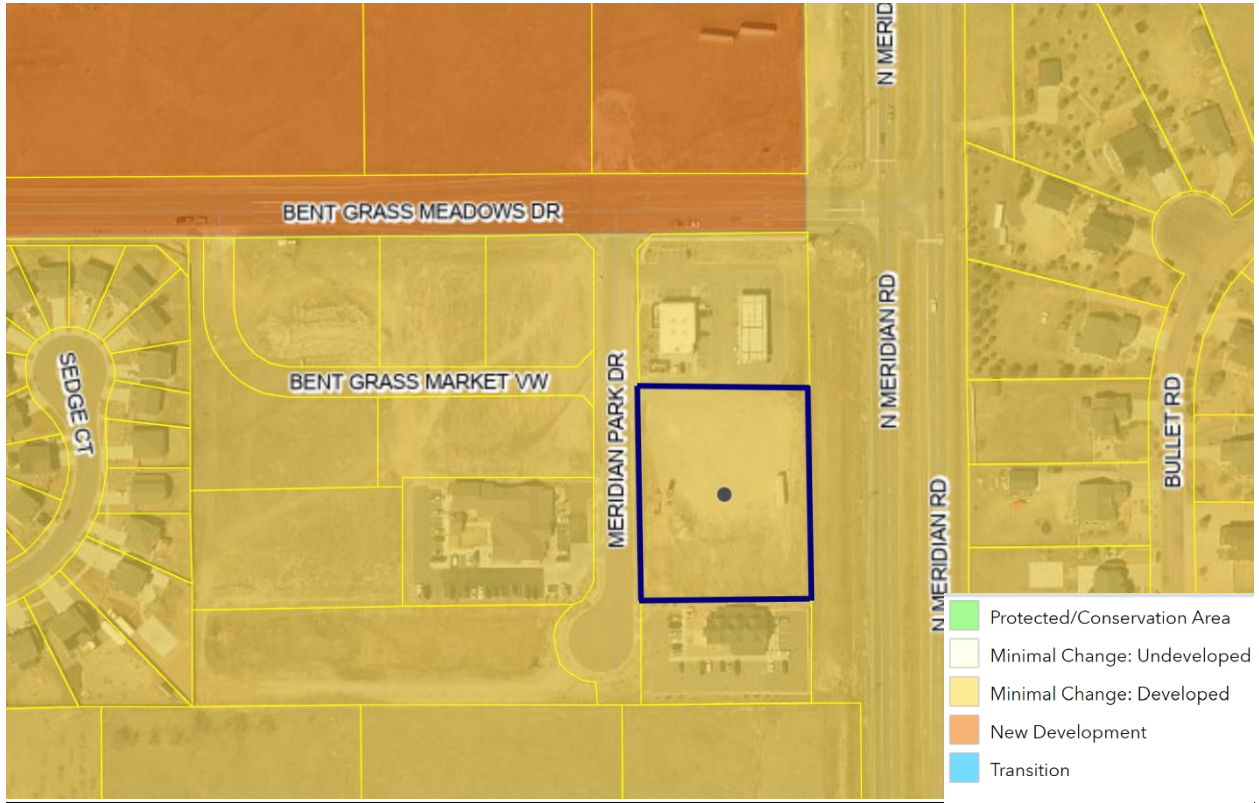


# VR2316 Map Series

## Placetype Map: Regional Center



**Area of Change Map: Minimal Change: Developed**





**Dunkin Donuts – Bent Grass East Commercial  
Filing No. 2A, Parcel A, Lot 1A  
Final Plat  
Letter of Intent September 21, 2023**

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER**

CD MERIDIAN & BENT GRASS LLC  
106 S. KYRENE RD.,  
CHANDLER, AZ, 85226

**ENGINEERING**

M&S CIVIL CONSULTANTS, INC.  
212 N. WAHSATCH AVE, STE 305  
COLORADO SPRINGS, CO 80903

**SURVEYING**

M&S CIVIL CONSULTANTS, INC.  
212 N. WAHSATCH AVE, STE 305  
COLORADO SPRINGS, CO 80903

**SITE/BACKGROUND INFORMATION**

The Dunkin Donuts, Bent Grass East Commercial Filing No. 2A, Parcel A, Lot 1A Final Plat (1,998 sf.) is located at 8305 Meridian Park Dr., Peyton, CO 80831.

The project has been designed to comply with El Paso County Planning and Community Development guidelines and standards. The project (PPR2227) The proposed project comprises a single-story commercial drive-thru Dunkin' store with all associated parking, pedestrian facilities, access drive, utilities, lighting, and landscaping. (Parcel ID No.: 5301104002).

The portion of the lot not being used for Dunkin Donuts will be sold to another buyer for commercial use. A process has been initiated to divide the north section of the subject lot into a separate lot. This process will run in parallel with the Dunkin Donuts project planning review. The plans for this project have been updated to reflect these updates.

Site access to the proposed drive-thru development on Lot 1 and the future development on Lot 2 shall utilize shared drive access to Meridian Park Drive. The Cross Access agreement shall be prepared and recorded before the final plat recordation.

**ZONE DISTRICT COMPLIANCE**

The BOCC approved a zoning of CS in support of the proposed (commercial) site development. Future development of the lot will conform to the CS zone district requirements. Conformance with zoning requirements is demonstrated mainly in the site development plans for the subject lot of this final plat. The proposed lot is designed to meet the respective zone's bulk, density, and dimensional requirements and can meet the required landscaping, buffering, and screening requirements for the proposed site use.

## REQUEST & JUSTIFICATION

This project will benefit the existing neighborhood by providing a high-quality retail/commercial destination for coffee, beverages, and food with the added convenience of drive-thru service. Care has been taken to design a commercial building using industry best practices. Water, sanitary sewer, and electric utilities will tie into the mainlines in Meridian Park Dr. The attached plans, reports, calculations, and associated submittal documents demonstrate the adequacy in accordance with all applicable local, state, and federal standards.

The Final Plat includes transportation improvements, private roadway improvements, pedestrian facilities, utility infrastructure, landscape buffers, and preliminary street landscaping plans. A Traffic Impact Study has been prepared for this development by SM Rocha, LLC, dated October 2022, and the findings conclude that the development shall not have a negative impact on surrounding traffic operations. The site is subject to the El Paso County Road Impact Fee Program (Resolution 19-471) and shall be subject at the time of building permit issuance. Additional information is provided in the review and approval criteria discussion below.

Perimeter landscape buffer improvements will be included in overall subdivision improvements. Findings of water (and wastewater) sufficiency and conformance with the Master Plan are provided and consistent with the applicable findings of sufficiency and Master Plan.

## REVIEW/APPROVAL CRITERIA & JUSTIFICATION

- ***The proposed subdivision is in conformance with the goals, objectives, and policies of the Master Plan; (see treatment of review criterion below)***
  - ***The subdivision is in substantial conformance with the approved preliminary plan and with the characteristics of the site according to the El Paso County Master Plan***

General conformance with the Master Plan, including the County Water Master Plan and Policy Plan, has been made with the preliminary plan (PPR2227). The proposed CS zone application site per the **El Paso County Master Plan** (Adopted May 26, 2021) (**EPC MP**) is located and identified within the **Placetype: Regional Center** Master Plan area. The Regional Center placetype primarily comprises multifamily, restaurant, commercial service and retail, and entertainment with supporting single-family attached, mixed-use, office, and institutional land uses. This placetype serves to support an attractive "live-work-play" environment for the county and the surrounding areas by providing access to commercial goods and services. The Regional Center placetype generally is highly accessible to surrounding residents and to other individuals within the county through major transportation routes. Overall, the placetype serves as an area of attraction for the county. The proposed site is described as a commercial services area and, thus, is supportive of and compatible with the area's primary commercial/restaurant services character. Therefore, the proposed site is in conformance with the Regional Center placetype outlined in the **EPC MP**.

The project site is confined within the key area of "**Potential Areas for Annexation**," as defined in the **EPC MP**. These areas are typically unincorporated into El Paso County and are expected to be annexed as development continues. Most sites that fall under this key area require discussions during developmental phases with entities within the surrounding municipalities to conform to the surrounding cities and towns. For instance, this project will have utilities serviced by external entities, such as the Woodmen Hills Metropolitan District, for water and wastewater.

Therefore, the development on the site will require constant communication with the various municipalities for developmental agreement to prevent future annexation concerns, as the main feature of this key area requires per the **EPC MP**.

This project site lies within the **10% of "Developing Areas" and within the 9% of "New Development"** as defined in the **EPC MP**. The New Development area types are defined as areas of significant current and future transformation on undeveloped land. These areas will experience extensive development that will complement and match the character of the existing adjacent development. The site has been zoned to CS and will undergo an extensive amount of development and will support the use and characteristics of the surrounding area as per the definition of the Developing Areas and New Development areas of change. Thus, the final plat is consistent with the placetype, key area, and area of change anticipated from the findings of the El Paso County Master Plan.

#### **Water Master Plan Conformance:**

The development area is in REGION 3 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Woodmen Hills Metropolitan District (WHMD) Service Area. Water supplies in Region 3, specifically from WHMD, 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. Additional water resources are planned through regional collaboration with partners and neighboring water providers.

According to the Water Resources Report, the WHMD has 7,164 AFY of exportable supply and has provided a water and sewer service commitment Letter whereby the district has committed to allocate 3.73 AF/YR for the proposed development out of its current supplies. Anticipated Commercial demand and commitments include 1.96 AF/YR for Commercial water use and 1.77 AF/YR for Commercial irrigation use.

#### **Your El Paso Master Plan Conformance:**

The Final Plat subdivision generally conforms to the goals conformance with the goals, objectives, and policies of the Your El Paso Master Plan.

#### ***Core Principle 1: 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.***

As described in the previous portion of this document, the proposed development is compatible with the **EPC MP's** established site character. The final plat is in conformance with the preliminary plan. As previously described, the final plat submittal demonstrates infrastructure capacity for public drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection). Public improvements proposed are roughly proportionate to the impact or demands for services and infrastructure generated by the planned uses within the final plat area.

The burden of achieving compatibility between residential and commercial zoning was placed upon the residential development.

However, the code also requires buffering and screening requirements on the CS-zoned property to provide additional landscape to enhance and otherwise increase compatibility between the adjacent single-family zone and land uses.

Urban services, which include, but are not necessarily limited to, water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services, are currently available.

Water/sewer services will be provided courtesy of Woodmen Hills Metropolitan District. Private stormwater facilities will be provided by the developer and managed by the owner, public offsite and regional facilities and management by El Paso County Road/Bridge, respectively; individual stormwater management on a per lot basis will be the responsibility of the individual property owner(s). Mountain View Electric Association will provide electricity service, and CSU will provide the natural gas service. The Falcon Fire Protection District will provide fire protection. The El Paso County Sheriff will provide police and related public safety services.

Other public facilities and services are currently delivered to residential, commercial, and light industrial properties adjacent to this proposed development. Subsequent subdivision applications will provide detailed reports and plans regarding service availability and delivery infrastructure.

- ***Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.***

Context-sensitive annexation and growth strategies have been communicated and coordinated to the water, wastewater, electric, natural gas, and fire protection service providers.

- ***Goal 1.3 - Encourage a range of development types to support a variety of land uses.***

The surrounding area is residential and commercial, and the CS zone will be platted to support permitted commercial uses in this mixed-use district.

- ***Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.***

The developer bears the costs of providing necessary improvements to support the proposed development. The final plat includes a complete financial assurance estimate for required improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement. The developer will also pay all subdivision exactions and road impact fees.

***Core Principle 3: Strengthen the economy with a skilled workforce and targeted investment.***

- ***Goal 3.1 – Recruit new businesses and spur the development of growing sectors.***

The development of the property is to establish a new Dunkin’ Donuts restaurant/store in the area and to develop the growing commercial sector of the area.



- **Goal 3.3 – Encourage the development of commercial districts in underserved areas.**  
 The property will be developed to grow the commercial subdivision of this area and to serve the residents of the surrounding areas. Thus, the development of this property will provide more variety in the commercial district and serve the needs of the area.
- **The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;**  
 A final drainage report, a traffic report (SM Rocha, LLC), grading and erosion control plan, water/wastewater resource reports, utility plan, and the preliminary plan have been provided to meet the applicable plan/report development requirements of the LDC, ECM, and DCM, subject to review and acceptance by the County. The applicant's team has also contacted the neighboring community and mailed an Intent to Development notification with a site map to ensure that direct neighbors know about the proposed development.
- **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 commitment to provide water service has been provided by Woodmen Hills Metropolitan District, which has adequate water resources to serve the proposed development. Findings of sufficiency were made with the WHMD commitment letters for the property.
- **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 property will connect to an existing public sewage disposal system that has been installed together with other public improvements associated with the Bent Grass East Commercial Plan and its many developments. 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)];**  
 The Geology/Soils report prepared by Entech Engineering, Inc., dated September 23, 2022, identified that a shallow foundation on the controlled on-site and recompacted fill can support the structure. All areas of the proposed site that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified, and the proposed site is compatible with such conditions or will achieve compatibility through compliance with recommendations of corresponding reports and plans or by conditions of approval by the BOCC.

- **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 involving grading and sheet flow from the property have been provided by the existing and planned subdivision design, including but not limited to stormwater, detention, and 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. Existing detention facilities have been designated within the surrounding areas of the lot in previous plans for the subdivision. The surrounding owners of the Bent Grass East Commercial Subdivision shall provide ownership and maintenance of all drainage facilities and improvements.
- **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 by planned public and private rights-of-way. The private parking lot will be placed on the subject site with access to the public right-of-way for the existing Meridian Park Drive. The private parking lot and improvements are owned and maintained by the Bent Grass East Commercial Subdivision. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM. Access to Meridian Road is from connections to Meridian Park on the west and then to Bent Grass Meadows Drive, located northeast of the property to Meridian Road and further south to East Woodmen Road.
- **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 systems, are presently available to serve the development as supported by the utility and public service commitments provided in support of the development application. Required service commitments have been provided in support of the 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 Falcon Fire Protection District for emergency and fire service and Woodmen Hills Metropolitan 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.
- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8**

Off-site improvements, including improvements at the Meridian Park Drive/Bent Grass Meadows Drive intersection and stormwater detention facilities, were considered and reviewed but deemed unnecessary for the development of the subject site. No public improvements are being proposed with the is development except for the 5' sidewalk that is proposed along the east side (parallel to the subject site). All other development improvements shall be private.

- **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;**

Off-site improvements were deemed unnecessary for the subject site due to proper planning of the existing subdivision. All on-site and 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). Bridge, Drainage, Park, School, and Road Impact Fees will be paid at the time of plat recordation and building permit issuance (Road Impact only).

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

Waivers for private road and frontage requirements have been approved with the preliminary plan, and the proposed lot meets other applicable sections of Chapters 6 and 8 of the County Code or otherwise approved with conditions imposed by the BOCC.

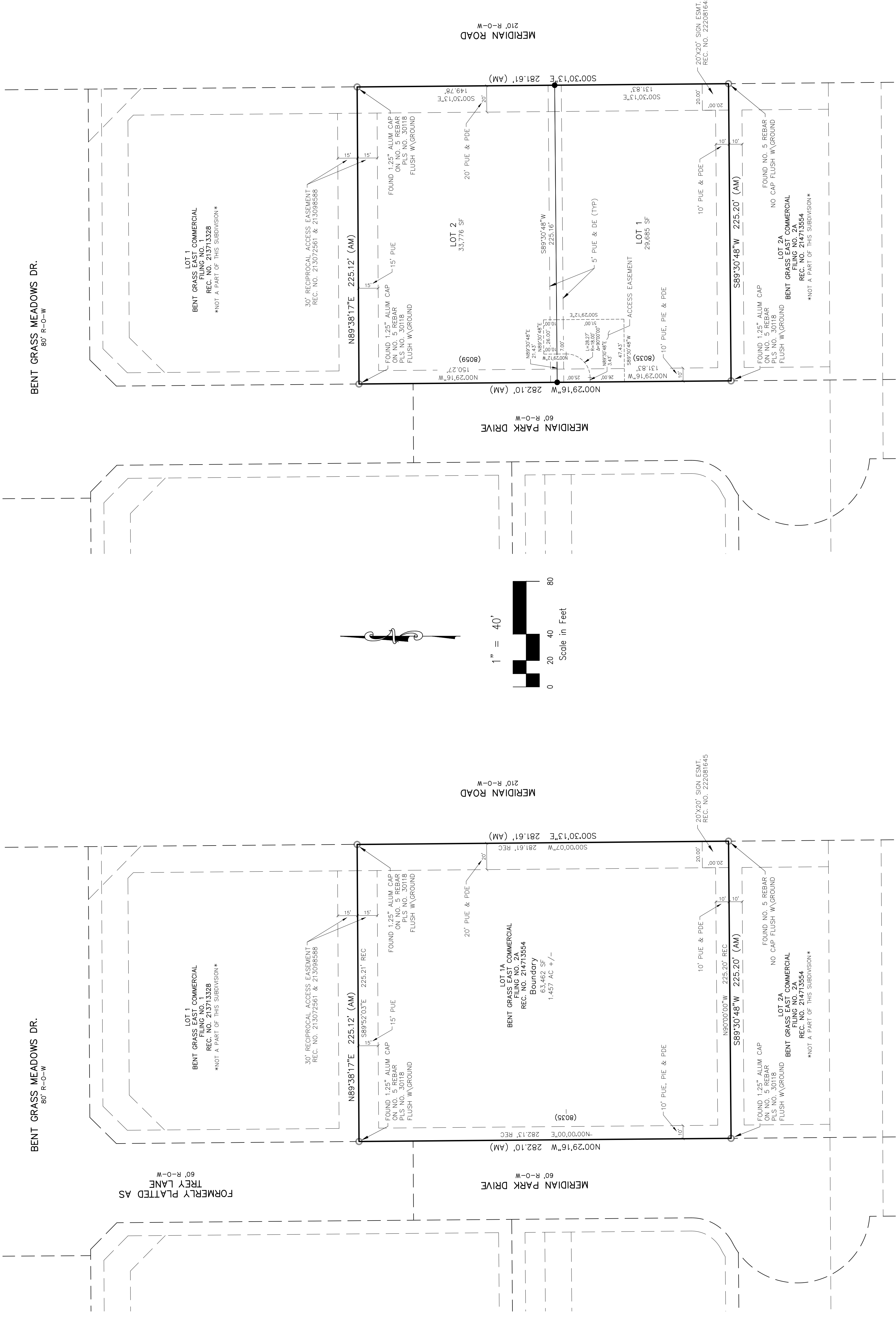
- **The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]**

The development will not impact any economically viable mineral loads or aggregates.



# BENT GRASS EAST COMMERCIAL FILING NO. 4

A REPLAT OF LOT 1A "BENT GRASS EAST COMMERCIAL FILING NO. 2A", RECORDED UNDER RECEPTION NO. 214713554 IN THE EL PASO COUNTY, COLORADO RECORDS, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, T13S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO



AS PLATTED  
RECEPTION NO. 214713554

AS REPLATTED

- LEGEND**
- FOUND PROPERTY CORNER AS DESCRIBED
  - SET NO. 5 REBAR AND ORANGE PLASTIC CAP COLO. PLS NO. 29966 FLUSH W/GRADE
  - R-O-W
  - DE
  - PDE
  - PIE
  - PUE
- DRAINAGE EASEMENT  
PUBLIC DRAINAGE EASEMENT  
PUBLIC IMPROVEMENT EASEMENT  
PUBLIC UTILITY EASEMENT

FINAL PLAT  
BENT GRASS EAST COMMERCIAL FILING NO. 4  
JOB NO. 70-110  
DATE PREPARED: 05/31/2023 DATE REVISIONS: 11/09/2023  
DATE REVISED: 06/21/2023 DATE REVISIONS: 04/03/2024  
DATE REVISED: 09/06/2023  
DATE REVISED: 09/22/2023  
DATE REVISED: 11/03/2023  
POD FIL. NO. VR2316

**ACI**  
CIVIL CONSULTANTS, INC.  
212 N. WANSATCH AVE, STE 305  
COLORADO SPRINGS, CO 80903  
PHONE: 719.555.5485



July 24, 2023

Ashlyn Mathy, Project Manager  
El Paso County Development Services Department  
Transmitted via the EPC EDARP Portal

**Re: Bent Grass Lot 1A Filing 2A Replat (File # VR2316)**  
Part of the E ½ SE ¼ NE ¼ of Sec. 1, Twp. 13S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Basin

Dear Ashlyn Mathy:

We have reviewed the above referenced referral concerning the replat of Lot 1A, Bent Grass Commercial Filing No. 2A. This lot is 1.457 acres and is proposed to be replatted into two commercial lots, one for a Dunkin Donuts and one to be sold for a future commercial development. These lots will be served by the Woodmen Hills Metropolitan District.

### Water Supply Demand

According to the submittal, the anticipated water demands are 1.96 acre-feet/year for commercial use for both lots.

### Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (District). According to the letter dated June 3, 2022, the District is committed to providing water and wastewater service to the commercial lots. Information available in our office from 2021 indicates the District's water supply totals approximately 1,426.5 acre-feet/year for a period of 300 years (or 987.5 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,211 acre-feet/year committed to supplying subdivisions and replacement obligations. The uncommitted annual water supply of 215.5 acre-feet/year is more than the estimated annual demand of 1.96 acre-feet/year for this development.

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

The El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an **allocation** approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount, which is **greater** than the annual demand of 1.96



acre-feet for this development. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

### State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to determinations of water rights and permits, pending actual geophysical data from the aquifer.

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

### Additional Comments

According to the submitted material, storm water detention structure(s) will be developed on the site. The Applicant should be aware that, unless the structures can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structures may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structures meet the requirements of the Rule and ensure any notification requirement is met.

Please contact Wenli Dickinson at (303) 866-3581 x8206 or at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) with questions.

Sincerely,

Handwritten signature of Wenli Dickinson in cursive, followed by the word "for" in a smaller font.

Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Subdivision File No. 30876  
Woodmen Hills Metro District File  
Upper Black Squirrel Ground Water Management District

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
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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

March 1, 2024

VR-23-16 Bent Grass East Commercial Filing No. 4  
Vacation and Replat

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

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a Vacation and Replat proposal by John Sponseller (“Applicant”), to redevelop an approximately 1.46 +/- acre tract of land into 2 lots (the “Property”). The property is zoned CS (Commercial).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 1.96 acre-feet per year for commercial uses (0.98 acre-feet per lot). The Applicant must therefore be able to provide a supply of 588 acre-feet of water (1.96 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 Woodmen Hills Metropolitan District (“District”). As detailed in the *Water Resources Report* dated February 20, 2024 (“Report”), the average daily use will be 1.96 acre-feet per year for both lots. The Report states that the District has a total annual water supply of 1,457 acre-feet and in the last decade has used no more than 63% of that supply to meet the water needs of its customers.

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER



4. The District provided a letter of commitment for Bent grass East Commercial Filing No. 4 dated February 20, 2024, in which the District commits to providing water service for this subdivision for an estimated commitment of 1.96 acre-feet per year divided between the two lots. The letter states the District has adequate water resources to meet the demand.

#### State Engineer's Office Opinion

5. In a letter dated July 24, 2023, the State Engineer reviewed the proposal to replat Lot 1A. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District ("WHMD"). The State Engineer advises the information within their office from 2021 indicates that WHMD's "water supply totals approximately 1,426.5 acre-feet/year for a period of 300 years (or 987.5 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,211 acre-feet/year committed to supplying subdivisions and replacement obligations. The uncommitted annual water supply of 215.5 acre-feet/year is more than the estimated annual demand of 1.96 acre-feet/year for this development."

Further, the State Engineer offers their opinion that ". . . pursuant to sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Bent Grass East Commercial Filing No. 4 is 1.96 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 1.96 acre-feet/year for the redevelopment and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Bent Grass East Commercial Filing No. 4.**

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*, the *Water Resources Report* dated February 20, 2024, the *Woodmen Hills Metropolitan District letter* dated February 20, 2024, and the *State Engineer Office's Opinion* dated July 24, 2023. 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.

cc. Ryan Howser, Project Manager, Planner

VACATION AND REPLAT (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2316

BENT GRASS REPLAT

WHEREAS, Virgil Sanchez did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request create two (2) lots within the CS (Commercial Service) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. 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.

WHEREAS, 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 the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Virgil Sanchez for approval of a Vacation and Replat to allow two (2) commercial lots within the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notation:

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 and submit the mylar to enumerations for addressing.
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. 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.
5. 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.
6. 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.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/1/2024, as provided by the County Attorney's Office.

NOTATION

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

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettepelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

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

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

LOT 1A BENT GRASS EAST COMMERCIAL FIL NO 2A