



SOLACE APARTMENTS FILING NO. 2  
A REPLAT OF TRACT A, SOLACE APARTMENTS FILING NO. 1  
SITE DEVELOPMENT PLAN AND FINAL PLAT LETTER OF INTENT  
PCD FILE NO. SF-2232 & PPR-2252

OWNER/APPLICANT

CS POWERS & GALLEY, LLC  
510 S. NEIL STREET  
CHAMPAIGN, IL 61820  
ATTN: Dane Olmstead  
PHONE: (734) 216-2577  
EMAIL: [dolmstead@jacksondearborn.com](mailto:dolmstead@jacksondearborn.com)

ENGINEERING & PLANNING

KIMLEY-HORN AND ASSOCIATES, INC.  
2. NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903  
ATTN: Eric Gunderson, PE  
PHONE: (719) 453-0180  
EMAIL: [eric.gunderson@kimley-horn.com](mailto:eric.gunderson@kimley-horn.com)

SURVEYING

BARRON LAND, LLC  
2790 N. ACADEMY, BOULEVARD, SUITE 311  
COLORADO SPRINGS, CO 80917  
ATTN: Spencer Barron  
PHONE: (719) 360-6827  
EMAIL: [spencer@barronland.com](mailto:spencer@barronland.com)



## REQUEST

On behalf of Jackson Dearborn Partners, request approval of the Site Development Plan (SDP) for Tract A to be re-platted as Lot 2 (Phase 2) and the approval of a 108-unit Multifamily development.

Approval of 7.685-acre the 'Cimarron Hills-Phase 2 Site Development Plan (hereafter, "Plan")', Tract A of approved Solace of Colorado Springs Final Plat (Document No. 221714877) in the RM-12 CAD-O Zone.

## PROJECT DESCRIPTION

In compliance with Phase 1 client applicant is applying to continue the development of a single lot (7.680 AC) for a 108-unit multifamily development in the RM-12 Zone, Final development plans will include five (5) – three (3) story buildings, and uncovered surface parking, indoor/outdoor recreation amenities, and open spaces.

Phase 2 is in accordance with Resolution No. 17-118 approved by the Board of County Commissioners

## PROPERTY LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The properties included in the final plat are located at the northwest corner of the Galley Road and Paonia Street intersection. The Plat includes Parcel No. 5407205046 ( $\pm 13.75$ AC) known as Lot 1 and Parcel No. 5407205047 ( $\pm 7.68$ AC) known as Tract A. Lot One has been approved by the county as Phase 1 to include 234 multifamily units. Subject to approval of a map amendment (re-plat), Tract A is to be identified as Lot 1 of Solace Apartments Filing No. 2, a replat of Tract A, Solace Apartments Filing No. 1 (Phase 2), and shall be for a 108-unit multifamily development.

### Property Zone History

The property was rezoned to RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay District) in 2017 in accordance with Resolution No. 17-118. This Resolution noted that "multifamily development is appropriate at this location, despite being located within the ADNL subzone, as a result of the applicant using construction techniques to decrease indoor noise levels to 30 dB(A) or lower." The Resolution provided a list of conditions and notations of approval which have been observed with this project.

An Administrative Decision was issued July 3, 2017. This Decision pertained to the 125' setback along the north and east zoning district boundaries. As part of the rezone of this property, building setbacks established for the I2 zoning district for the front and rear increase to 125 feet adjacent to residential property. To mitigate potential impacts to the existing industrial properties, the rezone applicant elected to absorb the 125-foot setback requirement which would otherwise burden the neighboring I-2 zoned private properties, preventing them from any future construction.

Per the agreement with Phase 1 (File No. 2032), the applicant also requests findings of:

- water sufficiency with respect to water quantity, quality and dependability
- adequate method of wastewater disposal
- general conformance with the Your El Paso Master Plan through Resolution No. 17-118 approved by the Board of County Commissioners (BOCC)
- general conformance with the County Water Master Plan

## **RM-12 ZONING COMPLIANCE:**

Development of the site shall be in conformance with the zoning requirements of the RM-12 zone, including landscape buffering/screening requirements of the Code summarized below:

- Maximum density: 12 DU/AC
- Structural Setbacks (from property boundary):
  - Front 15-feet
  - Rear: 20-feet
  - Side: 10-feet
- Max Lot Coverage: 70%
- Max Height: 40-feet
- Roadway Landscape Buffers:
  - Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet)
  - Non-Arterial: 10 feet (1 tree/30 feet of future Tranquil Glen Grove frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
  - 15-feet along frontages adjacent to single-family residential uses
  - 15-feet along residential boundary where compatibility is a concern
  - 1 tree/25-feet of common property line
  - A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
  - A minimum of 15% of the lot or parcel shall be landscaped.
  - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

## **YOUR EL PASO MASTER PLAN CONFORMANCE**

The proposed final plat is in general conformance with the El Paso County Master Plan as discussed in detail below. The Plat implements the existing RM-12 zone (**PCD File No. P-16-007**) to create a legal zoning lot for proposed multifamily development. Findings of Master Plan conformance are/have been approved through the preliminary plan application. The Plat is also consistent with Master Plan to implement the multifamily land use. Increased market demand for housing is reflected in the recent residential infill developments.



## Key Areas



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

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

runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.

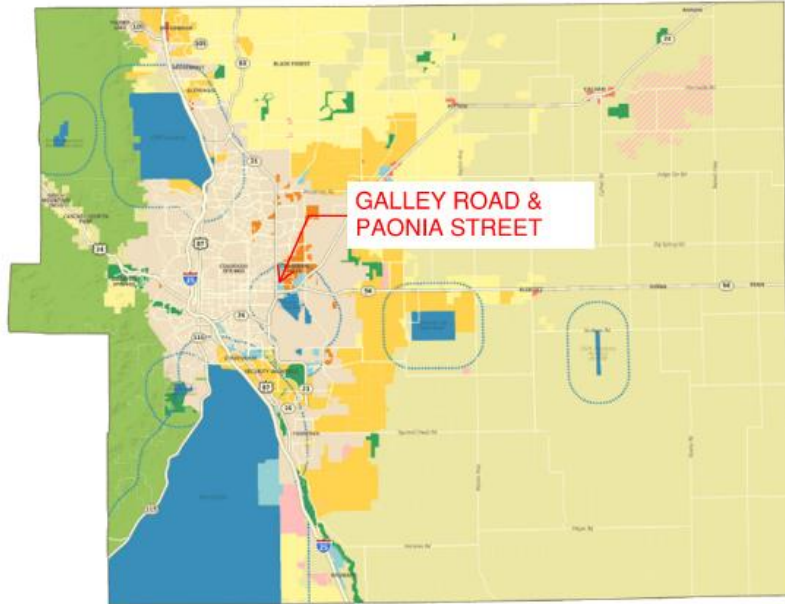
**Colorado Springs Airport** is the second largest in the State of Colorado with continually rising passenger totals and activity. Currently, large amounts of land adjacent to the airport are primed for commercial and industrial development, in part due to the establishment of a Commercial Aeronautical Zone (CAZ). The Board of County Commissioners approved the CAZ to attract local businesses and spur development on the available land. The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County. Employment Centers not only provide additional job opportunities for County residents, but it expands the County's tax base, providing more opportunities to address other County issues such as upgrades to infrastructure, expansion of services and development of new roadways. Peterson Air Force Base also utilizes the Colorado Springs Airport for military flight operations and hosts various military activities critical to national security. The County should also coordinate future development adjacent and within the Colorado Springs Airport Accident Potential Zone (APZ) and within the Peterson Air Force Base buffer area with the Airport and the



Base to ensure growth does not negatively impact the primary functions of Peterson Air Force Base or the Airport. Coordination with Colorado Springs Airport should also be considered, as necessary.

Since the properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use comprised of commercial/retail uses supporting a growing single-family residential market base.

The approved RM-12 CAD-O zoning (per the approved rezone through phase 1) and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.



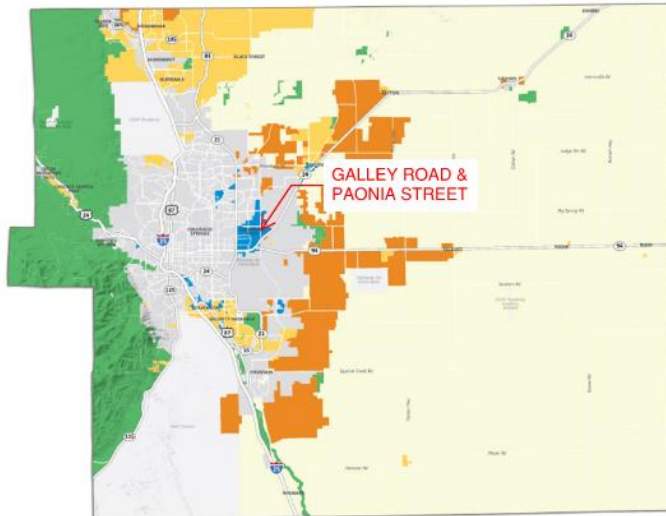
There has also been a substantial ongoing change in the character of the area's development and land use patterns creating a mixed land use character that incorporates commercial, industrial, single & multifamily densities centered at the Powers/Galley intersection and adjacent corridor segments. This development pattern is consistent with the location and primary and supporting land uses of the Employment Center Placetype and Military Reservation Buffer, shown on the Placetypes Map in the "Your El Paso County Master Plan".

## Placetypes



Since the properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use comprised of commercial/retail uses supporting a growing single-family residential market base.

The approved RM-12 CAD-O zoning (per the approved rezone through phase 1) and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.



## Areas of Change

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

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

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The approved RM-12 CAD-O zoning (per the approved rezone through phase 1) and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.

## MASTER PLAN CONFORMITY (LAND USE & HOUSING)

**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.**

### Land Use

The Your El Paso Master Plan locates this property within an Employment Center, this does now allow multi-family use, however, under the Military Reservation buffer placetype, higher density and multifamily residential uses are identified as a primary land use in this area designation.

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

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

Many of the Regional and Employment Center Placetype land uses are located adjacent to or in proximity to the Project, which include commercial retail, restaurant, commercial service, and light industrial in the surrounding CR (Commercial Retail), CS (Commercial Service), M (Industrial), I-3 (Heavy Industrial), and City of Colorado Springs PBC (Planned Business Center) zone districts.

The proposed multifamily uses and densities are compatible with the existing and approved residential, commercial, and industrial land use patterns and densities in relation to the



previous Resolution No. 14-118. Plat and Site Development Plan approval will implement development consistent with the intent and goals of the Master Plan. Under the referenced Conditions and Notation of Approval item No. 4; Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-12 (Residential Multi-Dwelling) zoning district and the applicable sections of the Land Development Code and Engineering Criteria Manual.

**Goal 1.3** - *Encourage a range of development types to support a variety of land uses. (Addressed together with core principle and goals below)*

**Core Principle 2: Preserve and develop neighborhoods with a mix of housing types.**

**Goal 2.1** - *Promote development of a mix of housing types in identified areas.*

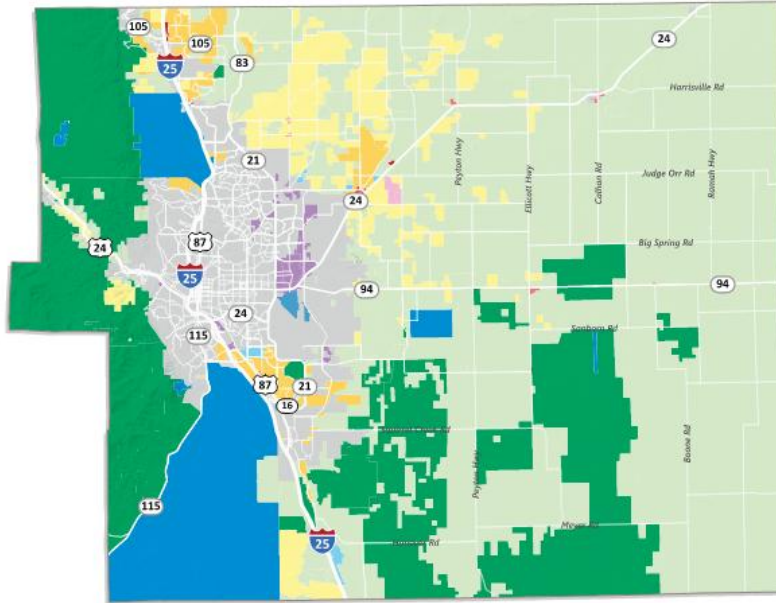
**Goal 2.3** - *Locate attainable housing that provides convenient access to goods, services, and employment.*

The housing type in the area is characterized by higher urban residential densities including, but not limited to, single family detached & attached, townhome, and apartment densities and supporting commercial retail uses surrounding the Powers/Galley intersection. (e.g., McElhinny Subdivision, G & H Subdivision, Creekside Center, Etc.)

The existing and approved land use mix within the adjacent area includes residential (multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy/light industrial land uses.

The proposed multifamily housing development will provide an additional 108 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing conveniently located near major transportation thoroughfares, which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region.

According to the Placetype Map in the Master Plan, the site is located within an Employment Center and Military Reservation Buffer Placetype. Priority Development Area where “new residential development should be prioritized first for new residential development to accommodate growth” in the County.



**Existing Land Use**

- |   |   |  |
|---|---|--|
| <span style="color: #90EE90;">■</span> Rural                    | <span style="color: #FF0000;">■</span> Regional Center  | <span style="color: #FFB6C1;">■</span> Transportation Hub          |
| <span style="color: #008000;">■</span> Managed Lands            | <span style="color: #800000;">■</span> Mixed-Use Center | <span style="color: #D3D3D3;">■</span> Incorporated Area           |
| <span style="color: #FFFF00;">■</span> Large Lots or Ranchettes | <span style="color: #ADD8E6;">■</span> Employment       | <span style="border: 1px solid black;">■</span> <all other values> |
| <span style="color: #FFD700;">■</span> Suburban Development     | <span style="color: #800080;">■</span> Urban Enclave    |  |
| <span style="color: #FF4500;">■</span> Rural Center             | <span style="color: #0000FF;">■</span> Military         |  |

**Urban Enclave**

Within the County's Incorporated Areas, there are enclaves of developed and undeveloped land that remain unincorporated, although they are surrounded on all sides by the City of Colorado Springs and give the sense that it is part of the City. These unincorporated pockets include the area of Cimarron Hills, Northeast Colorado Springs, and Southeast Colorado Springs near Stratmoor. These enclaves are primarily residential but also feature a mix of uses including residential, commercial, institutional, or industrial.

*“Overall, the County should prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential place type as opportunities arise.”*

The proposed multifamily densities are an appropriate transition at the Powers/Galley intersection which has an existing/approved land use mix of retail and service oriented commercial, light to heavy industrial, light manufacturing, and medium density multifamily uses.

The functionality of the site with respect to access, design, and building orientation. This site will be consistent and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors. The location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as, enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

## WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

- **Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.**
- **Goal 6.0 – Require adequate water availability for proposed development.**
- **Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.**
- **Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.**

The development area is located in Region 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. Cherokee Metro District has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits.

Cherokee Metro District (District) has provided a letter of commitment, issued by the District on August 23, 2022, which is provided with this submittal. A new commitment letter from the District was required for Lot 2 (Phase 2) of this development. A finding of water sufficiency by the County Attorney and the State of Colorado Water Engineer was provided for Lot 1 (Phase 1) with the Preliminary Plan. The District will supply water to the proposed development via its existing water supply system via three connections discussed in the Water Resources Report prepared by JR Engineering. In accordance with the commitment letter provided by the Cherokee Metro District, the following will be the total water demand for Phase 2 which corresponds with 108 units. Irrigation allocation is sufficient for traditional grass landscaping for areas not covered in roads, walkways or structures.

Type of Use	Demand (AF/yr)
Domestic	19.4
Irrigation	5.0
<b>Total</b>	<b>24.4</b>

## FINAL PLAT DESCRIPTION

The Solace of Colorado Springs Preliminary Plan was approved to develop 348 units in two phases. Preliminary plan of Cimarron Hills Lot 1, Filing No. 1, (Phase 1) proposed 234 units and Lot 1, Filing No. 2 (Phase 2) consisting of 114 units. The Preliminary plan of Lot 1, Filing No. 2 (Phase 2) has been revised to consist of 108 units, combined for a reduced total of 342 units.

To begin the construction phase, Phase 2- a replat of Solace Apartment Filing No. 1 will be required. The development plan will also depict required on-site public and private transportation and circulation, stormwater, and/or utility improvements, buffering and screening, final grading and erosion control, and construction plans for on-site improvements. Said improvements can be identified within the site development plan and construction documents.

## REVIEW/APPROVAL CRITERIA

1. The subdivision is in substantial conformance with the approved preliminary plan; **The subdivision boundaries are consistent with Solace of Colorado Springs Preliminary Plan (SP-20-001). The property is being platted with existing proposed densities provided from the current RM-12 zone. The property is currently a platted tract and not eligible for development under existing condition until a final replat is approved.**
2. 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; **The required reports and plans have been submitted for review against County Subdivision requirements including compliance with applicable LDC, ECM, DCM, and other applicable County, State, and/or federal regulatory requirements.**
3. 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; **Cherokee Metropolitan District has committed to provide a sufficient water supply in terms of quantity, quality and dependability needed to meet the domestic and irrigation demand of the proposed development.**
4. 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;

**Cherokee Metropolitan District has committed to provide wastewater disposal service that is adequate to meet the wastewater disposal and treatment demands of the proposed development.**

5. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)]; **Per studies provided in Phase 1; No areas have been identified as a hazardous soils or topographical concern. The site conditions do support the intended Multi-family use.**

**However, the updated soils report indicates there is high ground water found between 15 to 27 feet of borings drilled throughout the site. It is found by the engineer that the proposed slab on grade foundation is an acceptable foundation alternative for the proposed apartment buildings and clubhouse.**

6. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM; **Per the master drainage study provided and approved in Phase 1, all proposed improvements associated with Phase 2 have been accounted for with proposed storm sewer, detention ponds and drainage channels.**
7. 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;

**Per agreements of Phase 1, access to the site will be off Paonia Street, which will be extended north from Galley Road to Paonia Street south of Omaha Boulevard. Site access will be provided via two full movement access points along the extension of Paonia Street east of the residential development. Internal driveways will be private and have been designed to provide convenient and safe circulation throughout the site. Street names have been approved by the El Paso-Teller County 911 and are reflected on the Preliminary Plan and Final Plat of Solace Apartments Filing No. 1. A Transportation Impact Study (“TIS”), dated August 2020, prepared by FHU for the Preliminary Plan, assessed the trips generated by the proposed development in context of 2021 short-term and 2040 long-term background traffic.**

**Accordance with the TIS, the following is a summary of the findings and recommendations related to the analysis for the development:**

- **When constructed, this development would generate an estimated 2,547 vehicle-trips during the day with 160 of these trips occurring during the AM peak and 195 trips occurring during the PM peak.**

- No improvements to existing Paonia St north of the site are required.
- Based on the results of this analysis, current and future conditions at the intersection of Galley Rd and Paonia St would meet signal warrants. This intersection should be monitored to determine when signalization is necessary. An annual warrant study should be performed, starting with a study approximately 1 month after completion of the intersection reconstruction adding a new north leg. The warrant study should be based upon 10-12 hours of turning movement counts in order to provide actual rather than scaled values, and the evaluation should incorporate the most recent crash history. The proposed development is expected to generate approximately 9 percent of the traffic traveling through the intersection in the short term and 7 percent in the long term. Coordination with the Engineering Manager and/or County Engineer may be required to determine further responsibility of the developer.
- Consideration should be given to restricting the northbound left turn movement at the Galley Rd/Conrad St intersection to reduce congestion at this location.
- Auxiliary turn lanes should be installed along the southbound and eastbound approaches to the Galley Rd/Paonia St intersection and left turn lanes should be provided at the site accesses to Paonia St.
- When the intersection of Galley Rd and Paonia St is reconstructed with a new north leg as an unsignalized intersection, a crosswalk should be striped on the north leg of the intersection, and, when signalized, on the west leg of the intersection.
- McAuliffe Elementary School is within 2 miles of the project site; therefore, missing sidewalk gaps and improvements to existing sidewalks should be made for better access. A six-foot sidewalk will need to be constructed on the north side of Galley Rd between Powers Blvd and east of Paonia St.
- It is acknowledged that the unit count dropped for all these studies by 6 units, which would be less than the demand calculated for Phase 1 report, thus within compliance of any approved report.

**Mountain Metropolitan Transit provides bus service in El Paso County. Currently there are existing bus stops located adjacent to the project site. Route #23 runs east/west on Galley Rd and has frequent stops that are less than 0.2 mile apart**

8. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

**Police protection is provided by the EL Paso County Sheriff. Fire protection and EMS emergency services are provided by Cimarron Hills Fire Department. Electric and gas services are provided by CSU.**

## Infrastructure Capacity (Utilities and Urban Services)

Necessary urban services to meet the multifamily demands are available and currently serving adjacent and nearby residential, commercial, industrial land uses and densities. Specific services include water/wastewater, fire protection, emergency ambulatory/medical service (EMS), police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and associated infrastructure.

Public services and utilities are, or will be, provided by the following

- Water & Wastewater Services: Cherokee Metropolitan District (CMD)
- Natural Gas: Colorado Springs Utilities
- Electric Service: Colorado Springs Utilities
- Fire Protection: Cimarron Hills Fire Protection District
- Public Schools: Colorado Springs District #11
- Library Services: Pikes Peak Library District:
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff's Department
- Special District Services:
- Parks, Trails, Open Spaces: El Paso County, City of Colorado Springs, CMD
- Interior Open Space: Owner/Developer

Utility and fire protection commitments and use specific service demands and delivery requirements will be provided at future subdivision phases for the multifamily project. The subsequent subdivision and site development plan submittal and review will include detailed reports and analysis of system or service deficiencies. Impacted service providers will outline respective infrastructure and/or operational needs, in order, to meet projected demands.

9. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

**The plans comply with applicable provisions of Chapter 6 for fire protection and access. Water supply demands for fire suppression will be coordinated with the Cimarron Hills Fire Department.**

10. 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;

**A Noise Attenuation report was prepared by ASTI Environmental (ASTI) and submitted with the Preliminary Plan. According to ASTI, "based on the data sources cited in this letter (report) and noise level calculations using HUD methodology, the required 30 dB(A) reduction and less than 30 dB(A) interior noise will be attained by the proposed development.**

**11. 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;**

All required subdivision improvements are financially guaranteed through the SIA to adequately mitigate the subdivision impacts.

12. The subdivision meets other applicable sections of Chapter 6 and 8; and  
**The subdivision meets all other applicable Code sections of Chapter 6 and 8.**

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

**No extraction of any known commercial mining deposits will be impeded.**