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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: 6/13/2024
RE: VR223 AFTA Subdivision

Project Description

A request by CST Metro LLC for approval of an 8.90-acre Vacation and Replat creating 2 commercial lots and 1 tract. The subject property is zoned CS (Commercial Service) and is located northeast of the intersection of New Meridian Road and Highway 24 and southeast of the intersection of Old Meridian Road and Highway 24. The item was heard as a consent agenda item at the Planning Commission hearing on May 16, 2024, and was unanimously recommended for approval with a vote of 9-0.

Notation

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

Planning Commission Recommendation and Vote

Fuller moved / Moraes seconded for approval of the Vacation and Replat, utilizing the resolution attached to the staff report, with 11 conditions, 1 notation, 1 waiver, 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 was **approved (9-0)**. The item was heard as a consent agenda item.

Discussion

There was a clarifying question asked of staff regarding access to the two proposed commercial lots. It was stated that there would be no direct access from Highway 24 and that all access would be taken from the proposed private road.

Attachments

1. Planning Commission Minutes from 5/16/2024.
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, May 16, 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, ERIC MORAES, JEFFREY MARKEWICH, BRYCE SCHUETTPELZ, WAYNE SMITH, 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, AND BRANDY MERRIAM.

STAFF PRESENT: JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, KYLIE BAGLEY, JOE LETKE, ED SCHOENHEIT, CHARLENE DURHAM, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: MATTHEW DOZIER, WILLIAM STUBER, LARRY MANNING, DARLENE JENSEN, AND JANDY BARENTINE.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing will be held Thursday, June 6, 2024, at 9:00 A.M. This will serve as the annual meeting when officers are selected. There will be a presentation by Clarion regarding the LDC update process.

Ms. Seago introduced a new County Attorney Office staff member, Erika Keech. She will represent the Planning Commission and Planning Department in the future.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held May 2, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. SP237

HOWSER

**PRELIMINARY PLAN
WYOMING ESTATES**

A request by Home Run Restorations, Inc. for approval of a 36.62-acre Preliminary Plan depicting 6 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 14515, 14715, 14750, and 14755 Teleo Court, on the west side of Curtis Road, approximately 2.75 miles north of Highway 94. The applicant is also seeking a finding of water sufficiency with the Preliminary Plan. (Parcel Nos. 4333003003, 4333004001, 4333004002, and 4333004003) (Commissioner District No. 2)

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

C. MS234

HOWSER

**MINOR SUBDIVISION
GUNTZELMAN PORCELAIN PINES**

A request by Christa and Kristian Guntzelman for approval of a 35.06-acre Minor Subdivision creating 3 single-family residential lots. The property is zoned R-T (Residential Topographic) and is located at the intersection of Mountain Road and Kulsa Road, approximately one-quarter of a mile west of Chipita Park Road. (Parcel No. 8322200018) (Commissioner District No. 3)

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

D. VR223

BAGLEY

**VACATION AND REPLAT
AFTA SUBDIVISION**

A request by CST Metro LLC for approval of an 8.90-acre Vacation and Replat creating 2 commercial lots and 1 tract. The subject property is zoned CS (Commercial Service) and is located northeast of the intersection of New Meridian Road and Highway 24 and southeast of the intersection of Old Meridian Road and Highway 24. (Parcel Nos. 5312402015, 5312402016, 5312403003, 5312403004, 5312404003, 5312405003, and 5312405005) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Mr. Trowbridge asked for more information regarding the traffic study.

Ms. Bagley presented a map of the proposed subdivision. She explained where the roads are located.

Mr. Trowbridge asked where ingress to the new convenience store would be located and which structure would remain on the property.

Mr. Schoenheit explained that the existing Circle K building will be removed and a new structure will be constructed. He further explained that the proposed construction drawings show the existing access to Highway 24 being closed. An access permit granted by the City of Colorado Springs will allow a limited turn onto Meridian Road.

Mr. Trowbridge asked if that would be a restricted right in, right out intersection.

Mr. Schoenheit confirmed. He stated there would be $\frac{3}{4}$ movement, but not full movement.

Mr. Trowbridge asked if traffic from Highway 24 would need to pass the area to turn later down the road and return.

Mr. Schoenheit referred to a slideshow image. He stated that the City of Colorado Springs controls access to Meridian Road in that location. It was reiterated that there would no longer be direct access to Highway 24. Access to the subject property would only be possible through the interior roads.

PC ACTION: MS. FULLER MOVED / MR. MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER VR223 FOR A VACATION AND REPLAT, AFTA SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ELEVEN (11) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, 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 (9-0).

4. CALLED-UP CONSENT ITEMS

3B. SP237

HOWSER

PRELIMINARY PLAN WYOMING ESTATES

A request by Home Run Restorations, Inc. for approval of a 36.62-acre Preliminary Plan depicting 6 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 14515, 14715, 14750, and 14755 Teleo Court, on the west side of Curtis Road, approximately 2.75 miles north of Highway 94. The applicant is also seeking a finding of water sufficiency with the Preliminary Plan. (Parcel Nos. 4333003003, 4333004001, 4333004002, and 4333004003) (Commissioner District No. 2)

Mr. Howser asked if the public could summarize their concerns so they may be addressed without a full presentation.

Mr. Matthew Dozier provided public comment. He supplied photos (part of the EDARP file) of drainage mitigation ditches in the area. He stated they are full of silt. He stated he would like to see those areas cleaned up before the final stages. He asked for clarification regarding whether the cul-de-sac, maintained by the HOA, would be public or private. He mentioned that traffic has increased in the area and that he has experienced theft from his barn.

Mr. Daniel Torres, with DPW Engineering, explained that the area described is within Wyoming Estates Filing No. 1. The site has an open permit and DPW is aware that it is not yet finished. The ditch on the north side is identified in construction drawings as a rip-rap ditch and still needs to be completed. Once all improvements from Filing No. 1 are complete, DPW will proceed with preliminary acceptance for the roadway. The driveway that continues west is platted right-of-way but will be maintained by the HOA via license agreement. It is currently a private driveway.

Mr. Carlson asked if the sediment will be dealt with when the ditches are complete.

Mr. Torres replied that the sediment should be mitigated with the rip-rap identified in the drainage report and according to the construction drawings.

Mr. Whitney pointed out that while the zoning is [RR-5], the placetype is identified as Suburban Residential and could potentially support higher density development.

Mr. Howser discussed the Master Plan and Suburban Residential placetype. He agreed that the placetype could support higher density but added that an applicant would need to first meet the criteria of a Map Amendment (Rezoning) application, including compatibility. The zoning districts of the surrounding vicinity are RR-5, A-5, and A-35. Higher density zoning may not be compatible.

Mr. Markewich asked for more information regarding drainage. He asked if drainage would connect to a system east of the subject parcel. He asked about drainage on adjacent property.

Mr. Torres replied that the water primarily flows east. He referred to a slideshow image to explain the flow. He doesn't know how water is draining on properties to the north and west. Based on the map's contour lines, drainage may continue west, north of the subject property, and not tie into the subject property's culvert. Water that flows directly into the subject property is directed to the drainage ditch. He cannot speak to the design of a separate filing.

Mr. Markewich summarized that development west of the property does not have a drainage plan that authorizes a tie-in to the drainage design on the subject property. (Mr. Torres confirmed.) He then asked how the drainage from this property connected to property to the east.

Mr. Torres explained that runoff would connect with the ditch along Curtis Road and then flow north as it historically does.

Mr. Markewich reiterated that he wanted to ensure upstream and downstream water flows were considered. He suggested more information being provided to the BoCC.

Mr. Torres verified that it was part of the drainage report submitted by the applicant. He repeated that the drainage north of the subject property is part of Filing No. 1 and is not part of the request. Filing No. 1 is an open construction site.

Mr. Carlson asked what would prevent build-up of sediment in the new drainage channel.

Mr. Torres answered that once the lots are stabilized, stormwater will be diverted into the channel to slow the rate of flow. Any sediment build-up should be maintained and removed as needed.

Mr. William Stuber provided public comment. He owns the property directly west. He reiterated that the drainage area most discussed is the one furthest north. He then discussed the history. The northern drainage channel was developed where there had been an easement platted for the six surrounding properties and a public access road, which appears to now be private. He stated that the road used by the six properties to the west follows the drainage. He further stated that he has an issue with the subdivision process. One Minor Subdivision was submitted and now there is a second Minor Subdivision being submitted with a replat of the first filing to accommodate

access. He suspects that it was done in a way to circumnavigate the Major Subdivision process. He read LDC 7.2.1(C)(1)(e), *"Circumvention of Process. If it is determined that the applicant is using the minor subdivision process to circumvent the subdivision process such as the submittal of adjoining multiple minor subdivisions or multiple replats of the same property, the applicant shall be required to comply with the preliminary plan and final plat process."* He opposes the public right-of-way now being platted as a private right-of-way with an HOA responsible for maintaining it. He stated that the western properties vacated a legal easement as part of Filing No. 1 with the understanding that it would be a public access road to his property. He is concerned that it will become a private road maintained by an HOA not yet established. He stated that during Filing No. 1, what was presented before the Planning Commission and recommended for approval was different than what the BoCC ultimately approved. LDC 7.2.1(C)(1)(b) states, *"Applicability. A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities."* He disagrees that what is being proposed has little impact on surrounding properties. He then mentioned that there are existing Code violations on Teleo Court where concrete dumpster pads have been poured in the drainage area. He mentioned that the overall process started 5 years ago, and construction has been taking place for 2. He expressed frustration with the amount of time it has taken to finalize.

Mr. Carlson asked for Ms. Seago's thoughts regarding circumvention of the process.

Ms. Seago stated that when the initial Minor Subdivision was approved, it was understood that the applicant would likely come back to propose additional lots. With that in mind, that is the reason the applicant is currently being required to do a full Preliminary Plan rather than a second Minor Subdivision.

Mr. Trowbridge recommended that the standard hearing procedure be followed, and a staff presentation be given. (Mr. Whitney agreed.)

STAFF & APPLICANT PRESENTATIONS

Mr. Howser provided a staff presentation. He explained the background of the request to explain why the applicant is currently requesting a Preliminary Plan. He also clarified that there will be a net increase of two lots.

Mr. Torres then began his presentation.

Mr. Trowbridge clarified that by stating the drainage does not adversely affect downstream property, this means that what flows onto the property flows off the property to maintain historic flows.

Mr. Torres agreed and added that ECM criteria requires that the drainage maintains historic flow. Any increase to historic flow would need to be mitigated. The applicant is addressing stormwater quality by proposing runoff reduction per ECM criteria. Water entering the property is being routed through ditches that run along the roadway. He clarified that Teleo Court will be a County owned and maintained road after acceptance. Where the aerial image identifies Teleo Court is where the existing drainage ditch is located. That access was replaced with the "S-curve" Teleo Court observed on the image.

Mr. Carlson asked for confirmation that Teleo Court will be a public right of way.

Mr. Torres confirmed. He explained that the driveway beyond the right of way will be private.

Mr. Moraes pointed out that the Preliminary Plan in the staff packet identifies a 60-foot *private* right of way.

Mr. Torres stated that was an error. It should say *public* right of way. He will make sure the staff report is updated. If the property to the west proposes subdivision, it would be their responsibility to extend the roadway further.

Mr. Markewich asked for clarification regarding Curtis Road. The “Map Series” part of the staff report shows Curtis Road west of Teleo Court.

Mr. Torres explained that Curtis Road only runs north/south. There is an error with the mapping software that was used to create that image.

Mr. Markewich asked if a road existed west of Teleo Court.

Mr. Torres answered that it is a private driveway.

Mr. Howser clarified that there is no road west of Teleo Court. The GIS software may have created that label because properties along that driveway are addressed as Curtis Road. Overall, the label is a GIS mapping error.

Mr. Markewich asked for a correction to be made to the “Map Series”, removing the label of Curtis Road, before presentation to the BoCC.

Mr. Whitney asked for clarification regarding what is public versus private in the area.

Ms. Seago explained that the length of Teleo Court from Curtis Road to the edge of the property line is being dedicated as public right of way on the Final Plat. The part of the road that the County is currently going to accept and maintain, however, ends at the existing cul-de-sac. The adjacent property in the northwest corner will be allowed to have a private driveway connecting to the public right of way dedication, but that section of the right of way will not be maintained by the County. It is a common planning practice to look ahead and obtain right of way dedication for adjacent parcels in anticipation of future development.

Ms. Fuller clarified the reason for the past confusion. She further added that the road name changing from one side of Curtis Road to the other (Patton Drive on one side, Teleo Court on the other) is also confusing.

Mr. Torres stated the County does not control the naming of the roads. He believes Enumerations (PPRBD) allows the road names to change.

Mr. Howser clarified that the former road labeled Teleo Court (running along the northern property line) was a part of a private easement across the subject property for the properties to the west. There was a condition on that easement that if any of the properties subdivided and a

road was built, the easement was required to be vacated. This explains why it appears that both currently exist. The new road has not yet been completed and accepted by the County. Once the road is finalized, the easement is vacated and the previous label on Teleo Court should be removed. The staff presentation concluded.

Mr. Smith asked who would pay for the extension of Teleo Court when the time comes.

Mr. Torres answered that the burden of future road improvements would be on the future development requiring extension of Teleo Court.

Mr. Shawn Shaffer, with Home Run Restorations, Inc., spoke. He did not have a presentation. He offered to answer any questions. He reiterated that he has followed the required process.

Mr. Carlson asked Mr. Shaffer to address the sediment build-up. He asked how it will be maintained until the upstream development is complete.

Mr. Shaffer stated the rip-rap did its job by stopping sediment from flowing downstream. He used a slideshow image to explain where water flows on the property.

Mr. Carlson asked who is responsible for digging out sediment as it builds up in the drainage ditch.

Mr. Shaffer replied that it is his responsibility. He recognized that the neighbors' concerns are valid and that there is ongoing maintenance he needs to complete.

Mr. Joseph Alessi, representing the applicant, discussed the previous easement along the northern edge of the property. The applicant was required to relocate that road so that it aligns with the subdivision to the east. This is what caused the controversy and resulted in all the property owners to the west needing to change their addresses. There were no further questions.

PUBLIC COMMENTS

Mr. Dozier stated that his previous concerns were addressed. He added that while it was explained that drainage should be flowing north and east, it is currently running where the previous easement was located. There is currently nothing directing the water. His concerns are addressed if the applicant clears the drainage build-up.

DISCUSSION

Ms. Fuller suggested to Mr. Shaffer that he make his own presentation with explanation and supporting points when he appears before the BoCC.

PC ACTION: MS. FULLER MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3B, FILE NUMBER SP237 FOR A PRELIMINARY PLAN, WYOMING ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) 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 (9-0).

**MINOR SUBDIVISION
GUNTZELMAN PORCELAIN PINES**

A request by Christa and Kristian Guntzelman for approval of a 35.06-acre Minor Subdivision creating 3 single-family residential lots. The property is zoned R-T (Residential Topographic) and is located at the intersection of Mountain Road and Kulsa Road, approximately one-quarter of a mile west of Chipita Park Road. (Parcel No. 8322200018) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Howser commented on last-minute agency review comments that were received (and are now part of the EDARP record). It was requested that the lots be platted with a 50-foot no-build buffer along all lot lines that are adjacent to the National Forest. He pulled up an image of the proposal to show that the proposed parcels already have a no-build designation where they are adjacent to National Forest property.

Mr. Carlson asked what was depicted in the bottom right-hand corner of the proposal.

Mr. Howser answered that it is a drainage easement. The presentation continued.

Mr. Whitney asked if it's Mr. Howser's opinion that the request for a no-build buffer along the National Forest is moot since the area already has a no-build designation due to slope.

Mr. Howser agreed. If agreeable, the applicant could add a more detailed buffer explanation, but it might not be necessary since it's already designated no-build.

Mr. Markewich asked if the properties northwest of the subject parcel also had to comply with a 50-foot buffer.

Mr. Howser explained that they do not have a 50-foot buffer because they do not abut the National Forest and only share a property line with the subject parcel.

Ms. Charlene Durham, with DPW Engineering, began her presentation.

Mr. Carlson asked if Nampa Road currently exists.

Ms. Durham answered that there is no road constructed, but the land was dedicated at the initial plat in 1921.

Mr. Moraes asked if the part of Mountain Road that exists after Kulsa Road (and leads into the subject property) will become a driveway.

Ms. Durham explained that it will remain public right of way, but the County Engineer will have license agreement allowing the three lots to use the right of way as a driveway. Those property owners will be responsible for maintaining that portion of the road.

Mr. Markewich asked if there is currently a formal agreement between the County and the developer related to access.

Ms. Durham answered that the County is working on an agreement. She added that Mr. Howser will later discuss adding a condition of approval that addresses the license agreement.

Mr. Markewich asked if Kulsa Road is paved. (It is.) He then asked if there was any intention to pave the portion of Mountain Road after it extends past Kulsa Road.

Ms. Durham stated that Mountain Road is an unimproved (gravel) road and she is unaware of any intention to pave it.

Mr. Markewich asked again about the part of Mountain Road after it extends past Kulsa Road.

Ms. Durham answered that it would not be paved. It will also not be County maintained, which is why the County Engineer believes the best path forward is to establish a license agreement allowing the property owner(s) to maintain the road.

Mr. Markewich asked if the property owners could pave the road.

Ms. Durham answered that she believes they could.

Ms. Seago added that even though the County will not be maintaining the road, it will remain public right of way and the County would control what happens with the road. This is why the property owner is required to get a license agreement from the County to build and maintain a driveway. If the property owner wanted to make major changes (such as pavement), they would need to receive permission from the County to do so.

Mr. Markewich clarified that paving that portion of the road is not part of the current proposal.

Ms. Durham confirmed. There were no further questions for Ms. Durham.

Mr. Howser presented the additional condition that County staff recommends. He explained how the motion would need to be made if deciding to include the added condition.

Ms. Seago verified that the language of the condition is acceptable. While it's not typical to include a condition for this reason, the Planning Commission has the right to do so.

Mr. Howser explained that the reason they requested the added condition was because the license agreement was requested so late in the application process. He added that a license agreement submittal had been received by PCD at the time of the hearing. Because that agreement has been received and is currently in review, it is the Planning Commission's discretion whether adding the 7th condition of approval is necessary. Staff presentation concluded.

Mr. Brett Louk, with SMH Consultants, presented on behalf of the property owner.

Mr. Carlson added that the agency review letters mentioned all improvements should be on private land only. He asked for verification that nothing would be built on the National Forest land.

Mr. Louk confirmed.

Mr. Smith asked if the part of Mountain Road discussed earlier would remain gravel.

Mr. Louk replied that it is his understanding that (at least initially), the road will remain gravel. As the lots sell, it will be up to the future homeowners whether they would like to improve it or not. He doesn't anticipate a fully paved road, but perhaps asphalt millings could be an option. He added that the subdivision covenants (not an HOA) establish that each of the property owners will be equally responsible for the maintenance of the road. Once the first lot sells, the license agreement and maintenance agreement will be turned over to the future lot owner(s). As additional lots sell, those property owners will be added to the agreements.

PUBLIC COMMENTS

Mr. Steven Krohn provided public comment. He stated he is not in support of or against the proposal. He asked if the grey area on the northern portion of the proposal was a no-build area.

Mr. Carlson explained that public comments could be made but the Planning Commission could not answer questions.

Mr. Larry Manning spoke in opposition. He is concerned about the condition of the existing road. The area includes a steep slope. Widening the road may include a retaining wall. He is concerned that the public will not have access to review future changes to the road since they will be part of a private license agreement. He stated that he currently uses the right of way as his driveway.

Mr. Whitney clarified that the road being discussed is the spur of Mountain Road that extends past Kalsa Road and extends into the subject property. He asked Ms. Seago to verify if that is the portion of the road subject to a license agreement and would be held to County standards.

Ms. Seago confirmed that they are discussing that portion of the road which is anticipated to be subject to a license agreement.

Ms. Durham verified the part of the road being discussed. She pulled up a slideshow image for reference. She stated that she is not aware of any proposed improvements to the existing road. As mentioned earlier, the plat was established in 1921, so even though the road is County owned and maintained, it is only 18 feet wide. Mountain Road is no wider, is gravel, and is not maintained. Any future improvements to the road will be reviewed to meet current County standards.

Mr. Markewich mentioned that he would assume any degradation that occurs to the road during construction of new homes would be the property owner/applicant's responsibility to correct.

Ms. Durham confirmed.

Mr. Whitney stated that if the road will be subject to a license agreement, the County is in the driver's seat regarding the details of that agreement. What will happen to that road will be determined by what is included within the license agreement. If it is an "as-is" license agreement, or it will be the type that lists what criteria needs to be met in order to access it.

Ms. Durham confirmed.

Ms. Darlene Jensen spoke in opposition. She doesn't believe that any proposed license agreement is available in EDARP. She would like to know when that will be available for public

review. She would like to know about future improvements to Mountain Road. She asked if the developer/property owners would bear the cost to improve the proposed shared driveway and any needed improvements to the existing Mountain Road. She would like to ensure that they have uninterrupted use of the spur to their driveway.

Mr. Kilgore commented that the license agreement proposal was submitted to EDARP the day before this hearing (5/15/2024) and is available now.

Ms. Jandy Barentine spoke in opposition. She had an earlier concern about how the proposed lots will take access, but that has been cleared up from the presentation. Her second concern is regarding wildlife. The area has many active mountain lions.

Mr. Louk spoke in rebuttal. He repeated that a draft of the license agreement was just submitted to EDARP and is currently being reviewed by County staff. The license agreement states that maintenance of the shared driveway will be the responsibility of three future property owners. Essentially, the current users of that stub will be getting their driveway maintained by other people. It will be ensured that their access is not impeded during construction. Regarding the current condition of the road being able to handle additional traffic, there will be a minimal number of trips generated, which is why a traffic study wasn't triggered.

Mr. Smith asked if the Fire District had any comments regarding the limited access.

Mr. Louk answered that the Cascade Fire Department does not have criteria and relies on County criteria, which allows the driveway access that is proposed.

Mr. Markewich asked for clarification regarding the grey area of the proposal.

Mr. Louk pulled up a slideshow image to explain that the norther portion of the northern lot, which is all grey, is designated a no-build area due to slope.

Mr. Markewich asked if setbacks are established from the property line or if they are established beginning at the no-build line. He asked if a property owner can propose improvements right up to the no-build area.

Mr. Louk replied that there is a 25-foot setback from the no-build area.

DISCUSSION

Mr. Moraes asked how no-build areas are designated.

Mr. Howser answered that there will be a plat note and will be depicted on the plat image as a hatched area (with definition), for example.

Mr. Moraes asked if it's possible to replat a property to eliminate the no-build area.

Mr. Howser replied that technically, someone could request a vacation of the no-build area, but they would need to provide evidence that the no-build area is no longer needed. Because the subject area is significantly sloped, it's unlikely, but there is a process for that kind of request.

Mr. Markewich read the added condition into the record and included it in his motion for recommendation. *"The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording."*

PC ACTION: MR. MARKEWICH MOVED / MR. MORAES SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER MS234 FOR A MINOR SUBDIVISION, GUNTZELMAN PORCELAIN PINES, ADDING ONE (1) CONDITION TO THE RESOLUTION ATTACHED TO THE STAFF REPORT, RESULTING IN 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 (9-0).

5. REGULAR ITEMS

A. SKP234

PARSONS

SKETCH PLAN SOUTHERN COLORADO RAIL PARK SKETCH PLAN

A request by Edw C Levy Co D/B/A Schmidt Construction Inc., for approval of a 3,108.9-acre Sketch Plan. The applicant intends to develop a commercial, light, and heavy industrial park with a new rail spur from the existing CSU rail located at the Ray Nixon Power Plant property to the eastern boundary of the Fort Carson Military Installation. The property is located south of Charter Oak Ranch Road and west of I-25. (Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Ms. Parsons explained that the public comment attachment to the SKP234 staff report is not relevant to the Southern Colorado Rail Park Sketch Plan. It is in regard to the Southern Powers Access Management Plan, which will be presented before the Planning Commission later in 2024. No opposition has been received for SKP234. She added that the Major Transportation Corridors Plan will be presented to the board June 6, 2024. The presentation then continued.

Mr. Trowbridge asked why it is appropriate at the current stage for the Planning Commission to recommend a waiver from review of an annexation impact report.

Ms. Parsons explained that the Code allows for a waiver from the annexation impact report. She stated that because this project includes a Sketch Plan, detailed studies and reports are available. Those extensive studies are not normally available with other annexations. With that in mind, County Staff is requesting the Board allow that waiver and expedite the process for annexation.

Ms. Fuller asked why the Sketch Plan and a Metro District are being requested in the County if it's known that they will be requesting annexation into Fountain. She asked why annexation isn't being done first.

Ms. Parsons answered that the applicant can explain more about the grant process, but ultimately, the reason is tied to funding.

Mr. Whitney asked why the Planning Commission is considering the request for a waiver if the Board of County Commissioners makes the decision.

Ms. Parsons replied that it is being discussed because it's part of the application. The presentation then continued.

Ms. Durham presented the Engineering slides. There were no questions regarding drainage.

Mr. Markewich asked if there would be Fort Carson access through the property, besides the rail.

Ms. Durham referred to a Sketch Plan image to show potential access to Fort Carson. The applicant will address that access in more detail during their presentation.

Mr. Whitney clarified that the overall project would take many years.

Ms. Durham confirmed. County presentations concluded.

Ms. Andrea Barlow, with N.E.S., Inc, began her presentation.

Mr. Steve Mulligan introduced the applicant's representatives and discussed the history.

Ms. Barlow continued her presentation. She provided an overview of the request.

Mr. Mulligan concluded the presentation.

Mr. Carlson asked about ownership of the railroad right-of-way.

Mr. Mulligan explained that it will be owned by a Title 32 or 29 quasi-governmental entity. He then addressed the previous question about Fort Carson access. He explained that there will be an interior collector road that will connect to Gate 19. Many people access through a southern entrance, so once there is a Highway link to Powers Boulevard, a better route will be available.

Mr. Markewich asked about the properties surrounded by the subject parcel.

Mr. Mulligan stated there are 5 properties owned by 4 owners that are located within the subject property. He stated it is likely that those properties will be purchased. Preliminary discussions have been held.

Ms. Brittain Jack clarified that the property is considering annexation into the City of Fountain.

Mr. Mulligan confirmed. He added that there is contiguity with Fountain. Fountain has provided will-serve letters. The annexation process has not started yet. He discussed how being rural helps during the grant process. There are unanswered questions regarding utilities currently.

Ms. Brittain Jack stated she is concerned about Fountain's capacity.

Mr. Mulligan commented that they have alternatives in mind.

Mr. Moraes asked how much of a lynchpin the grants are to the feasibility of the project.

Mr. Mulligan answered that they have a Plan A and Plan B. Currently, they are implementing Plan A, which is a public-private partnership hoping to get grants. Completion of the full engineering to extend the rail line from the current spur through the Levy property to Fort Carson will likely cost \$23-25 million. The project is important to solve federal problems. He believes they will successfully receive grants to help with the cost. When grants are received, usually funds need to be matched. He then touched on the other scenario they are pursuing, Plan B (private investment). There is an emphasis on getting advanced manufacturing back to the United States. Plants are expanding and people need homes. They could get a call informing them of an interest to put a manufacturing plant on this property. That could be a \$1-4 billion project which would provide immediate funding to get everything done. The applicant is open to either opportunity. Having a Sketch Plan in place is important to the Plan B scenario because it shows that the community is behind the plan.

Mr. Smith asked who would own the entire property in the future.

Mr. Mulligan answered that once everything is built-out, they hope that there will be 300-400-acre sites owned by on-site major manufacturers. The railroad will be owned by the Metro District or Title 29 authority. Much of it may still be owned by the Levy Company.

Mr. Smith asked if the Levy Company would oversee and ensure that infrastructure is maintained.

Mr. Mulligan reiterated that one of the reasons they are looking into a Title 32 entity is to manage long-term maintenance and security obligations. That would be funded by the property owners that pay taxes based on their mill levy. He added that there will be an association that controls the long-term development.

Ms. Fuller expressed support for the project.

Mr. Trowbridge remarked that if the name were changed to Southern Colorado Rail Enterprise, the acronym could be "SCORE".

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MR. SCHUETTELZ MOVED / MR. TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER SKP234 FOR A SKETCH PLAN, SOUTHERN COLORADO RAIL PARK SKETCH PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:07 P.M.

Minutes Prepared By: Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

Ms. Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR223

AFTA SUBDIVISION

WHEREAS, CST Metro, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to vacate 7 lots and replat into 2 lots within the CS (Commercial Service) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on May 16, 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 CST Metro, LLC for approval of a Vacation and Replat to allow two 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.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at the plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.

10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 5, 2024, as provided by the County Attorney's Office.

11. Drainage fees in the amount of \$222,418.32 and bridge fees in the amount of \$30,554.46 be paid for the Falcon Drainage Basin at the time of plat recordation.

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.

Mr. Moraes 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	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpez	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
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 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 16th day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Jay Carlson
Jay Carlson, Vice-Chair

EXHIBIT A

Parcel A:

Lots 17 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, lying West of the County Road in Block 24, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312402015

Parcel B:

Lots 19 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, in Block 25, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312403004

Parcel C:

All that portion of Block 28 lying West of the County Line Road, including the Northeasterly 30.0 feet of vacated 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312404003

Parcel D:

All of Block 29, including the Southwesterly 30.0 feet of vacated 7th Street, EXCEPTING therefrom that portion of Meridian Road lying across Block 29 and said vacated portion of 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312405003

Parcel E:

That part of the East half of Section 12, Township 13 Souths, Range 65 West of the 6th P.M., formerly being a portion of Lots 4 through 16 inclusive and the Northerly 20 feet of Lots 17 through 25 inclusive in Block 24, a portion of Lots 1 through 16 inclusive and the Northerly 20 feet of Lots 17 through 32 inclusive in Block 25 in the Town of Falcon, El Paso County, Colorado, together with vacated 7th Street and vacated alleys adjacent to said lots as vacated by vacation plat record in Plat Book E-3 at Page 46, more particularly described as follows:

Beginning at a point on the Westerly line of said Block 25 and the Southerly right of way line of U.S. Hwy #24 from which the northwest corner of said block bears N 40 Degrees 12 Minutes 34 Seconds W, a distance of 20.00 feet; thence S 40 Degrees 12 Minutes 34 Seconds E along the said West line, a distance of 180.00 feet; Thence N 49 Degrees 47 Minutes 26 Seconds E, a distance of 665.57 feet to the westerly right of way line of Meridian Road; thence N 06 Degrees 05 Minutes 34 Seconds W, along said Westerly right of way line, a distance of 212.93 feet; thence N 40 Degrees 12 Minutes 34 Seconds W along the Easterly line of said Lot 4 in Block 24, a distance of 3.72 feet to the Southerly right of way line, a distance of 785.00 feet to the point of beginning,

Except for that portion conveyed to El Paso County by and through the Board of County Commissioners of El Paso County, Colorado in special warranty deed recorded November 12, 2019 at reception No. 219142199, County of El Paso, State of Colorado.

Parcel F

Lots 17, 18 Except the Northerly twenty (20) feet, in Block 25

EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Ed Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VR223
Project Name: AFTA Subdivision
Parcel Numbers: 5312402015, 5312402016, 5312403003, 5312403004,
5312404003, 5312405003 and 5312405005

OWNER:	REPRESENTATIVE:
CST Metro, LLC 5500 S. Quebec St. Suite 100 Greenwood Village, CO 80111	Land Development Consultants Sofia Hernandez 950 S Cherry Street Suite 512 Denver, CO 80246

Commissioner District: 2

Planning Commission Hearing Date:	5/16/2024
Board of County Commissioners Hearing Date:	6/13/2024

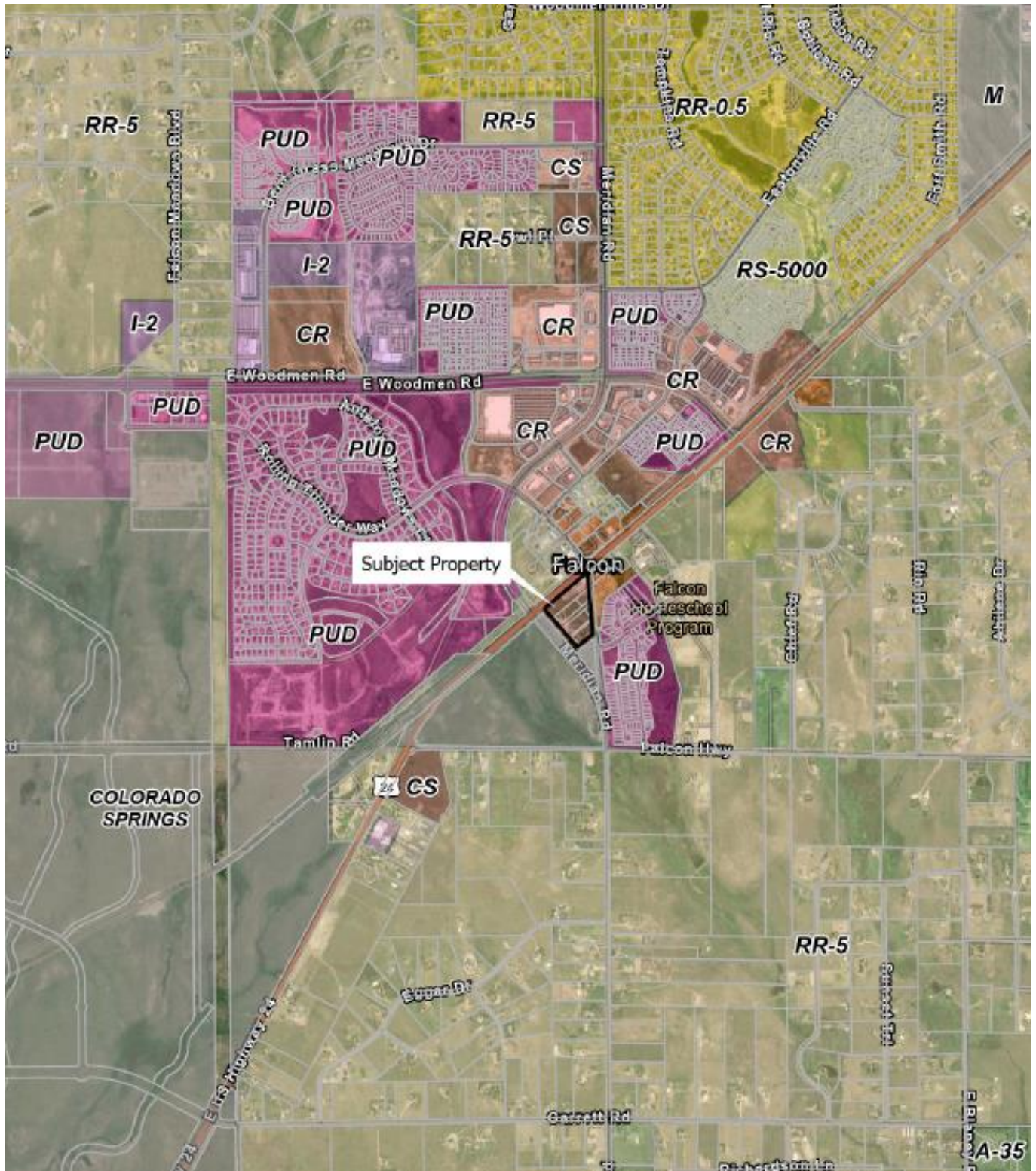
EXECUTIVE SUMMARY

A request by CST Metro, LLC for approval of an 8.90-acre Vacation and Replat creating two commercial lots and one tract. The property is zoned CS (Commercial Service) and is located northeast of the intersection of New Meridian Road and Highway 24 and southeast of the intersection of Old Meridian Road and Highway 24.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM



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A. WAIVERS AND AUTHORIZATION

Waiver(s):

The applicant requests the following modification(s) of the LDC:

A waiver request for a private road connecting New Meridian Road and Meridian Sol Drive (Old Meridian Road). All access for the two new lots would be from this private road. A deviation request is expected for access spacing of this private access road from Hwy 24.

In approving a waiver for private roads, the Board of County Commissioners shall find that the waiver meets the criteria outlined in Section 8.4.4 (E) of the El Paso County Land Development Code (As Amended):

Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:

- Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
- Design speed where it is unlikely the road will be needed for use by the general public;
- Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
- Maximum and minimum block lengths; and
- Maximum grade.

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

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

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;



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

B. LOCATION

North:	PUD (Planned Unit Development)	Commercial
South:	City of Colorado Springs	Agricultural
East:	CC (Commercial Community)	Auto Repair and Vacant Land
West:	City of Colorado Springs	County Owned Exempt Land

C. BACKGROUND

The applicant is requesting a Vacation and Replat creating two commercial lots and one tract. The subject property consists of seven (7) parcels, both platted and unplatted, containing 8.99 acres. On November 1, 2022, the Board of Commissioners approved a rezone from C-2 (Commercial) and RR-5 (Rural Residential) to CS (Community Services). The rezoning was requested by CST Metro LLC and the intention is to construct a gas station on one of the proposed lots.

D. ANALYSIS

1. Land Development Code and Zoning Compliance

The proposed replat will create two lots and one tract, as proposed, 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 lot size: None
- Minimum width at the front setback line: None



- Minimum setback requirement: 25 feet for front, rear, and side yard * * * * *
- Maximum lot coverage: None
- Maximum height: 45 feet

**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.*

***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.*

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

*****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.

Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The Regional Center placetype is a commercial destination for County residents to purchase goods, procure services, and enjoy a variety of entertainment options.

Objective LU4-2 – *The Regional Center placetype should include 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.*

Objective ED1-6 – *Large employers should be located on major roadways to improve connectivity and minimize their impact on daily traffic.*

Goal ED3-3 – *Emphasize the development of grocery stores, restaurants (both drive-thru and sit-down), gas stations, pharmacies, and neighborhood-scale services along Highway 24.*

The proposed Vacation and Replat will create two lots to support Commercial Services along Highway 24. The applicant intends to construct a gas station adjacent to Highway 24 which would serve the Falcon community.



b. Area of Change Designation: Transition

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

Analysis:

The proposed Vacation and Replat would allow for redevelopment from the existing residential uses into commercial services that would service the communities of Falcon and Colorado Springs.

c. Key Area Influences: Potential Areas for Annexation

A significant portion of the County's expected population growth will be located in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.



d. Other Implications (Priority Development, Housing, etc.): Commercial Development Area

Most County residents travel to municipalities to purchase goods and services. The Economic Development Framework identifies areas to expand commercial uses in unincorporated communities. This section includes policies and recommendations for increasing commercial development and improving customer access. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

Falcon has the most established Regional Center in unincorporated El Paso County and largely serves all communities in the northeastern part of the region. It includes several substantial commercial retailers including Walmart and Safeway. Additionally, there are a number of strip centers that provide space for smaller commercial businesses including restaurants and professional services. Available land provides the opportunity for existing businesses to grow or new businesses to develop.

2. Water Master Plan Analysis

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

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

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

Goal 1.2 - Integrate water and land use planning.

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 is 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 low wildlife impact potential El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

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

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards:

Within the soils and geology report high groundwater was found on Lots 1 and 2 and Tract A of the proposed Vacation and Replat. Adequate drainage structures and flood mitigation techniques should be used to reduce the risk of flooding on the proposed development area.

- 2. Floodplain:** The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0561G effective December 7th, 2018.



- 3. Drainage and Erosion:** The property is located in the Falcon drainage basin. D Drainage basin fees in the amount of \$222,418.32 and bridge fees in the amount of \$30,554.46 will be due at time of plat recordation. Drainage on the site generally flows from the northwest to the southeast towards Chico Creek. A private onsite full-spectrum detention and water quality pond is proposed for Lot 1, supporting the proposed new gas station and convenience store to be maintained by the developer. No public drainage improvements are proposed with the development. A drainage report prepared by Matrix Design Group was included with this application. The report concluded that the proposed development will not cause adverse stormwater runoff or negatively impact adjacent and downstream properties.
- 4. Transportation:** The subject property is located immediately south of U.S Highway 24 between Meridian Road and Meridian Sol Drive (previously Old Meridian Road). Meridian Road adjacent to the property is a four-lane minor arterial under the jurisdiction of the City of Colorado Springs. U.S. Highway 24 adjacent to the property is a two-lane highway under the jurisdiction of CDOT. Meridian Sol Drive is a County road classified as a non-residential collector. The development will be divided by a private road named Platypus Grove which will connect Meridian Road and Meridian Sol Drive. All access to Lots 1 & 2 will be from Platypus Grove with no direct lot access to the adjoining major roads.

The existing U.S Highway 24 access point will be closed by the developer in coordination with CDOT. Access to Meridian Road will require approval by the City of Colorado Springs and a license agreement to cross the County right of way.

Roadway improvements are planned for Meridian Sol Drive as part of the site development plan, including sidewalk, curb and gutter, and right-of-way dedication for upgrading the road.

The development will include the new expanded Circle K gas station and convenience store on Lot #1 and planned commercial retail and restaurants on Lot #2 are projected to generate 4,048 daily trips.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).



G. 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 Vacate Replat 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

Electricity will be supplied by Mountain View Electric Association. Natural gas will be supplied by Colorado Springs Utilities.

5. Metropolitan Districts

The subject property is not within a metropolitan district.

6. Parks/Trails

No regional park fees are recommended, as the Board of County Commissioners has elected to not require park fees for commercial subdivisions.

7. Schools

School fees are not required for a commercial subdivision.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

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



8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at the plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 5, 2024, as provided by the County Attorney's Office.
11. Drainage fees in the amount of \$222,418.32 and bridge fees in the amount of \$30,554.46 be paid for the Falcon Drainage Basin at the time of plat recordation.

NOTATION

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

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 39 adjoining property owners on April 30, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM



Aerial Map

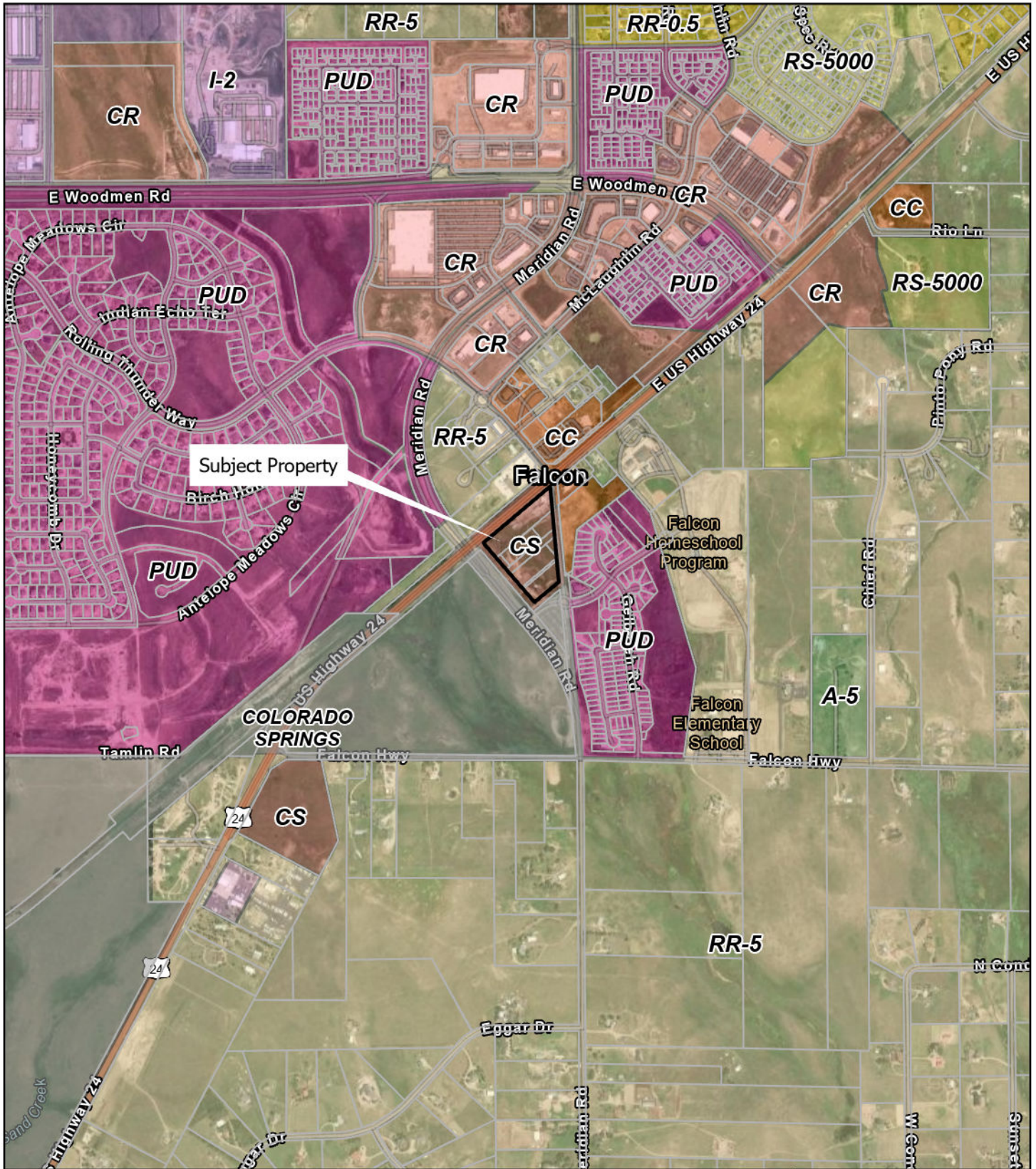
File No. VR223

Map Series No. 1



0 0.10.1 0.2 Miles

A horizontal scale bar with three segments. The first segment is labeled '0', the second '0.1', and the third '0.2 Miles'.



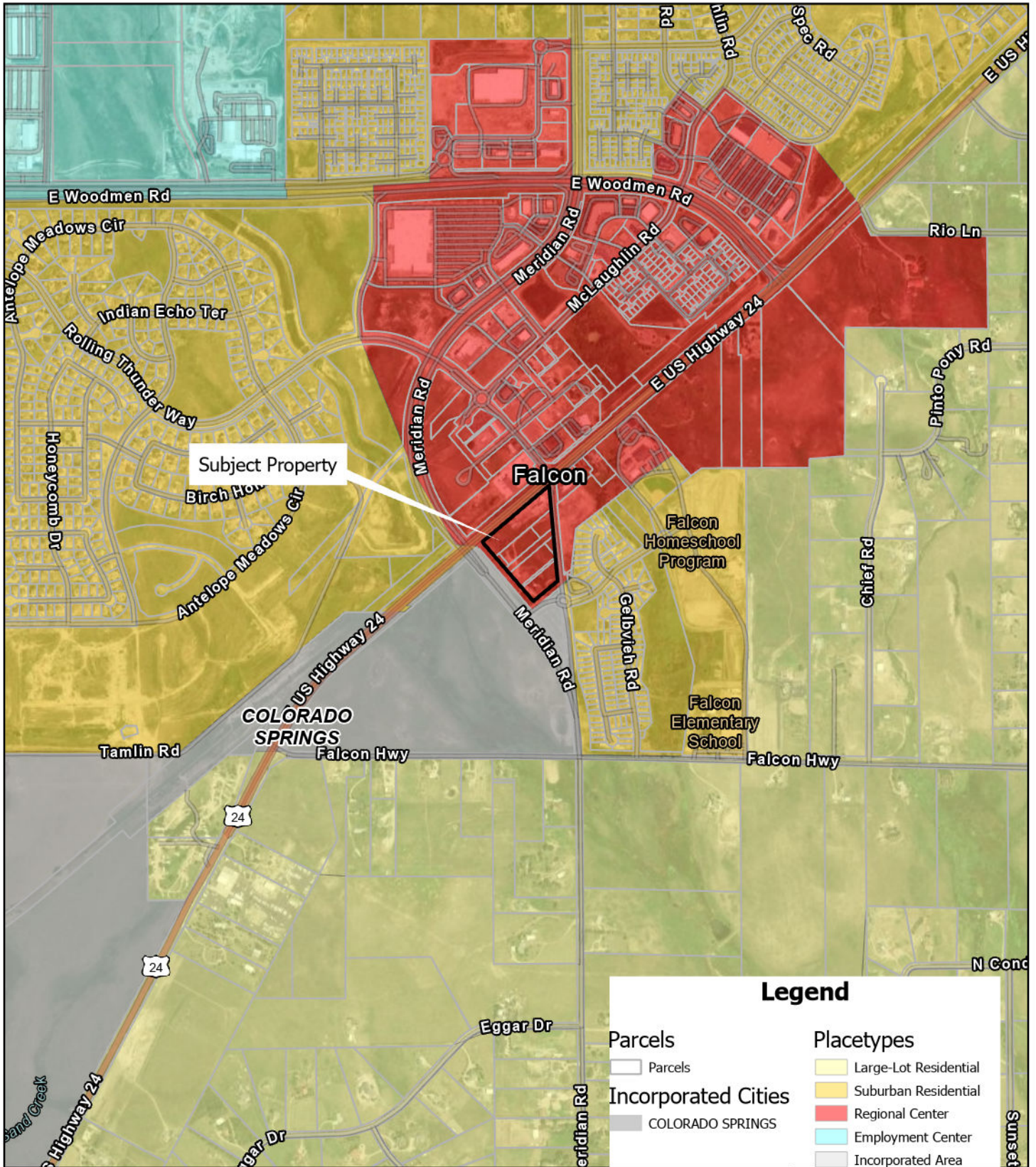
Zoning Map



0 0.10.1 0.2 Miles

File No. VR223

Map Series No. 2



Legend

Parcels	Placetypes
Parcels	Large-Lot Residential
Incorporated Cities	Suburban Residential
COLORADO SPRINGS	Regional Center
	Employment Center
	Incorporated Area

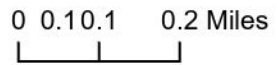


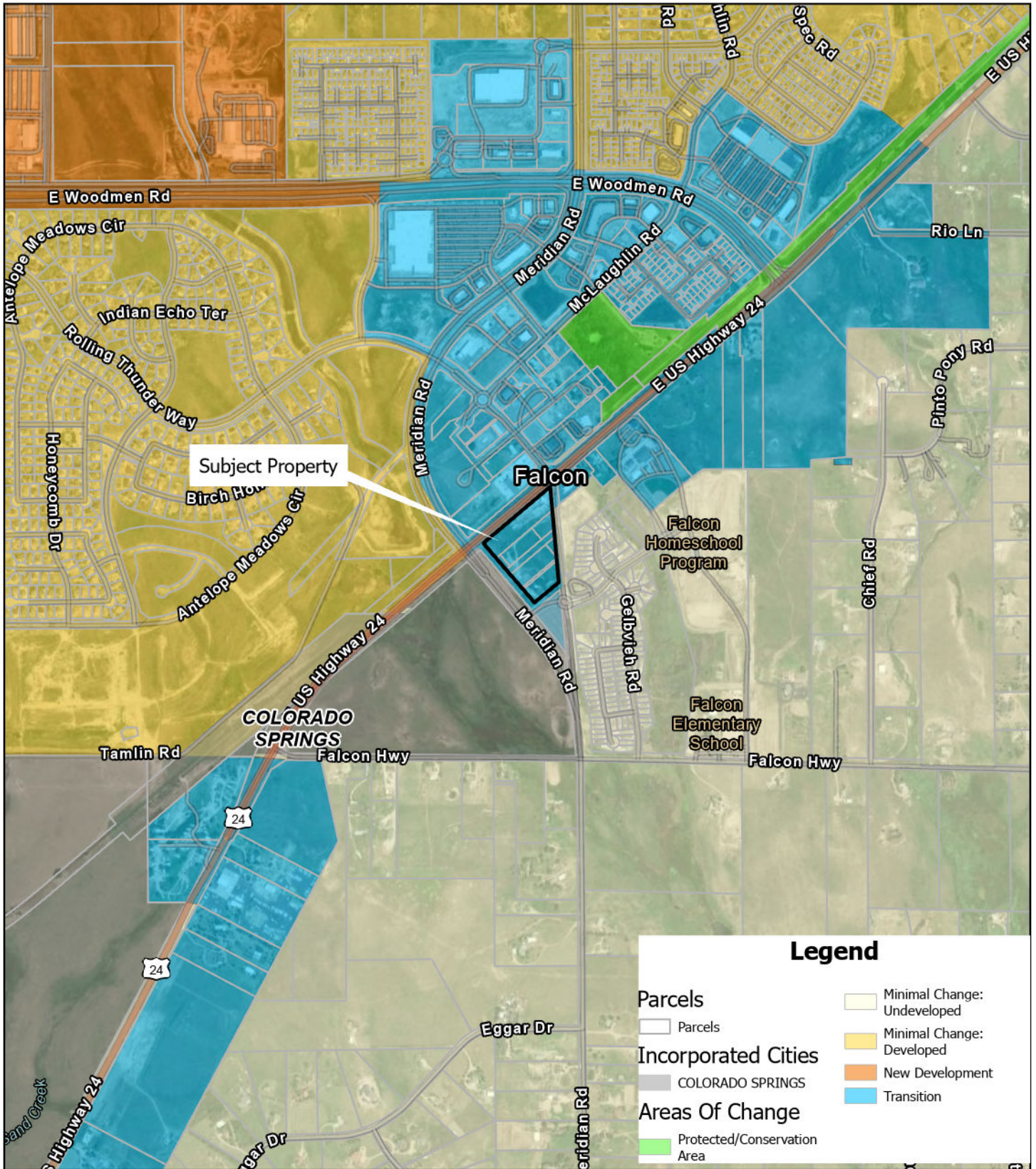
Placetype Map



File No. VR223

Map Series No. 3





Legend

- Parcels**
 - Parcels
- Incorporated Cities**
 - COLORADO SPRINGS
- Areas Of Change**
 - Protected/Conservation Area
 - Minimal Change: Undeveloped
 - Minimal Change: Developed
 - New Development
 - Transition

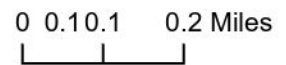


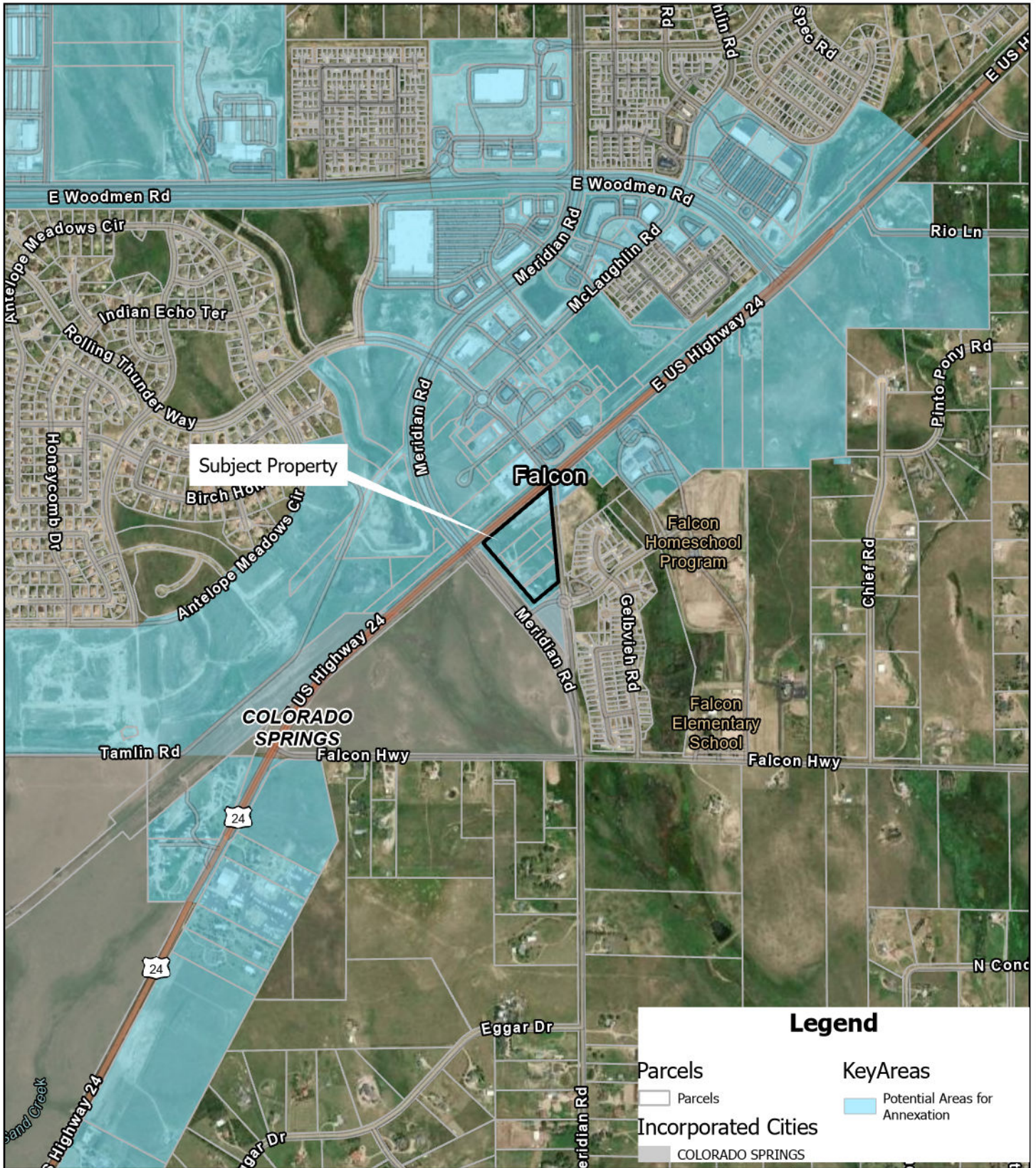
Areas of Change Map



File No. VR223

Map Series No. 4





Key Areas Map

File No. VR223

Map Series No. 5



0 0.10.1 0.2 Miles



February 28, 2023

El Paso County
Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910

PCD File #VR-22-003

RE: Letter of Intent – Proposed Replat of Parcel Nos. 5312402015, 5312402016, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005

Owner/Applicant and Consultant

Randy L. Gibbs and Vicky L. Gibbs - OWNER
6810 North Meridian Road
Peyton, CO 80831-8136

Malone William G. Trust - OWNER
3612 Pennington Cir.
Modesto, CA 95356-1223

CST Metro LLC, D.B.A. Circle K Stores Inc. – OWNER/APPLICANT
5500 S. Quebec St., Ste. 100
Greenwood Village, CO 80111
(720) 341-7015

Land Development Consultants, LLC – CONSULTANT
950 S. Cherry St. Ste. 512
Denver, CO 80246
(303) 717-3305

Site location, size and zoning

The site is located on the southwest corner of US HWY 24 and Old Meridian Road. Overall size is 8.99 acres. The zoning respective zoning for the parcels are C-2 (5312402016), RR-5 (5312402015, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005).

Areal Map



Request & Justification

Circle K Stores Inc. is proposing the redevelopment of their existing facilities. The new development will encompass a new 5200 SF convenience store with a single stack fuel canopy with (7) fuel dispensers with (14) fueling positions. The previously listed parcels require a replat to reconfigure the parcels into (2) lots in order to allow for the larger redevelopment of the Circle K facilities. The proposed replat takes into consideration the CDOT ROW dedication required the future expansion of US HWY-24.

Existing & Proposed Facilities

The current Circle K facilities reside within parcel 5312402016, the remaining parcels are residential with one single family dwelling. The parcels are bound by US HWY-24 to the north, Old Meridian Rd to the east, New Meridian Road to the west and Swingline to the south. Access to the existing CK is from US HWY-24 and Old Meridian Rd. Access to the residential parcels is provided via Old Meridian Rd.

The proposed development will consist of a raze and rebuild of a new larger convenience store and passenger fuel canopy. The residential dwelling will be demolished and parcels via a separate application will be rezoned to commercial. Through CDOT coordination the existing access from US HWY-24 will be closed and access will be provided via Old Meridian and New Meridian Rd. A private road between both proposed parcels is being proposed to provide access to either Old or New Meridian Rds.

A 60 foot right-of-way, Pacific Avenue, and a 20 foot alley right-of-way are being requested to be vacated. This will allow for Circle K to incorporate the 20 foot alley into the proposed Lot 2 of the plat. Vacating Pacific Avenue allows for a 60 foot private road/access to the proposed Lot 1, the new Circle K site. The proposed private road will be maintained by Circle K. The proposed private road is intended to provide access to lots 1 and 2 via Meridian Sol Dr. and Meridian Rd due to CDOT's requirement to close the existing access to US Hwy 24.

Waiver Requests

There is one waiver being requested with this application which is the construction of a private road along Pacific Avenue which will provide access to Highway 24 via Meridian Road and Meridian Sol Drive.

Land Development Code 8.4.4, Transportation System Considerations and Standards, 8.4.4.C – This section states that public roads are required and that divisions of land, lots and tracts shall be served by public roads.

Although Pacific Avenue is currently County ROW, Pacific Avenue has not been constructed by the county. The county has confirmed the ROW is not needed, ROW can be vacated and a private road can be proposed for the project. The intent of the private road is to provide access to the overall development via either Meridian Sol Dr. or Meridian Rd.

Land Development Code 7.3 Waivers, 7.3.3 Criteria for Approval of Waivers – This section states that waivers from standards can be approved if the following apply:

- Waiver does not nullify intent and purpose of Code
 - Proposed private road will be designed per code requirements.
- Waiver will not result in need for subsequent waivers
 - Subsequent waivers will not be required as a result of the proposed private drive as all other code requirement will be met by the proposed road design.
- Waiver will not be detrimental to public safety, health, welfare or injurious to other property
 - Waiver will not be detrimental to public safety, health or injurious to other property as the proposed road will be designed to meet code requirements.
- Waiver conditions unique to property and are applicable
 - Waiver conditions are unique as the Pacific Avenue ROW has not been utilized or needed by the county
- Waiver required because strict application of code would result in non-economic hardship
 - Waiver required because strict application of code would result in non-economic hardship
- Waiver will not vary zoning
 - Waiver does not vary zoning and is in alignment with the commercial use.
- Waiver is not contrary to any Master Plan provision
 - Waiver is not contrary to the Master Plan as it is in alignment with the CDOT master access plan. The access to Hwy 24 will be closed per CDOT requirements. Due to this, the private access road is necessary to provide ingress/egress via Meridian Sol Dr. and Meridian Dr.

Utilities

This area will be annexed into the Woodmen Hills Metropolitan District for water and sewer. Power will be supplied by Mountain View Electric Association and Colorado Springs Utilities will supply gas.

Hazards

There are no constraints, hazards, or potentially sensitive natural or physical features within this area.

Traffic

A separate traffic study has been conducted.

Engineering Design Standards

A deviation request has been submitted under SDP PPR2230, 3rd submittal. The deviation is being requested due to a lack of 90 degree access to Meridian Sol Drive and in order to fit with the established lot/tract lines. The proposed private access road, now named Pacific Avenue, connects to Meridian Sol Drive at a 60 degree angle and connects to Meridian Road at a 90 degree angle. There are/will be stop signs at both exits from the private access road where the proposed speed is to be 25mph.

The intersection at Meridian Sol Drive has adequate site distance and does not negatively impact driving conditions entering or existing the proposed site. Designing the intersection to be at 90 degrees to the existing Meridian Sol Drive alignment would result in poor site configuration within the established property lines. To design the private access road to meet at a 90 degree angle would create adverse conditions given the 60' width of Tract A and the alignment of Meridian Road to the west of the site.

Public Improvements

Private improvements will include the detention pond, the private road, landscaping, and the driveways and parking areas of the store. These private improvements will be maintained by Circle K.

Common Improvements will include sidewalks and buffer landscaping and will also be maintained by Circle K.

Payment of County's Road Impact Fee

The County's Road Impact Fee will be paid at time of building permit issuance.

Approval Criteria

From a Planning and Community Development perspective and the oversight of the Board of County Commissioners, the following criteria are met:

- The replat complies with the Land Development Code, and the original conditions of approval associated with the recorded plat.
 - All comments provided by the county will be addressed to be in compliance with the Land Development Code and conditions of approval.
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
 - The replat is taking multiple nonconforming lots and replating into (2) lots in conforming lots
- The replat is in keeping with the purpose and intent of this Code.
 - Master Drainage plan has been prepared for the subdivision to be keep with the purpose and intent of the code. Proposed lots are in conformance with the code.
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
 - Common improvements, access and stormwater designs as required per the subdivision have been addressed with this replat.
- 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 CDOT, the existing access to Hwy 24 will be closed as part of this project. As a result, a private access road is proposed to provide access via Meridian Sol Dr. and Meridian Dr. to the subdivision.

- The approval will not adversely affect the public health, safety, and welfare.
 - Access has been coordinated with CDOT, City of Colorado Springs and El Paso County engineers to be in conformance with the applicable codes. Master Drainage plan has been prepared in accordance with County standards to adequately mitigate stormwater. Common improvements such as sidewalk has been incorporated into the project to provide safe pedestrian connectivity to the development.

- Where the lots or parcels are subject to any CC&Rs or other restrictions, any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.
 - No CC&Rs or restrictions will conflict with the replat. The only restriction on the lots will be, the well water rights are required to be transferred to the Woodmen Hills Metro District in order to annex into the district for water and sewer service.

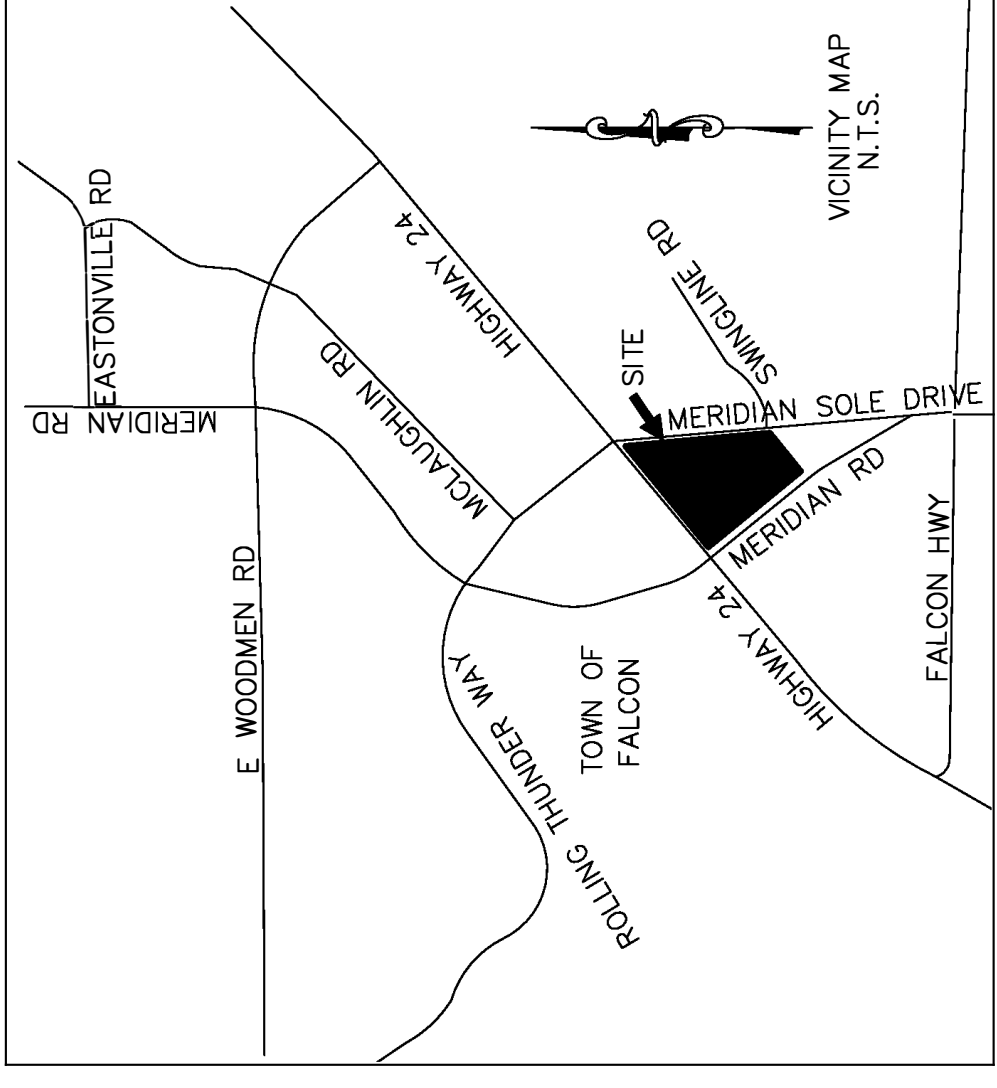
We look forward to working with the County on this new development which has been some time in the making. We appreciate all the assistance from county planning to bring this project to fruition. If any additional information is needed, please let me know.

Sincerely,
LAND DEVELOPMENT CONSULTANTS

Sofia Hernandez
Project Manager

AFTA SUBDIVISION
A VACATION AND RESUBDIVISION OF PORTIONS OF BLOCKS 24, 25, 28, AND 29, FALCON SUBDIVISION
LOCATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH,
RANGE 65 WEST OF THE 6TH P.M., COUNTY OF
EL PASO, STATE OF COLORADO

SHEET 1 OF 4



AREA SUMMARY:

TOTAL GROSS ACREAGE: 8.9850
 TOTAL NUMBER OF LOTS: 2 LOTS, 1 TRACT
 ACREAGE OF ROW DEDICATION: 0.4409
 NET ACREAGE OF SUBDIVISION: 8.5441

KNOW ALL MEN BY THESE PRESENTS:

THAT CST METRO LLC, A MICHIGAN LIMITED LIABILITY COMPANY BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

PARCEL A:
 LOTS 17 TO 32, INCLUSIVE, EXCEPT THE NORTHWESTERLY 20 FEET THEREOF, LYING WEST OF THE COUNTY ROAD IN BLOCK 24, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.

PARCEL B:
 LOTS 19 TO 32, INCLUSIVE, EXCEPT THE NORTHWESTERLY 20 FEET THEREOF, IN BLOCK 25, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.

PARCEL C:
 ALL THAT PORTION OF BLOCK 28 LYING WEST OF THE COUNTY LINE ROAD, INCLUDING THE NORTHEASTERLY 30.0 FEET OF VACATED 7TH STREET, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.

PARCEL D:
 ALL OF BLOCK 29, INCLUDING THE SOUTHWESTERLY 30.0 FEET OF VACATED 7TH STREET, EXCEPTING THEREFROM THAT PORTION OF MERIDIAN ROAD LYING ACROSS BLOCK 29 AND SAID VACATED PORTION OF 7TH STREET, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.

PARCEL E:
 THAT PART OF THE EAST HALF OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., FORMERLY BEING A PORTION OF LOTS 4 THROUGH 16 INCLUSIVE AND THE NORTHERLY 20 FEET OF LOTS 17 THROUGH 25 INCLUSIVE IN BLOCK 24, A PORTION OF LOTS 1 THROUGH 16 INCLUSIVE AND THE NORTHERLY 20 FEET OF LOTS 17 THROUGH 32 INCLUSIVE IN BLOCK 25 IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, TOGETHER WITH VACATED 7TH STREET AND VACATED ALLEYS TOWN OF FALCON, EL PASO COUNTY, COLORADO, AS SHOWN ON THE VACATION PLAT RECORDED IN PLAT BOOK E-3 AT PAGE 46, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID BLOCK 25 AND THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HWY #24, FROM WHICH THE NORTHWEST CORNER OF SAID BLOCK BEARS N 40 DEGREES 12 MINUTES 34 SECONDS W, A DISTANCE OF 20.00 FEET; THENCE S 40 DEGREES 12 MINUTES 34 SECONDS E ALONG THE SAID WEST LINE, A DISTANCE OF 180.00 FEET; THENCE N 49 DEGREES 47 MINUTES 26 SECONDS E, A DISTANCE OF 665.57 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD; THENCE N 06 DEGREES 05 MINUTES 34 SECONDS W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 212.93 FEET; THENCE N 40 DEGREES 12 MINUTES 34 SECONDS W ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 3.72 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HWY #24; THENCE S 49 DEGREES 47 MINUTES 26 SECONDS W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING, AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEED RECORDED NOVEMBER 12, 2019 AT RECEPTION NO. 219142198.

PARCEL F:
 LOTS 17, 18 EXCEPT THE NORTHERLY TWENTY (20) FEET, IN BLOCK 25, TOWN OF FALCON, COUNTY OF EL PASO, STATE OF COLORADO.
 CONTAINING 8.9850 ACRES, MORE OR LESS.

OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF AFTA SUBDIVISION. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR AFTA SUBDIVISION WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 20____ SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THESE NOTES AND CONDITIONS SHALL BE A PART OF THIS PLAT AND SHALL BE THE RESPONSIBILITY OF THE PUBLIC IMPROVEMENTS HEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

PREVIOUS PLAT NAME IN ENTIRETY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT SUBJECT TO ALL COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDED IN PLAT BOOK B, AT PAGE 37.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

SURVEYORS CERTIFICATE:

I ROBERT J RUBINO, 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 ON 4/17/18, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON, THAT MATHEMATICAL CLOSEURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT 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 _____, 20____

ROBERT J RUBINO _____ DATE _____
 COLORADO REGISTERED PLS 14142

SURVEY NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RUBINO SURVEYING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, RIGHT OF WAY OR TITLE OF RECORD. RUBINO SURVEYING RELEASING UPON CHICAGO TITLE INSURANCE COMPANY; COMMITMENT NO. 100-N0016656-010-102, EFFECTIVE MARCH 14, 2016.
2. PER FEMA'S FLOOD INSURANCE RATE MAP NUMBER 08041C0651G EFFECTIVE 12/7/2018 THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA. SUBJECT PROPERTY IS LOCATED IN ZONE X (UNSHADED).
3. THE LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
4. BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 12 AS MONUMENTED BY A 3.25" ALUMINUM CAP STAMPED "EL PASO COUNTY DPW T13S S12/S7/S13/S18 R65W R64W 1982 LS 17496" AT THE SOUTHEAST CORNER OF SECTION 12 AND BY A 3.25" ALUMINUM CAP STAMPED "SURVCON INC. T13S R65W 1/4 S12 S13 2003 PLS 30829" AT THE SOUTH 1/4 CORNER OF SECTION 12, SAID LINE IS ASSUMED TO BEAR N89°50'28"W.

CLERK AND RECORDER:

STATE OF COLORADO) SS
 COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____ OF THE RECORDS OF EL PASO COUNTY _____

EL PASO COUNTY CLERK AND RECORDER _____

IN WITNESS WHEREOF:

THE AFOREMENTIONED CST METRO LLC, A MICHIGAN LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 20____ A.D.

BY: _____ NAME: _____ TITLE: _____

ATTEST:

STATE OF _____) SS

COUNTY OF _____)

THE ABOVE AND AFOREMENTIONED WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ A.D. BY

LIABILITY COMPANY _____ AS _____ OF CST METRO LLC, A MICHIGAN LIMITED

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____ NOTARY PUBLIC

PCD FILE # VR-22-03



prepared by:
 RUBINO SURVEYING
 3312 AIRPORT ROAD
 BOULDER, COLORADO 80301
 (303) 464-9515

OWNER: CST METRO LLC

21124_5/11/2023

AFTA SUBDIVISION

A VACATION AND RESUBDIVISION OF PORTIONS OF BLOCKS 24, 25, 28, AND 29, FALCON SUBDIVISION
LOCATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH,
RANGE 65 WEST OF THE 6TH P.M., COUNTY OF
EL PASO, STATE OF COLORADO

SHEET 2 OF 4

PLAT NOTES:

1. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, AND PERMITS, INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF PARKS AND WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH & WILDLIFE SERVICE AND/OR COLORADO DEPARTMENT OF PARKS AND WILDLIFE REGARDING THE ENDANGERED SPECIES ACT.

2. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.

3. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.

4. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.

5. WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY THE WOODMEN HILLS METRO DISTRICT SUBJECT TO THE DISTRICT'S RULES, REGULATIONS, AND SPECIFICATIONS.

6. THE INDIVIDUAL LOT PURCHASER(S) SHALL BE RESPONSIBLE FOR FINAL DESIGN, CONSTRUCTION, AND MAINTENANCE OF PRIVATE DETENTION POND/WATER QUALITY BMP(S) AS DESCRIBED IN THE APPROVED PRELIMINARY/FINAL DRAINAGE REPORT FOR THIS SUBDIVISION OR INDIVIDUAL LOT. FINAL DESIGN, CONSTRUCTION DRAWINGS AND DRAINAGE REPORT UPDATES FOR THE DETENTION POND/WATER QUALITY BMP(S) SERVING EACH LOT SHALL BE PROVIDED WITH SITE DEVELOPMENT PLAN SUBMITTALS. THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE CONSTRUCTED AND COMPLETED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE SUBJECT LOTS. THE SUBDIVISION DEVELOPER IS RESPONSIBLE FOR PROVIDING FINANCIAL ASSURANCES AS INDICATED IN THE SUBDIVISION IMPROVEMENT AGREEMENT AND ESTIMATE OF GUARANTEED FUNDS FOR ALL DETENTION PONDS/WATER QUALITY BMP(S). ALL DETENTION PONDS/WATER QUALITY BMP(S) SHALL BE CONSTRUCTED PRIOR TO THE RELEASE OF SAID FINANCIAL ASSURANCES.

7. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARY AGREEMENTS IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY, THE OFFICE OF SOLE CORDER, RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER. THIS PLAT RESTRICTION MAY BE REMOVED OR RESONDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

8. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. HOMEBUILDERS ARE RESPONSIBLE FOR ENSURING PROPER DRAINAGE THROUGH STRUCTURES, INCLUDING FOUNDATIONS, FOUNDATIONS, AND WINDOW WELLS RELATION TO SIDE-LOT DRAINAGE EASEMENTS, AND SWALES. HOMEOWNERS SHALL NOT CHANGE THE GRADE OF THE LOT OR DRAINAGE SWALES WITHIN SAID EASEMENTS, AS CONSTRUCTED BY THE BUILDER, IN A MANNER THAT WOULD CAUSE ADVERSE DRAINAGE IMPACTS TO PROPERTIES, STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

9. THE SUBDIVIDERS AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OF BUILDER SUCCESSORS AND ASSIGNS THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE COUNTY WIDE TRANSPORTATION IMPROVEMENT RESOLUTION (RESOLUTION 19-477), AS AMENDED, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF PROPERTY.

PLAT NOTES:

10. UNLESS OTHERWISE INDICATED, ALL SIDE AND FRONT LOT LINES ARE HEREBY IDENTIFIED ON THE PLAT AS BEING IDENTICAL TO THE ADJACENT EASEMENT AND REAR LOT LINES ARE HEREBY PLOTTED ON EITHER SIDE WITH 7 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

11. THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS OR CONSTRAINTS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT: GEOTECHNICAL ENGINEERING REPORT BY TERRACON CONSULTANTS, INC., DATED NOVEMBER 30, 2018 AND GEOLOGIC HAZARDS ASSESSMENT REVIEW BY TERRACON CONSULTANTS, INC. DATED FEBRUARY 22, 2023 IN FILE #2018-001-AV-001-001 AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

SPECIFICALLY HYDROCOMPACTIVE SOILS AND SHALLOW GROUNDWATER IN LOTS 1 AND 2 AND TRACT A; DUE TO HIGH GROUNDWATER IN THIS AREA, AND ABIDE BY RECOMMENDATIONS LISTED IN THE SOILS REPORTS.

12. LOT 1 OF THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE SUBJECT DRAINAGE FACILITIES.

13. THERE WILL BE NO DIRECT LOT ACCESS TO NEW MERIDIAN ROAD OR MERIDIAN SOL DRIVE. ALL LOTS WILL ACCESS FROM THE PRIVATE ACCESS ROAD.

14. THE PRIVATE ROADS AS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY EL PASO COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH EL PASO COUNTY STANDARDS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION AND MAINTENANCE.

15. AT THE TIME OF APPROVAL OF THIS PROJECT, THIS PROPERTY IS LOCATED WITHIN THE FALCON FIRE PROTECTION DISTRICT, WHICH HAS ADOPTED A FIRE CODE REQUIRING RESIDENTIAL FIRE SPRINKLER REQUIREMENTS FOR COVERED STRUCTURES OVER 6000 SQUARE FEET IN SIZE, AND OTHER FIRE MITIGATION REQUIREMENTS DEPENDING UPON THE LEVEL OF FIRE RISK ASSOCIATED WITH THE PROPERTY AND STRUCTURES. THE OWNER OF ANY LOT SHOULD CONTACT THE FIRE DISTRICT TO DETERMINE THE EXACT DEVELOPMENT REQUIREMENTS RELATIVE TO THE ADOPTED FIRE CODE.

16. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT.



AFTA SUBDIVISION

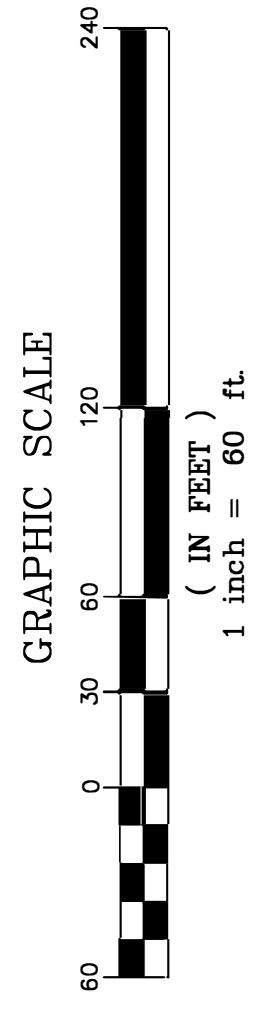
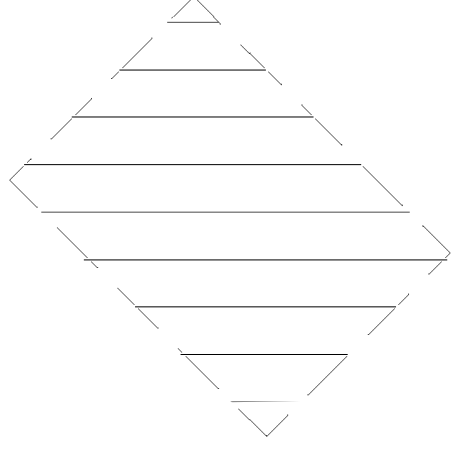
A VACATION AND RESUBDIVISION OF PORTIONS OF BLOCKS 24, 25, 28, AND 29, FALCON SUBDIVISION
 LOCATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH,
 RANGE 65 WEST OF THE 6TH P.M., COUNTY OF
 EL PASO, STATE OF COLORADO

SHEET 3 OF 4

TOWN OF FALCON - PLAT BOOK B AT PAGE 37 PLAT #563

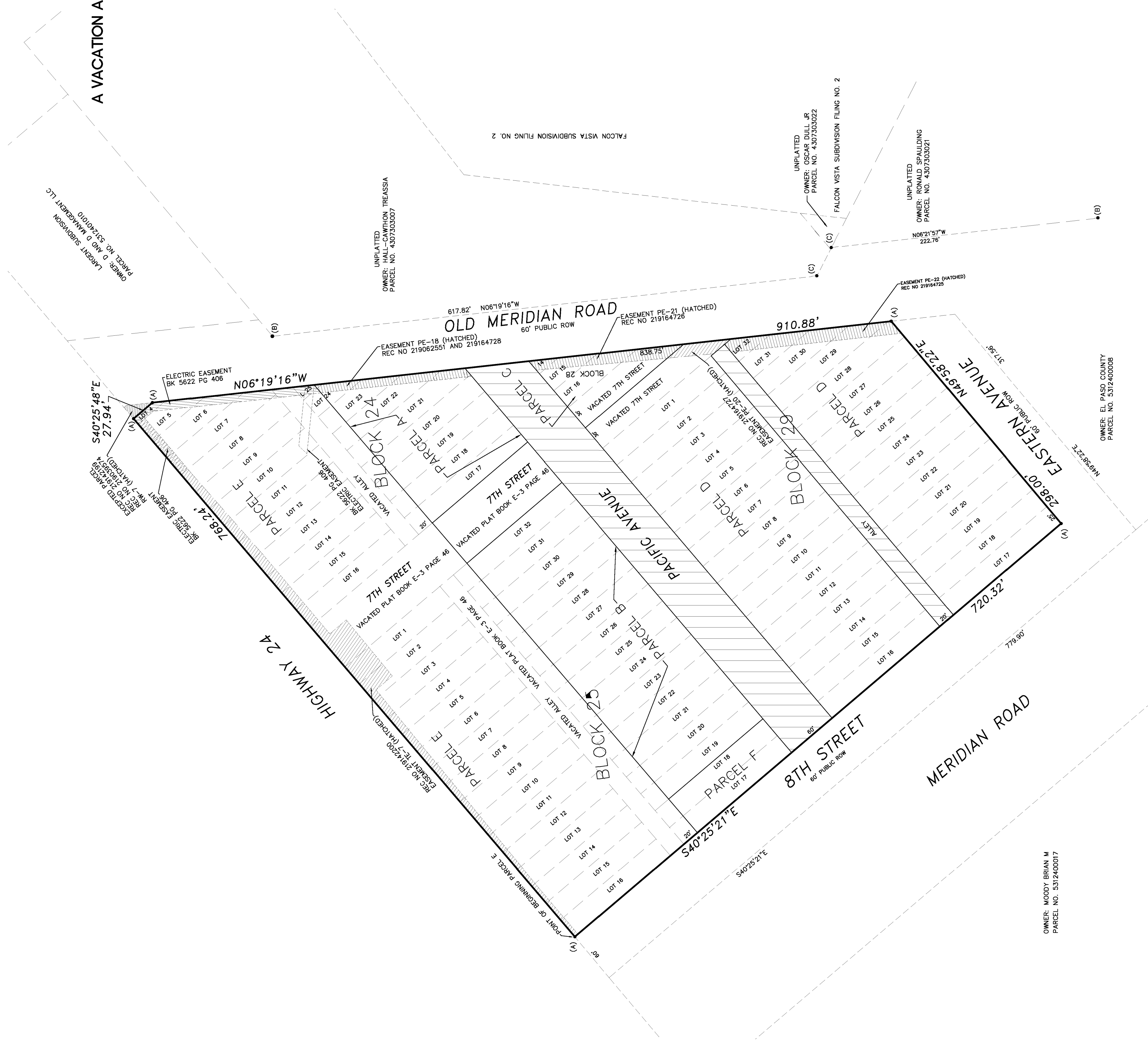
"AS PLATTED"

TO BE VACATED



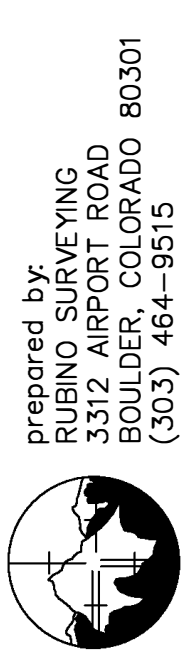
LEGEND:

- (A) SET PIN/CAP PLS 14142 ON NO 5 REBAR
 - (B) FOUND PIN/CAP PLS ILLEGIBLE
 - (C) FOUND NO 5 REBAR NO CAP
 - ⑬ REFERS TO TITLE COMMITMENT EXCEPTION NUMBER
 - SEE SHEET 2 FOR ADDITIONAL DETAILS
- PROPERTY LINE
 - - - EASEMENT LINE
 - - - ROW LINE



OWNER: MOODY BRIAN W
 PARCEL NO. 5312400017

OWNER: EL PASO COUNTY
 PARCEL NO. 5312400008



PCD FILE # VR-22-03
 prepared by:
 RUBINO SURVEYING
 3312 AIRPORT ROAD
 BOULDER, COLORADO 80301
 (303) 464-9515

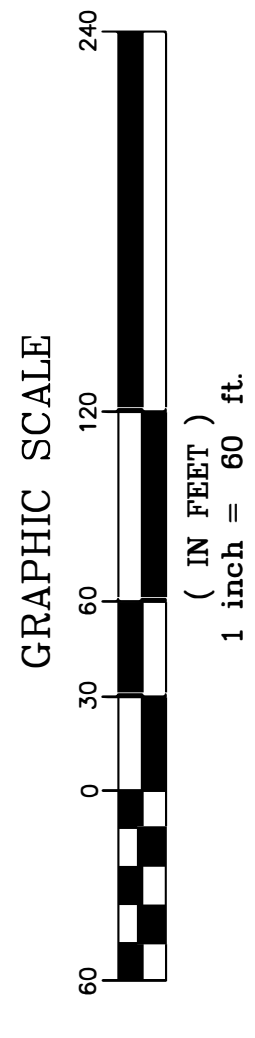
AFTA SUBDIVISION

A VACATION AND RESUBDIVISION OF PORTIONS OF BLOCKS 24, 25, 28, AND 29, FALCON SUBDIVISION
 LOCATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH,
 RANGE 65 WEST OF THE 6TH P.M., COUNTY OF
 EL PASO, STATE OF COLORADO

SHEET 4 OF 4

AS REPLATTED

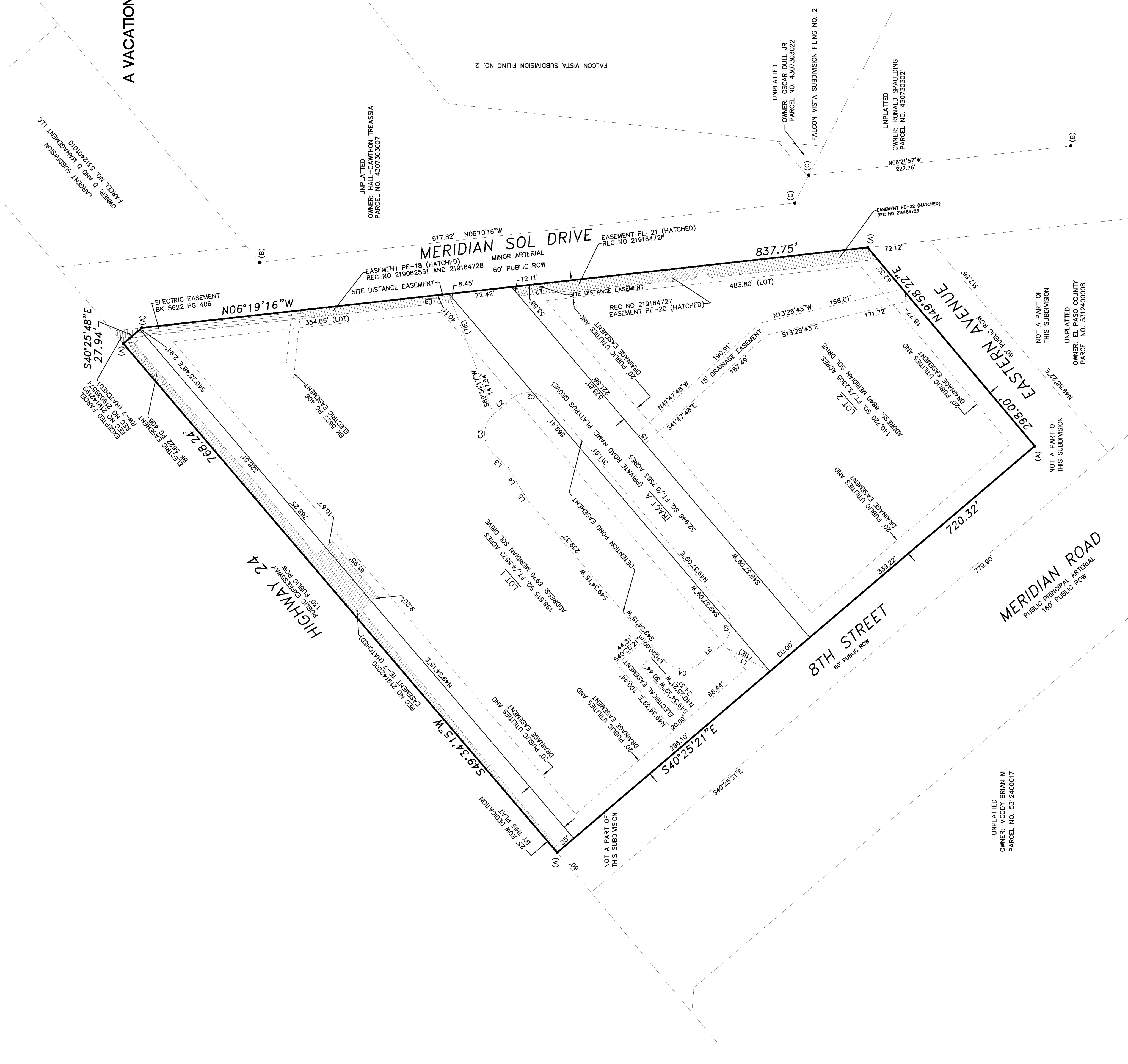
NOTE: NO FURTHER SUBDIVISION ALLOWED
 UNLESS PRELIMINARY PLAN IS COMPLETED



- LEGEND:
- (A) SET PIN/CAP PLS 14142 ON NO 5 REBAR
 - (B) FOUND PIN/CAP PLS ILLEGIBLE
 - (C) FOUND NO 5 REBAR NO CAP
 - (D) REFERS TO TITLE COMMITMENT EXCEPTION NUMBER
SEE SHEET 2 FOR ADDITIONAL DETAILS
- PROPERTY LINE
 - - - EASEMENT LINE
 --- ROW LINE

LINE	LENGTH	BEARING
L1	63.45	S89°23'24"W
L2	27.32	S40°25'42"E
L3	27.32	S40°25'42"E
L4	59.70	N55°44'30"E
L5	15.36	N56°49'08"E
L6	31.17	S40°25'42"E
L7	47.85	N18°25'03"W
L8	40.11	N05°19'16"W
L9	43.38	N02°32'26"E
L10	11.23	S49°34'15"W

CURVE	LENGTH	RADIUS	DELTA	CHORD	DIRECTION	CHORD
C1	47.10	30.00	90°02'51"	30.00	S04°25'42"E	42.44
C2	47.15	30.00	90°02'51"	30.00	N04°25'44"E	42.44
C3	50.65	30.00	96°43'46"	30.00	N08°47'35"W	44.84
C4	47.12	30.00	89°59'57"	30.00	S04°34'16"W	42.43



UNPLATTED
 OWNER: MADDY BRAUN W
 PARCEL NO. 531240017

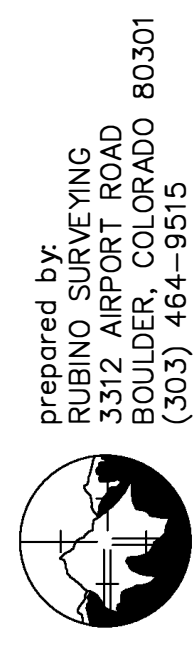
NOT A PART OF
 THIS SUBDIVISION
 UNPLATTED
 OWNER: EL PASO COUNTY
 PARCEL NO. 531240008

UNPLATTED
 OWNER: OSCAR DULL JR
 PARCEL NO. 4307303022

UNPLATTED
 OWNER: FALCON VISTA SUBDIVISION FILING NO. 2
 PARCEL NO. 4307303022

UNPLATTED
 OWNER: TREAASSIA
 PARCEL NO. 4307303007

UNPLATTED
 OWNER: LARGENT SUBDIVISION LLC
 PARCEL NO. 531240010





February 29, 2024

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

RE: AFTA Subdivision/Circle K Redevelopment - Final Plat
SE1/4 of Sec. 12, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30451

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to redevelop a Circle K facility by combining and rezoning portions of Blocks 24, 25, 26 and 29 of Falcon Subdivision, renaming the area AFTA Subdivision. The parcel consists of 8.985 acres to be recombined and subdivided into two lots.

Water Supply Demand

According to the Water Supply Information Summary submitted with the proposal, the combined proposed uses and estimated water requirements for the two lots are as follows:

Lot 1: 1,714 acre-feet for indoor commercial use and 1.012 acre-feet for irrigation

Lot 2: 1,710 acre-feet for commercial use and 0.767 acre feet for irrigation

The total proposed water use is 5.204 acre-feet for the two lots combined.

Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (“District”). The District has provided a letter dated January 23, 2024 committing 5.204 acre-feet of water to serve the subdivision. Information in our files indicates the district has approximately 211 acre-feet per year of Denver Basin ground water available for additional commitments.

Information in our office indicates that the Determination of Water Rights Nos. 2503-BD allocates 150 acre-feet (1.5 acre-feet per year based on a 100-year aquifer life) of water from the Laramie-Fox Hills aquifer, 2504-BD allocates 170 acre-feet (1.7 acre-feet per year based on a 100-year aquifer life) of water from the Arapahoe aquifer and 2505-BD allocates 275 acre-feet (2.75 acre-feet per year based on a 100-year aquifer life) of water from the Denver aquifer. The use of ground water under the above determinations is limited to domestic, commercial, industrial, irrigation, stock watering, fire protection



and augmentation purposes on the 5 acres of overlying land described in those Determinations of Water Rights (described as a portion of the NE1/4 of the SE1/4 of Section 12, Township 13 South, Range 65 West of 6th P.M).

In addition, our records indicate that there are two existing wells on the property; permit numbers 21757 (completed into the alluvial aquifer), and 34294-FP-R (completed into the Denver aquifer). The well with permit no. 34294-FP-R was not taken into account in 2505-BD, and the annual withdrawal must be subtracted from the amount deeded to WHBM. If no longer needed, the well must be plugged and abandoned pursuant to Rule 16 of the Water Well Construction Rules. The remaining exempt well, permit no. 21757 must also be plugged and abandoned pursuant to Rule 16 of the Water Well Construction Rules.

State Engineer's Office Opinion

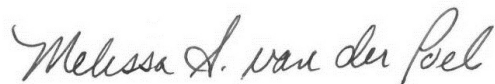
Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Additional Comments

The application materials indicate that the project will collect storm flows in a detention pond. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

If you, or the applicant, have any questions, please contact Melissa A. van der Poel at 303-866-3581 ext. 8208.

Sincerely,



Melissa A. van der Poel, P.E.
Water Resource Engineer

Ec: Referral No. 30451
Rachel Zancanella, Division 2 Engineer
Elizabeth Nosker District 10 Water Commissioner
Martha Archuleta, Water Data Analyst

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

April 5, 2024

VR-22-3 Circle K – US24 & Meridian
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 Final Plat proposal by CST Metro LLC (“Applicant”), to redevelop an approximately 8.99 +/- acre tract of land into 2 lots (the “Property”). The property is zoned CS (Commercial Service).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 1.714 acre-feet per year for commercial uses and 1.012 acre-feet per year for irrigation on future lot 1, 1.710 acre-feet per year future lot 2, and an additional 0.767 acre-feet per year to operate a car wash, for a total demand of 5.204 acre-feet per year. The Applicant must therefore be able to provide a supply of 1,561.2 acre-feet of water (5.204 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 January 2024 (“Report”), the average daily use for future lot 1 will be 1.714 acre-feet for indoor commercial use, 1.012 acre-feet for irrigation, and an additional 0.767 acre-feet per year to

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

operate a car wash. It is estimated that the future lot 2 will utilize 1.710 acre-feet per year for a total demand of 5.204 acre-feet per year.

The Report states that the District has an annual supply of water in the amount of 1,457 acre-feet from both renewable and non-renewable sources, and that over the last decade the District has used from 48% to 63% of that supply.

4. The District provided a letter of commitment for Circle K – US 24 & Meridian dated January 23, 2024, in which the District stated that it “. . .the District commits 5.204 acre-feet of water per year for the subdivision. WHMD has adequate water supplies to meet the anticipated additional demand.”

State Engineer’s Office Opinion

5. In a letter dated February 29, 2024, the State Engineer reviewed the proposal to redevelop a Circle K facility by combining and rezoning portions of the property. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District (“WHMD”) and estimates that WHMD has 211 annual acre-feet available for additional commitments.

Finally, the State Engineer offered their opinion that “[b]ased upon the above and pursuant to section 30-28-136(1)(h)(I), 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 Circle K – US24 & Meridian is 5.204 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 5.204 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 Circle K – US24 & Meridian.**

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 January 24, 2024, the Woodmen Hills Metropolitan District letter dated January 23, 2024, and the State Engineer Office’s Opinion dated February 29, 2024. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the***

below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Applicant shall comply with the requirements set forth in the February 29, 2024 letter from the Division of Water Resources.

cc. Ryan Howser, Project Manager, Planner

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF A VACATION AND REPLAT
AFTA SUBDIVISION (VR223)

WHEREAS, CST Metro, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a Vacation and Replat of AFTA Subdivision 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 May 16, 2024, upon which date the Planning Commission did by formal resolution c and Replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 20, 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.

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 Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of AFTA Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations 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.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such

subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at the plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 5, 2024, as provided by the County Attorney's Office.
11. Drainage fees in the amount of \$222,418.32 and bridge fees in the amount of \$30,554.46 be paid for the Falcon Drainage Basin at the time of plat recordation.

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 13th day of June 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Parcel A:

Lots 17 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, lying West of the County Road in Block 24, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312402015

Parcel B:

Lots 19 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, in Block 25, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312403004

Parcel C:

All that portion of Block 28 lying West of the County Line Road, including the Northeasterly 30.0 feet of vacated 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312404003

Parcel D:

All of Block 29, including the Southwesterly 30.0 feet of vacated 7th Street, EXCEPTING therefrom that portion of Meridian Road lying across Block 29 and said vacated portion of 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312405003

Parcel E:

That part of the East half of Section 12, Township 13 Souths, Range 65 West of the 6th P.M., formerly being a portion of Lots 4 through 16 inclusive and the Northerly 20 feet of Lots 17 through 25 inclusive in Block 24, a portion of Lots 1 through 16 inclusive and the Northerly 20 feet of Lots 17 through 32 inclusive in Block 25 in the Town of Falcon, El Paso County, Colorado, together with vacated 7th Street and vacated alleys adjacent to said lots as vacated by vacation plat record in Plat Book E-3 at Page 46, more particularly described as follows:

Beginning at a point on the Westerly line of said Block 25 and the Southerly right of way line of U.S. Hwy #24 from which the northwest corner of said block bears N 40 Degrees 12 Minutes 34 Seconds W, a distance of 20.00 feet; thence S 40 Degrees 12 Minutes 34 Seconds E along the said West line, a distance of 180.00 feet;

Thence N 49 Degrees 47 Minutes 26 Seconds E, a distance of 665.57 feet to the westerly right of way line of Meridian Road; thence N 06 Degrees 05 Minutes 34 Seconds W, along said Westerly right of way line, a distance of 212.93 feet; thence N 40 Degrees 12 Minutes 34 Seconds W along the Easterly line of said Lot 4 in Block 24, a distance of 3.72 feet to the Southerly right of way line, a distance of 785.00 feet to the point of beginning,

Except for that portion conveyed to El Paso County by and through the Board of County Commissioners of El Paso County, Colorado in special warranty deed recorded November 12, 2019 at reception No. 219142199, County of El Paso, State of Colorado.

Parcel F

Lots 17, 18 Except the Northerly twenty (20) feet, in Block 25