

Meggan Herington, AICP, Executive Director
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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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 5/9/2024
RE: VR2316 Bent Grass Replat

Project Description

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.

Notation

Please see the Planning Commission Minutes from April 18, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Trowbridge moved / Brittain Jack seconded to recommend approval of consent item VR2316 for a Vacation and Replat of the Bent Grass Replat, utilizing the resolution attached to the staff report with seven (7) conditions, one (1) notation, and a finding of conditional sufficiency as to water quantity and dependability. The motion was **approved (8-0)**. The item was heard as a consent item at the Planning Commission hearing. There was no public opposition.

Discussion

There was no additional discussion associated with this project at the Planning Commission hearing.

Attachments

1. Planning Commission Minutes from 4/18/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, April 18, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTEL, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, JIM BYERS, JEFFREY MARKEWICH, ERIC MORAES, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, ASHLYN MATHY, DANIEL TORRES, ED SCHOENHET, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RICHARD SMITH, JEFF PARR, LORNA BENNETT, PHILLIP DREW, MICHAEL HITE, KELLY PARR, AND ROGER LUND.

1. REPORT ITEMS (NONE)

The next PC Hearing is Thursday, May 2, 2024, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held March 21, 2024.

Mr. Whitney disclosed that he requested one revision, which was incorporated.

PC ACTION: THE MINUTES WERE APPROVED WITH ONE REVISION BY UNANIMOUS CONSENT (8-0).

B. VR2316

MATHY

**VACATION AND REPLAT
BENT GRASS REPLAT**

A request by Virgil Sanchez for approval of a 1.46-acre Vacation and Replat creating 2 commercial lots. The property is zoned CS (Commercial Service) and is located at 8035 Meridian Park Drive, south of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. (Parcel No. 5301104002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2316 FOR A VACATION AND REPLAT, BENT GRASS REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. CS241

HAAS

**MAP AMENDMENT (REZONING)
7125 N MERIDIAN ROAD REZONE**

A request by CAP Storage Falcon, LLC for approval of a Map Amendment (Rezoning) of 2.13 acres from CR (Commercial Regional) to CS (Commercial Service). The property is located approximately one-quarter mile south of East Woodmen Road on the northwest corner of Old Meridian Road and McLaughlin Road. (Parcel No. 5312114004) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked for an explanation of the difference between CR and CS zoning districts.

Ms. Mathy, who was assigned the project following Mr. Haas' resignation, explained that the applicant is requesting a rezoning to CS (Commercial Service) so they can proceed with the establishment of a mini-warehouse storage facility. The process would be more difficult under its current zoning of CR (Commercial Regional).

Mr. Carlson asked for the definitions of each zoning type.

Mr. Kilgore stated he put the definitions in the Staff Report packet, found on page 4.

Ms. Mathy explained that CR (Commercial Regional) is for regional centers and should ease use of pedestrian and vehicular circulation, serve as a convenience to the public, and should be an esthetic enhancement to the community and region. CS (Commercial Service) is meant to accommodate retail, wholesale, and services of commercial use to the public. Overall, the CS zoning is more suitable to the applicant's intention to establish a mini-warehouse.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTEL SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER CS241 FOR A MAP AMENDMENT (REZONING), 7125 N MERIDIAN ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

E. SF2324

BAGLEY

**FINAL PLAT
HAY CREEK VALLEY SUBDIVISION**

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. MERRIAM.

G. CS234

LETKE

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 2A CS REZONE**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Vacation and Replat is also being requested (VR2323). The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414201031 and 3414201030) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked if the two Mayberry files (CS234 & VR2323) had a combined staff report. She further asked if they would be voted on individually.

Mr. Trowbridge explained that they are related but considered individually.

Mr. Carlson further explained that the Rezoning request must be considered before the Final Plat.

PC ACTION: MR. TROWBRIDGE MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3G, FILE NUMBER CS234 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 2A CS REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

H. VR2323

LETKE

**VACATION AND REPLAT
MAYBERRY FILING NO. 2A**

A request by Mayberry Communities, LLC for approval of a Vacation and Replat to reconfigure the properties of 1 tract, 3 lots, and dedication of right-of-way on approximately 3.5 acres. The proposal does not increase the number of lots or tracts on the property. Approval of the Map Amendment (Rezoning) CS234 shall be considered prior to consideration of the Vacation and Replat. The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414101001 3414101002 3414201028, and 3414201031) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. SCHUETTPELZ MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER VR2323 FOR A VACATION AND REPLAT, MAYBERRY FILING NO. 2A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

I. PUDSP235

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
ROLLING HILLS RANCH NORTH**

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. CARLSON.

4. CALLED-UP CONSENT ITEMS

3D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-

half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked if Ms. Bagley could further explain the area's location and the relationship between placetype and zoning district during her presentation.

Mr. Trowbridge asked if Ms. Bagley could cover any impacts or encumbrances that the applicant will encounter from the non-conformance.

Ms. Merriam stated that her questions are associated with rezoning RR-5 to CS in the area.

Mr. Whitney added that he's unsure if the conditions within the Staff Report were fully captured in the drafted resolution. Ms. Bagley's presentation then began.

Ms. Bagley described the surrounding zoning types and uses in relation to the subject property to address Ms. Merriam's earlier question. The property west is zoned RR-5 (Residential Rural) but is used as a substation for Mountain View Electric Association (MVEA). The property north is zoned I-2 (Industrial) and is used for outside storage. Further north, the property within the Town of Monument is used for industrial and commercial services. The vacant property south is zoned A-35 (Agricultural). To address Mr. Trowbridge and Mr. Whitney's questions, she explained that the existing duplex on the property would not be allowed-by-right in the CS zoning district. She further explained that the LDC requires that duplexes be served by central services, but the existing building is served by well and septic. If the duplex is allowed to remain on the property after rezoning to CS, it would create a legal non-conformity.

Mr. Whitney asked if the County would typically authorize a zoning change when it would knowingly create a legal non-conformity.

Ms. Bagley answered that it is not typical. The County normally requests that existing uses should cease (if no longer allowed) once rezoning occurs. She further explained that this is the reason the third condition of approval in the Staff Report states that the duplex will only be allowed to remain until commercial development begins.

Mr. Whitney asked for clarification on whether the condition is phrased as once commercial development begins or for one year, whichever happens first.

Ms. Bagley read the proposed condition of approval number 3. "The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction." She clarified that the definition was pulled from the LDC.

Ms. Merriam asked for additional clarification. She asked if parking RVs, trailers, etc. on the property for outdoor storage constitutes commercial development.

Ms. Bagley confirmed that would be a change in use of the land and would be considered commercial development.

Ms. Fuller asked if the duplex could be allowed to remain after commercial development if it served on-site management.

Ms. Bagley answered that if the applicant were requesting the duplex serve as a caretaker's quarters, a different application would be needed with that request. She is unsure if a duplex would be allowed for that purpose.

Ms. Herington explained that converting the duplex to serve as a caretaker's quarters would be part of a new use on the property and would be incorporated into a Site Development Plan, which is required for outdoor storage or contractor's equipment yards. An on-site residence would need to be included as part of the overall use and be formalized in the Site Development Plan.

Ms. Fuller asked if the duplex not being on central services would be an issue at that point.

Ms. Herington responded that once the building is converted to a caretaker's quarters, it would no longer be considered two rentals. If the applicant went through the Site Development Plan process with the existing well and showed sufficient utility service to keep a caretaker's residence in their overall commercial development, there shouldn't be a problem. Utilities and infrastructure would be evaluated with any Site Development Plan for any commercial use on the site.

Ms. Bagley then addressed Mr. Whitney's earlier question regarding placetype. She explained that while the proposed rezone doesn't align with the Master Plan placetype of Rural, it does match the surrounding established neighborhood and existing land uses.

Mr. Whitney remarked that he finds it interesting how placetype trumped zoning on a past project and it's the other way around for this project.

The presentation then continued. There were no questions for Engineering. Ms. Nina Ruiz, with Vertex Consulting Services, then began her presentation for the applicant. There were no questions for the applicant.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MR. WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER CS235 FOR A MAP AMENDMENT (REZONING), 16050 OLD DENVER ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

3E. SF2324

BAGLEY

FINAL PLAT HAY CREEK VALLEY SUBDIVISION

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification of the location. She stated combining then subdividing the 6 existing parcels seemed awkward. She also mentioned the traction of the roads. She expressed concern regarding its nearness to USAFA property and asked if air quality would be affected.

Mr. Whitney added that he is concerned about this project's relationship to the nearby military installation. The subject property is right off Jacks Valley where artillery training takes place. He understands that the County doesn't have the jurisdiction to deter development close to military property, but he wanted the record to show, "this is nuts". He believes there *should* be interplay between military installations and land-use proposals, even if it's not part of the LDC criteria. He referenced the presentation given to the Planning Commission on March 21, 2024, by the Defense Mission Task Force. He stated, "this is scary". Plat notes may be effective for the first sale, but he worries about property owners in the future that may have no idea what they bought and where it's located. He stated that because the military is not allowed to complain, they may make a mild comment or remark which can be interpreted as them standing on a desk and shrieking. He then asked if the Air Force Academy (USAFA) submitted a review comment for the project.

Ms. Bagley replied that they did submit a comment with the past Preliminary Plan, which has since been approved by the BoCC. They requested a plat note and suggested that advisory language should be included in the HOA covenants so that future owners are aware of the proximity to a military installation and shooting range. They were also present at the EA meeting.

After a break for technical difficulties, the presentation began.

Ms. Bagley presented a GIS map to further explain the vicinity per Ms. Merriam's earlier request.

Ms. Merriam asked about potential emergency evacuation on the single existing road in the event of a grassfire from a small plane crash, for example.

Ms. Bagley referenced the GIS map to show the nearby roads. A 60-foot-wide private road will service the proposed lots. That road would connect to Hay Creek Road through an access easement that goes through an adjacent property. In a larger context, she zoomed out to show that Hay Creek Road serves multiple lots to the west. The LDC states dead-end roads should not serve more than 25 lots and a second access should be available, but Hay Creek Road does not meet that section of the Code. The fire department was notified of the proposal.

Ms. Fuller asked for clarification regarding ownership of the property per the Assessor's Office and who was listed as the applicant on the Staff Report.

Ms. Bagley deferred to the applicant to explain if ownership had changed because she would have entered the name listed on the application into her Staff Report.

Mr. Jason Alwine, with Matrix Design Group, spoke online representing the applicant. He suggested it may be a clerical error.

Mr. Tim Buschar, with COLA, LLC, spoke representing the applicant. He explained that Mr. Fitzgerald previously owned the property, but Mr. O'Leary is the current owner and applicant.

Ms. Fuller stressed the importance of having the correct applicant information.

Ms. Bagley ensured that the application will be checked and if the current owner's signature is needed, it will be obtained prior to the BoCC hearing. The applicant's presentation then began. There were no questions for the applicant.

PUBLIC COMMENTS

Mr. Richard Smith spoke in opposition. He read verbatim from a printed letter which was handed to the Planning Commission during the hearing and has been uploaded as part of the record. Titled "Public Comment - Multiple Neighbors, read at the hearing - Received 4-18-2024. MB" in EDARP.

Mr. Jeff Parr spoke in opposition. He continued reading verbatim from the letter.

Ms. Lorna Bennett spoke in opposition. She continued reading verbatim from the letter.

Mr. Phillip Drew spoke in opposition. He discussed encroachment on military installations. He then read verbatim from the remainder of the letter. He doesn't believe analysis of the proposal has been complete regarding encroachment on the military training location or the potential fire risk to existing residents.

Mr. Michael Hite spoke in opposition. He stated that there were only 12 houses in his subdivision on Hay Creek Road in 1981. He was not advised of a waiver being obtained for the 25-house limit on a dead-end road. He discussed his experience during a past fire in the area. He is very concerned about all existing residents needing to evacuate from the valley at the same time.

Ms. Kelly Parr spoke in opposition. She referenced the GIS image on the screen and pointed out the location of the military firing range in relation to the proposed subdivision. She discussed the potential noise and danger to future residents.

DISCUSSION

Ms. Brittain Jack remarked that while she has toured USAFA and hears the encroachment concerns from the public, which she is also concerned about, the people opposing the current subdivision live in that same area and bought land close to the military installation.

Mr. Whitney asked about the fire department's response to review comments.

Ms. Bagley read the fire district's review comment, which is part of the record on EDARP.

Ms. Herington reminded the Chair that the applicant should be given time for rebuttal after the public comments were made.

Mr. Whitney asked for clarification regarding the public's assertion in the letter that there has been no waiver granted to exceed 25 properties on a dead-end road.

Ms. Bagley answered that the waiver was approved with the Preliminary Plan by the BoCC.

Mr. Whitney asked for verification from Ms. Seago. If a waiver is approved at the Preliminary Plan stage, would that carry over to the Final Plat stage?

Ms. Seago confirmed that would be correct.

Ms. Bagley explained that 2 waivers were requested and approved. One was a modification to allow private roads instead of public roads. The second was a waiver from LDC 6.3.3.C, which would allow one access point where two are required. She stated the fire district was agreeable to the waiver.

Mr. Carlson asked if the waivers were for Hay Creek Road.

Ms. Bagley replied that the waivers only apply to the proposed subdivision being added to Hay Creek Road.

Mr. Carlson then stated that the entire area doesn't meet the criteria anyway.

Ms. Bagley continued to explain that the proposed subdivision would increase the number of lots that access Hay Creek Road.

Mr. Carlson clarified that the private road wouldn't need that waiver because they're adding less than 25 lots on a dead-end road.

Ms. Bagley agreed, but further clarified that the waiver would only apply to the proposed subdivision adding more lots, not additional subdivisions off Hay Creek in the future. Any future subdivision request would also need to pursue those waivers. The approved waiver is not a blanket waiver for all development on Hay Creek Road.

Ms. Fuller clarified that the land is zoned RR-5 and they are proposing to split it into 5-acre lots or greater, which is allowed-by-right. She's not concerned about that aspect. She then asked what protection current residents have from this road greatly exceeding the number of lots allowed on a dead-end road. She mentioned the safety concern in case of fire for the residents further west. From previous discussion, it seems like the waiver didn't deal with Hay Creek Road.

Ms. Bagley explained that the waiver does deal with Hay Creek Road with regard to the proposed subdivision adding lots onto the dead-end road. It is not a blanket waiver for all of Hay Creek Road that would allow lots to be added anywhere, it is specifically allowing the proposed subdivision.

Ms. Fuller understood and further asked if other larger parcels along the road would need to pursue the same waiver if they were to propose subdivisions.

Ms. Bagley confirmed. They would need to request a waiver, which would be considered by the Planning Commission (PC) and receive final determination by the Board of County Commissioners (BoCC). She confirmed that the Planning Department did express concerns about adding parcels onto Hay Creek Road, however, the waiver has already been approved for the proposed subdivision.

Mr. Carlson reiterated that while concerning, the waiver has already been approved.

Ms. Bagley clarified that the discussion from an EA meeting that was read into the record by the public (in the provided letter) was regarding a different property further along Hay Creek Road.

Mr. Whitney asked how they continue to get waivers if the road is already out of compliance?

Ms. Bagley stated she is unsure if waivers were requested for the previously subdivided lots.

Mr. Whitney clarified that he's worried each project is being evaluated on its own when the overall area is out of compliance.

Ms. Bagley replied that when the Preliminary Plan was reviewed, the whole area, including Hay Creek Road, was evaluated. The applicant went forward with a request for the waiver. The PC recommended approval and the BoCC approved the waiver.

Ms. Fuller asked if more development can be approved with additional waivers in the future. She asked what is protecting the existing residents from that happening. She asked for an explanation of the process the residents would need to go through to advocate for themselves (contacting PCD staff or their county representatives, etc.).

Ms. Bagley explained that the LDC outlines what requirements need to be met. Sections of chapters 6, 7, and 8 can be waived via approval by the BoCC. If people are opposed to waiving those sections of the Code, they should send an email to the project manager (planner) during the

application review period. The planner's contact info is on the "Notice of Application" letter mailed to all property owners within 500 feet. Additional mailed notices are sent and posters are placed on the property to notify neighbors of a scheduled public hearing.

Mr. Carlson reiterated that if people opposed the waiver that was granted, they should have contacted the Planning Department or spoken at the public hearing for the Preliminary Plan.

Ms. Bagley confirmed.

Ms. Herington added that Planning Department staff does not advocate for a project, they advocate for the public process from notification through public hearing. Staff will ask an applicant to hold a neighborhood meeting if there is known opposition. Moving forward, potential applicants in the area will be asked to hold a neighborhood meeting.

Ms. Fuller asked if there was opposition present for the Preliminary Plan.

Ms. Bagley answered that she was not the project manager for that application, but she was at the meeting and she remembers there was one person in opposition.

Mr. Trowbridge asked for the criteria of approval to be presented. He asked for staff or the applicant to address how the proposal meets: "The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;". He mentioned the traffic load for the entire Hay Creek Road. He stated he finds it hard to believe the waiver they were granted is sufficient.

Ms. Seago recommended that the applicant answer that question. She also reminded the Chair that the applicant should be allowed to speak in rebuttal.

Mr. Alwine reiterated that the proposal is for a Final Plat to enact what was already approved. He can't speak to traffic concerns caused by other projects. He stated the applicant has done several things to meet the fire protection criteria, including meeting with the fire district. He stated they are meeting the fire district's criteria regarding the type, size, and location of a fire suppression cistern. They had a fire mitigation report reviewed and approved prior to the Preliminary Plan that holds the applicant to certain criteria at the time of building permits. The fire district reviewed the proposal and provided letters of no concern. A traffic report was submitted to El Paso County as part of the Preliminary Plan process and there were no concerns other than the design of the Hay Creek intersection. He mentioned that the applicant will have to pay PID impact fees. He stated that while the proposal is for 20 lots, there are already 6 in existence, so it's a net increase of 14 homes. Because they have an approved fire protection report, he believes they've done their due diligence to provide responses and meet the criteria and waiver requirements. He stated that they met with USAFA and have an avigation easement recorded. The applicant is required to disclose that USAFA and Jacks Valley are present.

Mr. Buschar added that the applicant has met with USAFA. The new avigation easement recorded with the Preliminary Plan is geared towards Jacks Valley to address fumes, pyrotechnics, the shooting range, etc. That information will also be in a plat note, in the CC&Rs, recorded on the title work, and in an addendum to the future purchase agreements. Regarding the conservation easement purchased with DOD funds that was mentioned, a meeting was held. They did not request a buffer, nor did they request to purchase the property. He stated helicopters, not airplanes, fly over the subject property between June and July. Thunderbird flyovers happen occasionally. He stated that some existing residents enjoy the noise and proximity to the military installation. When learning that the applicant has proposed less lots than they could have with the

existing RR-5 zoning, USAFA was pleased. He stated since the beginning of this process, they knew impacts from fire were going to be an issue and they've been working with the Fire Chief. What was requested, and what the applicant is providing, is a 33,000-gallon cistern for the valley. It was also mentioned that the fire district, USAFA, and the National Forest Service would respond in case of a fire. The recommended fire mitigation has already been completed on-site by removing mistletoe from 1.6 acres. When people/builders select home sites, they will be responsible for fire mitigation for their properties before building permits are released.

Mr. Carlson asked for an explanation of fire evacuation issues related to Hay Creek Road.

Mr. Alwine reiterated that the applicant has submitted a fire protection report and a traffic study. He does not recall direct comments with evacuation concerns coming up.

Mr. Buschar added that the fire department was happy a water source would be brought in. He stated many of the homes may remain vacant for parts of the year as the buyer market often has multiple homes. He also clarified that the application was submitted by View Homes and has Mr. O'Leary's signature.

Ms. Bagley stated she was checking if there were any outstanding comments on the fire report.

Mr. Carlson asked if evacuation was addressed in LDC chapter 6.

Ms. Bagley answered that the chapter says emergency access should be granted for evacuation.

Ms. Fuller stated the discussion touched on the criteria of approval, "Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision...". The PC is asking about the subdivision's access to Hay Creek Road. She asked if off-site impacts (adding net 14 lots to an already overburdened road) had been addressed by the applicant or in the application.

Mr. Carlson stated they were given a waiver.

Mr. Buschar stated the applicant is not responsible for making any improvement to Hay Creek Road other than the intersection. There are no other improvements required from the applicant as the road has the capacity for increased traffic.

Mr. Whitney asked for more information about the discussion with the conservation group regarding a buffer zone.

Mr. Buschar answered that it took place during the Preliminary Plan stage. They came down, discussed options, but never made an offer to the applicant for a buffer. He thinks that when they saw the final subdivision would only consist of 20 lots as opposed to the 40 allowed by zoning, they were less concerned. No buffer was requested. His understanding of how the process works is that a conservation easement would have been requested as a buffer zone and the applicant would have been compensated by the conservation fund for setting that land aside. The applicant is proposing smaller, 5-acre lots on the northern side of the subdivision and has larger lots on the side adjacent to USAFA. The topography would not allow houses close to the southern boundary, so that area is designated as a no-build area anyway.

PC ACTION: MS. BRITTAIN JACK MOVED / MR. SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3E, FILE NUMBER SF2324 FOR A FINAL PLAT, HAY CREEK VALLEY SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE FORWARDED TO

THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED BY A VOTE OF 3-5, RESULTING IN A RECOMMENDATION TO DENY.

IN FAVOR: MS. BRITTAIN JACK, MR. CARLSON, AND MR. SCHUETTPELZ.

IN OPPOSITION: MS. FULLER, MS. OFFNER, MR. TROWBRIDGE, MR. WHITNEY, AND MS. MERRIAM.

COMMENTS:

Ms. Merriam thinks the aspect of safety should be revisited because Hay Creek Road does not meet current standards.

Ms. Fuller concurred, adding that “this is a bad situation” and it may not be the current applicant’s responsibility to fix the entire area, but this proposal would make a bad situation worse. She doesn’t think the proposal fully meets the approval criteria regarding fire and off-site impacts.

Mr. Whitney agreed with previous comments and further mentioned fire safety with ingress and egress. He doesn’t understand how a situation out of compliance can be allowed to continue and grow.

Ms. Brittain Jack explained that the applicant will provide a water cistern that the existing residents don’t currently have, so she does believe the fire impacts have been addressed.

Mr. Schuettpelz explained that the military property must stop somewhere. If USAFA had wanted the buffer and purchased the property, the line would just be adjacent to other houses. The applicant has mitigated future issues by advising of the property’s proximity to USAFA in multiple places. While not having secondary access is concerning, he agrees that it’s not this applicant’s responsibility to fix the whole neighborhood which has existed for some time. He reiterated that exceeding the residence limit on a dead-end road was acceptable for the residents who currently live there and spoke in opposition. He believes the applicant has done everything they can to make the situation better (with the cistern) and perhaps there could be secondary access in the future.

Mr. Carlson recognized the safety issue and concerns for the neighborhood. He urged the public to pay attention to notifications sent by PCD. He stated the time to oppose the project was at Preliminary Plan stage. He doesn’t recall evacuation concerns being raised during that time. He voted to recommend approval because of the waivers that were previously approved.

***FOLLOWING CALLED-UP ITEM 3E, MR. TROWBRIDGE WAS EXCUSED FROM THE HEARING. THERE WERE SEVEN (7) VOTING MEMBERS MOVING FORWARD.**

3F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam stated that she would like more information about drainage. She mentioned there were drainage concerns for past projects in the same area.

Mr. Daniel Torres, with DPW Engineering, explained that the subject property is within 4 different drainage basins, so the topography is challenging. The applicant is proposing 6 detention ponds across the site, which will be maintained by their metro district. He referred to an image on the slideshow for pond locations.

Ms. Merriam asked for a vicinity map that showed the proposed development with its drainage in relation to the surrounding area.

Mr. Torres deferred to the applicant.

Ms. Barlow, with N.E.S., referred to a slideshow image to explain that there is a ridgeline on the east side of the property. She explained that the drainage ponds are located where they are to capture the water before it continues to Apex Ranch.

Ms. Merriam clarified that the 6 ponds from the image are all for the proposed subdivision. She stated that she is asking how this drainage proposal fits in with development around it.

Ms. Barlow stated that there is no development to the north or east. The Reata subdivision is to the south. It is an older development and has no detention pond.

Mr. Kofford, with Kimley-Horn, further explained that there is no detention system in the Reata subdivision. Water flows in 4 different directions on the subject property. The proposal is maintaining historic patterns. The Apex Ranch subdivision (west) has a full-spectrum detention basin that will be downstream from 2 of the proposed ponds.

Ms. Merriam asked for a map. (Mr. Torres presented one.) She then asked if rains from the last few years washed out one of the roads in the area.

Mr. Torres replied that he is not aware.

Ms. Marriam asked if 6 ponds were necessary because it's on a ridge.

Mr. Torres answered that the number of ponds depends on the increase in flow.

Mr. Carlson asked for information regarding a proposed parking lot.

Ms. Bagley suggested a full presentation which would answer questions. (Presentation began.)

PUBLIC COMMENTS

Mr. Roger Lund spoke in opposition. He mentioned that the proposed development will be three times larger than Apex Ranch. Many of his concerns were already addressed in the presentation. He asked if the water finding would be delayed until Final Plat. He walked the site with Mr. Desjardin and Mr. Kofford to discuss existing flooding issues in the area. He suggested that one of the drainage ponds should be relocated below the confluence near his property.

Ms. Barlow responded. The finding of water sufficiency is being requested during this phase; they are not deferring that finding to the Final Plat stage. They anticipate the Final Plat being administratively approved for that reason. During the Preliminary Plan stage, final locations of detention ponds are not exact. She pulled up a map of the area. The development of a detention pond will address the flooding issues that Mr. Lund currently faces. The Final Plat process will include more detailed design and construction details regarding the pond.

Mr. Carlson asked if relocation of the pond is possible after walking the property with Mr. Lund.

Mr. Desjardin, with ProTerra Properties, replied that he's not convinced. Currently, they have proposed the pond adjacent to the public right-of-way. This will make maintenance access easier. It will be in an existing field, so not as many trees will need to be removed. The terrain is steeper

where Mr. Lund is requesting it be relocated. The pond is currently proposed on one of two forks. Further evaluation will take place during the Final Plat stage.

NO FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3F, FILE NUMBER SP238 FOR A PRELIMINARY PLAN, OVERLOOK AT HOMESTEAD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

***FOLLOWING CALLED-UP ITEM 3F, MS. BRITTAIN JACK WAS EXCUSED FROM THE HEARING. THERE WERE SIX (6) VOTING MEMBERS MOVING FORWARD.**

31. PUDSP235

HOWSER

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN ROLLING HILLS RANCH NORTH

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification regarding the Placetype.

Mr. Carlson asked about the transition and buffer with surrounding development.

Mr. Howser explained that the subject property is located within the Large Lot Residential Placetype, as is the Estates filing to the west. The rest of Meridian Ranch is in the Suburban Residential Placetype. He referenced imagery on his slideshow. He stated that while the proposal is not consistent with Large Lot Residential, it is consistent with the surrounding area. He further mentioned that the applicant received BoCC approval for a Sketch Plan Amendment that allows up to 4 units per acre in the subject area. That approval predated the Master Plan, which was taken into consideration.

Ms. Merriam asked when the Sketch Plan Amendment was approved.

Mr. Howser answered that the approval was complete in August 2021. While the Master Plan was adopted in May 2021, the application was received under a previous Master Plan, so it was reviewed using the previous standards.

Mr. Carlson clarified that the applicant could propose up to 4 units per acre per the Sketch Plan.

Mr. Howser confirmed. He then discussed the proposed buffer area. He referenced the zoning map to show that the proposed buffer to the north is greater than previous filings. He stated that it is PCD Staff's opinion that the increased density could be compatible with the additional buffer that the applicant is proposing. He added that The Sanctuary at Meridian Ranch, south or the

subject property, was approved with 4.5 units per acre. The current proposal is consistent with previous filings southwest of the subject area.

Ms. Barlow, with N.E.S., completed the applicant's presentation. There were no questions.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Whitney clarified that the Sketch Plan Amendment was approved using the previous Master Plan criteria for reference, which designated the area as appropriate for suburban density.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3I, FILE NUMBER PUDSP235 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, ROLLING HILLS RANCH NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:03 P.M.

Minutes Prepared By: Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

Mr. Trowbridge 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 and depicted in Exhibit B, 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.

Ms. Brittain Jack 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 / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpezl	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 0 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~~
Jay Carlson, Vice-Chair

EXHIBIT A

LOT 1A BENT GRASS EAST COMMERCIAL FIL NO 2A

EXHIBIT B

BENT GRASS EAST COMMERCIAL FILING NO. 24X RECORDED UNDER RECEIPTION NO. 214713554 IN THE EL PASO COUNTY, COLORADO RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 1, 113S, R69W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO

GENERAL PLAT NOTES:

LEGAL DESCRIPTION:

A PLAT OF LOT 14, BENT GRASS EAST COMMERCIAL FILING NO. 24X, RECORDED UNDER RECEIPTION NO. 214713554 IN THE EL PASO COUNTY, COLORADO RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 1, 113S, R69W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

EDUCATION:

No schools are shown on this plat. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Education of El Paso County, Colorado.

BIBLIOGRAPHY:

No references are shown on this plat. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado.

OTHER PLAT NOTES:

- List of general plat notes including: 1. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado. 2. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado.



GENERAL PLAT NOTES: (cont.)

- Continuation of general plat notes, including: 3. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado. 4. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado.

CASEWORK:

- List of casework items including: 1. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado. 2. The plat is subject to the provisions of any laws, rules, regulations, and orders of the Board of Surveyors of El Paso County, Colorado.

SIGNATURE CERTIFICATE:

I, the undersigned, being a duly qualified and authorized surveyor of the State of Colorado, do hereby certify that the foregoing plat is a true and correct copy of the original as filed in my office.



Dated this _____ day of _____, 20____.

Prepared for the use of the County Clerk of El Paso County, Colorado.

Administrative information including: PLAN: 24X1, BENT GRASS EAST COMMERCIAL FILING NO. 24X, EAST GRASS EAST COMMERCIAL FILING NO. 24X, SHEET 1 OF 2, and the W&P Surveyors logo.

COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

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

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

Commissioner District: 2

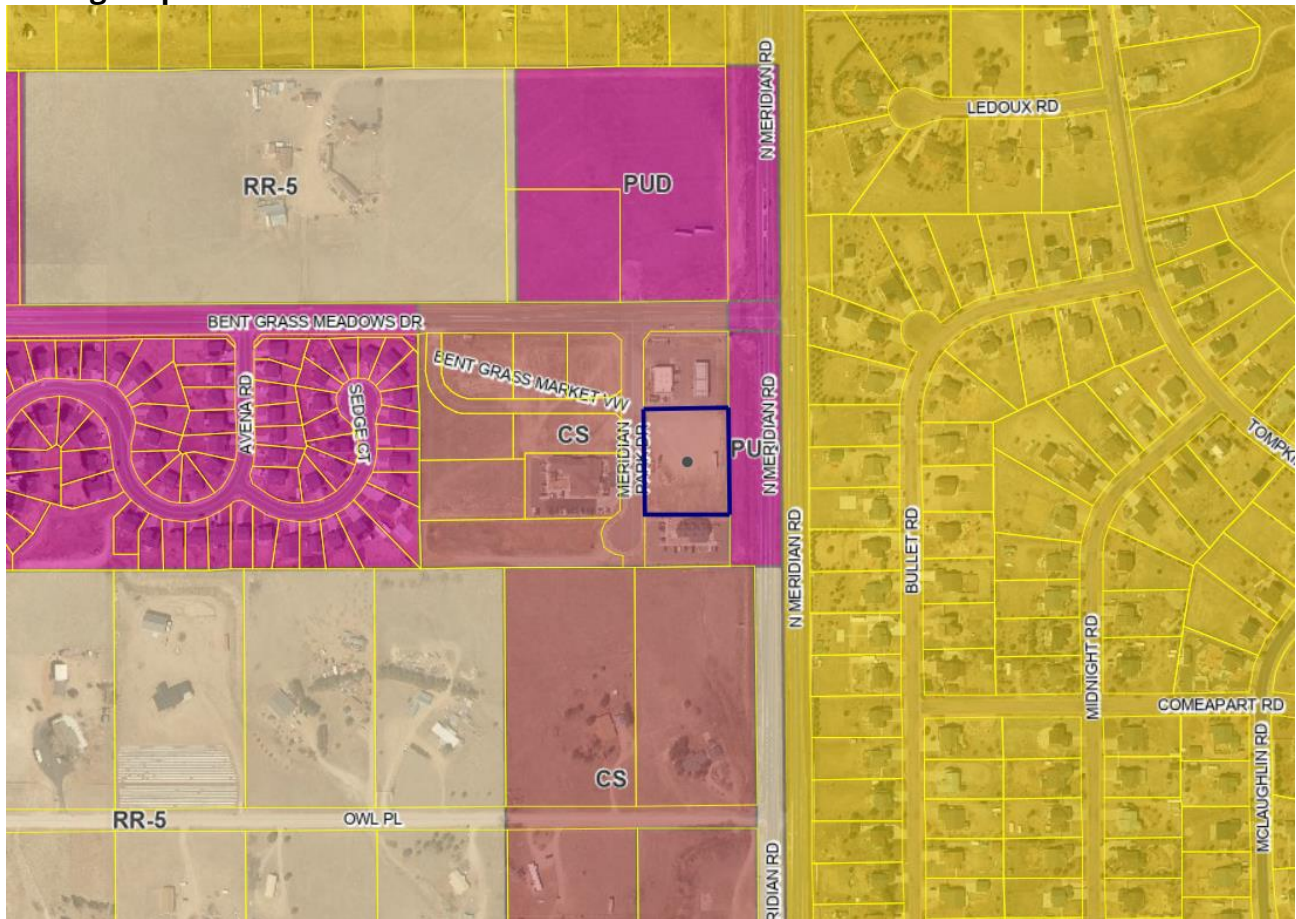
Planning Commission Hearing Date:	4/18/2024
Board of County Commissioners Hearing Date:	5/9/2024

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

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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

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OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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 7th, 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.

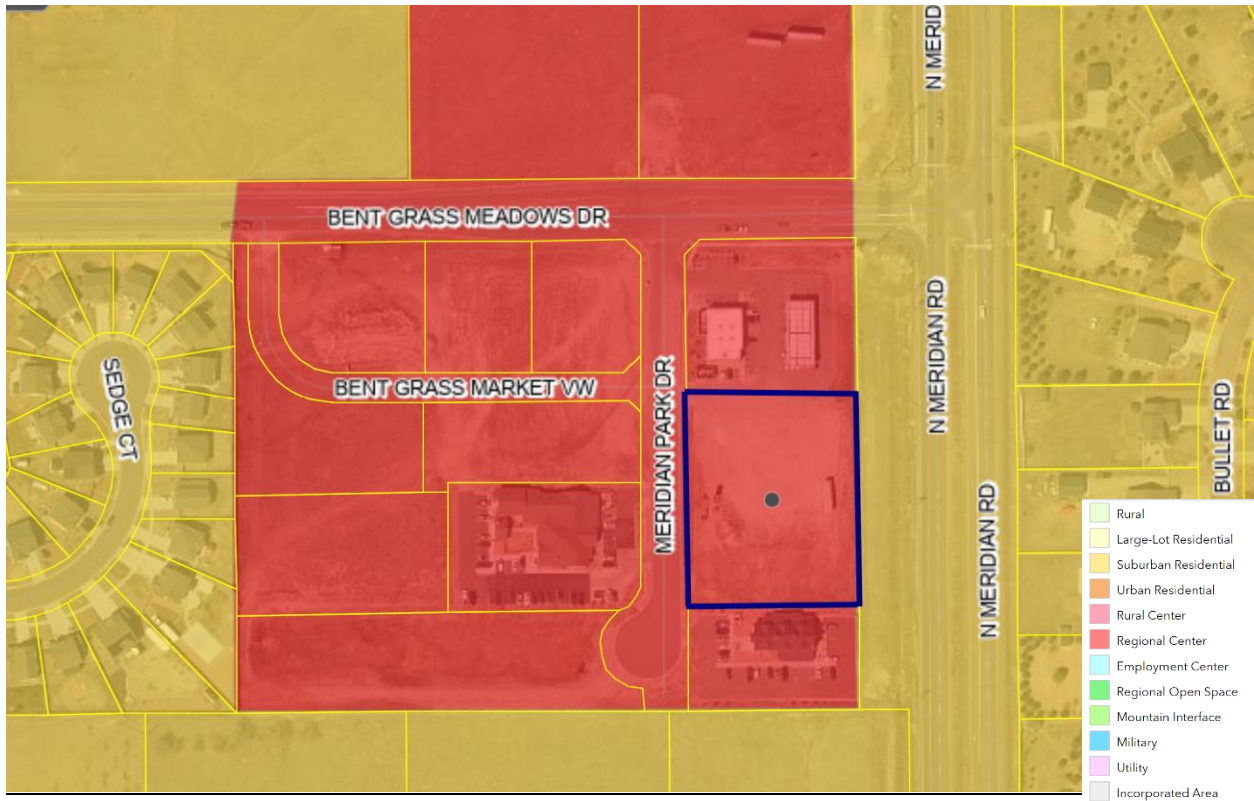
M. ATTACHMENTS

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

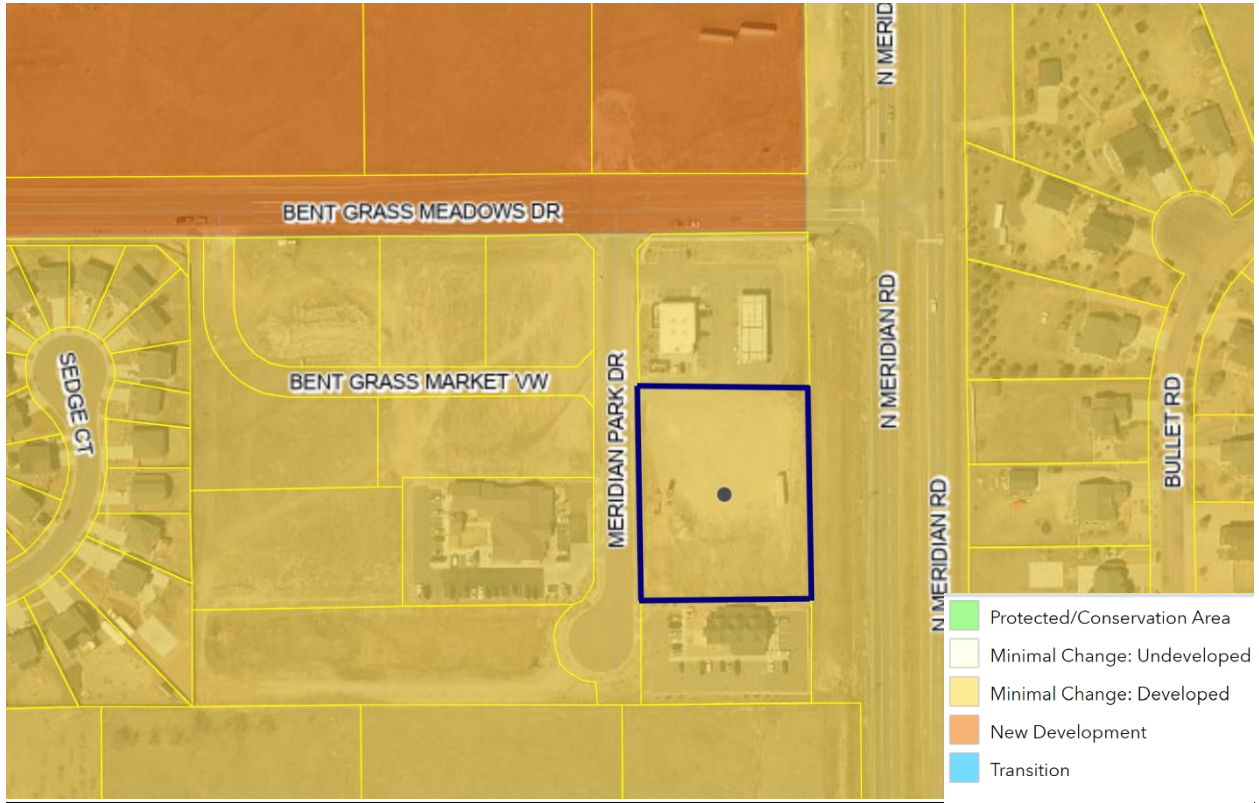


VR2316 Map Series

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 other municipal 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.**

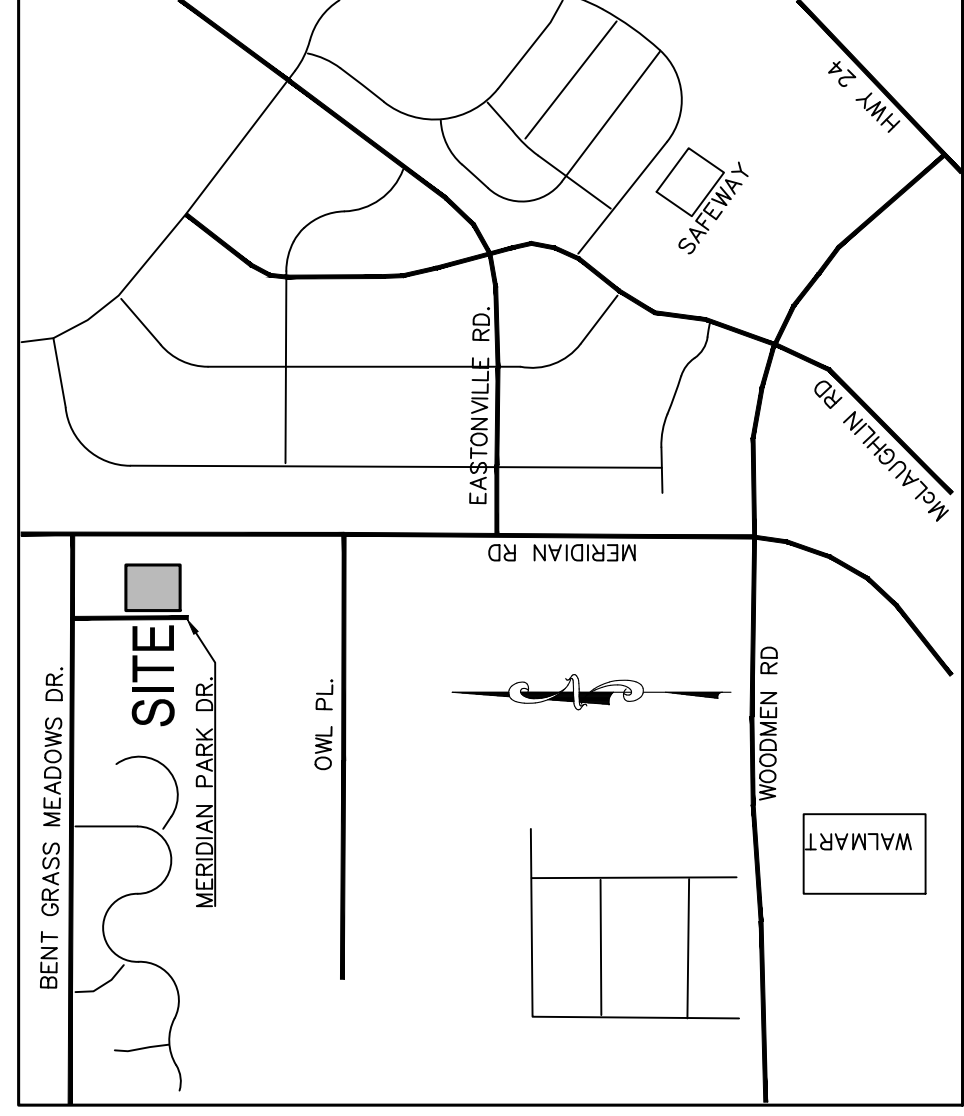
Waivers for private road and frontage requirements have been approved with the preliminary plan, and the proposed lot meets other applicable sections of Chapters 6 and 8 of the County Code or otherwise approved with conditions imposed by the BOCC.

- **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



BE IT KNOWN BY THESE PRESENTS:

THAT CD MERIDIAN & BENT GRASS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LEGAL DESCRIPTION:

PARCEL A
LOT 1A, 'BENT GRASS EAST COMMERCIAL FILING NO. 2A' AS RECORDED UNDER RECEPTION NO. 214713554 OF THE RECORDS OF EL PASO COUNTY, COLORADO, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, T13S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO.
SAID PARCEL CONTAINS A CALCULATED AREA OF 63.462 SQUARE FEET (1.457 ACRES MORE OR LESS).

PARCEL B:
THOSE EASEMENT RIGHTS CREATED BY RECORDING ACCESS EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT RECORDED JULY 07, 2013 UNDER RECEPTION NO. 213098588 AND FIRST AMENDMENT RECORDING ACCESS EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT RECORDED JULY 07, 2013 UNDER RECEPTION NO. 213098588.

SEE GENERAL PLAT NOTE 1 FOR BASIS OF BEARING.

DEDICATION:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAD HEREON UNDER THE NAME AND SUBDIVISION OF 'BENT GRASS EAST COMMERCIAL FILING NO. 2A'. SAID ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE. ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY. THE UNDERSIGNED HEREBY DEDICATE TO EL PASO COUNTY, COLORADO, THE UTILITIES EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES AND PERSONS WHOSE RIGHTS ARE SHOWN HEREON ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

BY: ALEXANDER APODACA, MANAGER,
CD MERIDIAN & BENT GRASS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

NOTARIAL:

STATE OF COLORADO } SS
COUNTY OF EL PASO }
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 BY
ALEXANDER APODACA, AS MANAGER, CD MERIDIAN & BENT GRASS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

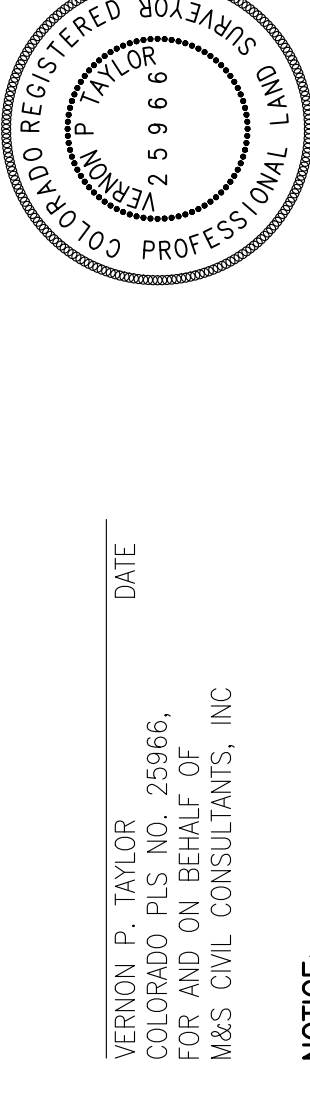
WITNESS MY HAND AND OFFICIAL SEAL:
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

SURVEYORS CERTIFICATE

I, VERNON P. TAYLOR, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE APRIL 2021, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE COLORADO SURVEYING ACT AND HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 2023.



VERNON P. TAYLOR
COLORADO PLS NO. 25966,
FOR AND ON BEHALF OF
M&S CIVIL CONSULTANTS, INC

NOTICE:

ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER 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.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR 'BENT GRASS EAST COMMERCIAL FILING NO. 4' WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 2023. THE BOARD OF COUNTY COMMISSIONERS HAS REVIEWED THE CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC EASEMENTS ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PROPOSED IMPROVEMENTS BY THE BOARD OF COUNTY COMMISSIONERS. THE BOARD OF COUNTY CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

CHAR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT _____ DATE _____

CLERK AND RECORDER:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ DAY OF _____, 2023, A.D. AND DULY RECORDED UNDER RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

FEE: _____ BY: STEVE SCHLEIKER, RECORDER

SURCHARGE: _____ BY: _____ DEPUTY

FEES:

DRAINAGE FEE: _____
BRIDGE FEE: _____
SCHOOL FEE: _____
URBAN PARK FEE: _____
REGIONAL PARK FEE: _____

SUMMARY:

2 LOTS 1.457 ACRES 100.00%
TOTAL 100.00%

GENERAL PLAT NOTES: (CONT.)

14. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, 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 LISTED SPECIES.
15. THE SUBDIVIDER(S) AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNS THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE COUNTYWIDE TRANSPORTATION IMPROVEMENT FEE RESOLUTION (RESOLUTION 19-477), AS AMENDED, AT OR PRIOR TO THE TIME OF BUILDING PERMITS. SUCH IMPACT FEES SHALL BE PAID BY THE METHOD OF PAYMENT OF PAYMENT FOR THE REMOVAL OF PORTIONS OF THE OBLIGATED FEES 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.
16. WOODMEN ROAD DISTRICT NOTE: ALL PROPERTY WITHIN THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE WOODMEN ROAD METROPOLITAN DISTRICT AND, AS SUCH, IS SUBJECT TO A WILL LEVY, PLATTING FEES AND BUILDING PERMIT FEES FOR THE PURPOSE OF FINANCING CONSTRUCTION OF SPECIFIED IMPROVEMENTS TO WOODMEN ROAD.
17. SOIL AND GEOLOGY CONDITIONS: SINKING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT 'SUBSURFACE SOIL INVESTIGATION DUNKIN DONUTS MERIDIAN ROAD AND BENT GRASS MEADOWS DRIVE EL PASO COUNTY, COLORADO' BY ENTECH ENGINEERING, INC. SEPTEMBER 23, 2022 IN FILE ENTECH_JOB NO. 221761 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
 - ARTIFICIAL FILL LOTS 1 AND 2 - FILL ASSOCIATED WITH CONTROLLED FILL PLACED ON THE TRACT OR BUILDING SITE. GAS SERVICE FOR THIS SUBDIVISION IS PROVIDED BY COLORADO SPRINGS UTILITIES SUBJECT TO THE PROVIDER'S RULES, REGULATIONS, AND SPECIFICATIONS.
 - UNCONTROLLED BENEATH FOUNDATIONS WILL REQUIRE COMPLETE PENETRATION AND REMOVAL AND RECOMPACTMENT UNDER CONTROLLED CONDITIONS.
 - MITIGATION: IT IS ANTICIPATED THAT THE FILL PILES WILL BE REMOVED DURING SITE PREPARATION. THE FILL PILES WILL BE MAXIMALLY COMPACTED, THE FILL PILES ARE CONSIDERED UNCONTROLLED. ANY UNCONTROLLED FILL ENCOUNTERED BENEATH FOUNDATIONS SHOULD BE REMOVED AND RECOMPACTED AT A MINIMUM OF 95% OF ITS MAXIMUM MODIFIED PROCTOR DRY DENSITY, ASTM D-1557.
18. LOTS 1 AND 2 OF THIS PLAT SHALL BE SUBJECT TO THE DECLARATION OF CROSS ACCESS EASEMENT RECORDED UNDER RECEPTION NO. 222092254.
19. THE SUBDIVIDER/DEVELOPER IS RESPONSIBLE FOR EXTENDING UTILITIES TO EACH LOT, TRACT OR BUILDING SITE. GAS SERVICE FOR THIS SUBDIVISION IS PROVIDED BY COLORADO SPRINGS UTILITIES SUBJECT TO THE PROVIDER'S RULES, REGULATIONS, AND SPECIFICATIONS.
20. THE SUBDIVIDER/DEVELOPER IS RESPONSIBLE FOR EXTENDING UTILITIES TO EACH LOT, TRACT OR BUILDING SITE. ELECTRIC SERVICE FOR THIS SUBDIVISION IS PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION (MVEA) SUBJECT TO THE PROVIDER'S RULES, REGULATIONS, AND SPECIFICATIONS.
21. THE SUBDIVIDER/DEVELOPER IS RESPONSIBLE FOR EXTENDING UTILITIES TO EACH LOT, TRACT OR BUILDING SITE. WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY WOODMEN HILLS METROPOLITAN DISTRICT SUBJECT TO THE DISTRICTS RULES, REGULATIONS, AND SPECIFICATIONS.
22. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFEACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO C.R.S. § 18-4-406.
23. THE APPROVAL OF THIS REPLAT VACATES ALL PRIOR PLATS FOR THE AREA DESCRIBED BY THIS REPLAT.

EASEMENTS:

UNLESS OTHERWISE INDICATED, SIDE LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A FIVE (5) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL OTHER EASEMENTS ARE AS SHOWN ON THIS PLAT.
THE SOLE RESPONSIBILITY FOR MAINTENANCE OF EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

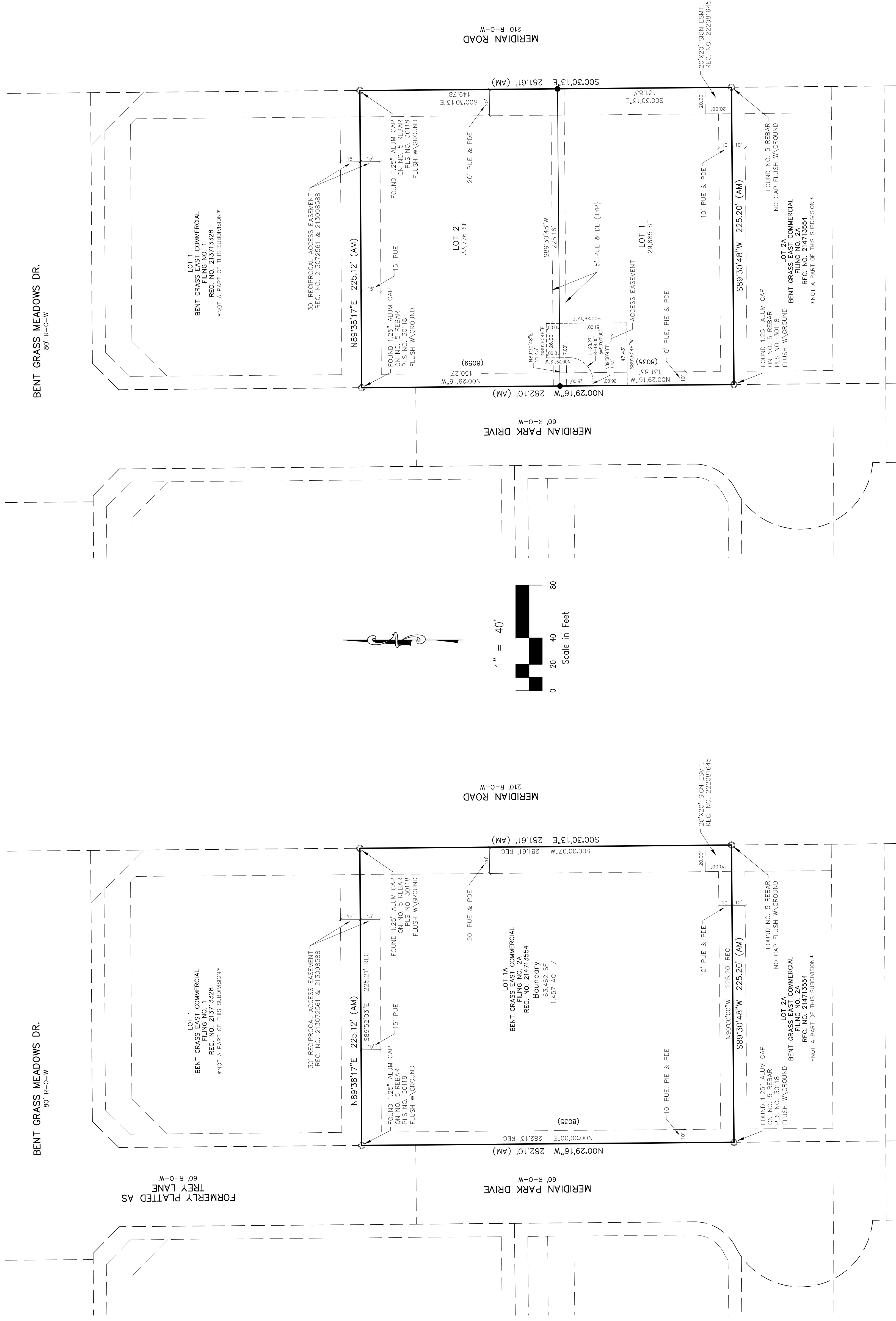
FINAL PLAT
JOB NO. 70-110
DATE PREPARED: 05/31/2023 DATE REVISED: 11/09/2023
DATE REVISION: 06/21/2023 DATE REVISED: 04/03/2024
DATE REVISION: 09/06/2023 DATE REVISED: 09/22/2023
DATE REVISION: 11/03/2023
POD FIL NO. VR2316



212 N. WANSATCH AVE, STE 305
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

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



FINAL PLAT
BENT GRASS EAST COMMERCIAL FILING NO. 4
JOB NO. 70-110
DATE PREPARED: 05/31/2023 DATE REVISED: 11/09/2023
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POD FIL. NO. VR2316

212 N. WANSATCH AVE., STE. 305
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

ACI
CIVIL CONSULTANTS, INC.

SHEET 2 OF 2



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, 6th 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 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
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

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

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF VACATION AND REPLAT
BENT GRASS REPLAT (VR2316)

WHEREAS, Cd Meridian & Bent Grass LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a Vacation and Replat creating two (2) lots 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 the El Paso County Planning Commission on April 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 9, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. That the Vacation and Replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.

7. That the Vacation and Replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the Vacation and Replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The Vacation and Replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. 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.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of Bent Grass Replat (VR2316);

BE IT FURTHER RESOLVED that the following conditions and notation shall be placed upon this approval:

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 the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of May 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 1A BENT GRASS EAST COMMERCIAL FIL NO 2A