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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Jim Egbert, Chair

FROM: Len Kendall, Planner I
Beck Grimm, IE Engineer I
Craig Dossey, Executive Director

RE: Project File #: VR-18-013
Project Name: Appaloosa Vacation and Replat
Parcel No.: 54073-17-012

OWNER:	REPRESENTATIVE:
Platte Valley LLC, c/o Ron Waldthausen 1378 Promontory Bluff View Colorado Springs, CO 80921	Associated Design Professionals, Inc. 3520 Austin Bluffs Parkway, Suite 102 Colorado Spring, CO 80918

Commissioner District: 2

Planning Commission Hearing Date:	2/19/2019 and 3/5/2019
Board of County Commissioners Hearing Date	3/12/2019

EXECUTIVE SUMMARY

A request by Platte Valley, LLC, for approval of a vacation and replat of one (1) industrial lot to create three (3) industrial lots; with Lot 1 being 1.00 acres, Lot 2 being 1.01 acres, and Lot 3 being 2.66 acres. The 4.67-acre site is zoned I-2 (Limited Industrial), CAD-O (Commercial Airport Overlay), and is located on the east side of Amelia Street in the southeast quadrant of the intersection of Terminal Avenue and Amelia Street. The property is not within the boundaries of a comprehensive planning area.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Platte Valley, LLC, for approval of a vacation and replat of one (1) industrial lot to create three (3) industrial lots.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this vacation and replat.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code 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

D. LOCATION

North: I-2 (Limited Industrial)	Commercial
South: CC (Commercial Community), CS (Commercial Service)	Industrial/Vacant
East: CC (Commercial Community), I-2 (Limited Industrial)	Commercial
West: I-2 (Limited Industrial)	Commercial/Vacant

E. BACKGROUND

The subject property was originally platted as Block 5 of the G & H Industrial Subdivision which was recorded by the Clerk and Recorder on July 17, 1970. Block 5 of the G & H Industrial Subdivision was subsequently replatted into four lots known as the Kay Tee Subdivision No. 3. The Kay Tee Subdivision No. 3 replat was recorded on February 6, 1974. A vacation of the interior lot line (V-82-005) between Lots 1 and 2 of the Kay Tee Subdivision No. 3 was approved by the Board of County Commissioners on April 15, 1982. The property became known as Lot 2, Kay Tee Subdivision No. 3. Subsequently Lot 2, created by the interior lot line vacation, was replatted (VR-00-019) into a two-lot subdivision known as the Appaloosa Highway 24 Subdivision, approved by the Board of County Commissioners on October 26, 2000. The property was rezoned from C-2 (Roadside Service) to Planned Industrial District (PID-70-002Z) in 1970. In 1989, the property was rezoned from the PID zoning district to the Commercial Community zoning district (PBP-89-002). The property was part of a 10.9-acre rezoning from the CC (Commercial Community) zoning district to the I-2 (Limited Industrial) zoning district on March 27, 2008. The property is also included within the CAD-O (Commercial Airport Overlay) overlay.

An Early Assistance Meeting was held on June 9, 2016, to discuss subdividing Lot 2 of Appaloosa Highway 24 Subdivision into three (3) separate parcels by vacation and replat. During the meeting the applicant was advised that, based upon the literal reading of the drainage fee guidance in the Engineering Criteria Manual (ECM), and because drainage and bridge fees have not been previously paid, the drainage and bridge fees due at the time of recording of the proposed vacation and replat would be calculated for all three (3) proposed lots. Later in 2016, the property owner requested a formal Administrative Determination (ADM-16-016) regarding whether drainage and bridge fees would be applicable for all proposed lots should the property known as Lot 2 Appaloosa Highway 24 Subdivision be vacated and replatted into three (3) lots.

The determination stated:

The proposed action to vacate one lot and replat into three (3) lots is a subdivision action governed by the requirements of the current versions of the El Paso County Land Development Code (2018) and Engineering Criteria Manual (2015). Drainage and Bridge Fees are applicable to the entirety of the project based upon the current wording of the applicable regulations. A request to modify or waive the applicable fees requires Board of County Commissioners approval, which may occur through a waiver associated with the proposed replat action, a standalone waiver acted upon by the Board, or through an appeal of this decision.

The determination was appealed by the property owner to the Board of County Commissioners (APP-16-004). On September 27, 2016, the Board of County Commissioners denied the appeal of the administrative determination, but waived the drainage and bridge fees for the largest lot (Lot 3). They also determined that drainage and bridge fees would be due for Lots 1 and 2 at the time of recording the anticipated replat.

F. ANALYSIS

1. Land Development Code Compliance

The application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. Zoning Compliance

The proposed replat will create three (3) industrial lots. The I-2 (Limited Industrial) zoning district density and dimensional standards are as follows:

Minimum Zoning District Area: 20 acres

Minimum Lot Size: 1 acre

Minimum Setbacks:

Front: 50 feet

Rear: 50 feet

Side: 30 feet

Maximum Lot Coverage: 35 percent

Maximum Height: 45 feet

The proposed uses and structures of the property will conform to the dimensional standards of the zoning district, unless modified by processes allowed by the El Paso County Land Development Code (2018). There are no residential zoning districts within 125 feet of this property.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Goal 5.1- Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.

Policy 5.1.12- Discourage or prevent land uses which threaten the long-term operating viability of critical infrastructure, such as the airport and industrial areas which must grow to accommodate new primary jobs for the County's growing population.

The proposed subdivision will create three (3) industrial lots in the I-2 (Limited Industrial) zoning district. The surrounding land uses are compatible with the zoning district's allowances in the I-2 zoning district. The additional parcels created will support Policy 5.1.12 by increasing the number of industrial parcels in the County.

4. Small Area Plan Analysis

This area is not within the boundaries of a small area master plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Part of the parcel is encumbered by a concrete lined drainage channel along the easterly property boundary, which will need to be repaired as a part of this vacation and replat. A subdivision improvement agreement has been submitted as part of this application.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

A majority of the property is located outside of the 100-year floodplain. A small portion of the eastern side of the proposed Lot 3 lies within the 100-year floodplain (Zone AE) as indicated in the FEMA flood insurance rate map number 08041C0754G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The property is located in the Sand Creek (FOFO4000) drainage basin, which was studied in 1996. The subdivision is subject to the El Paso County Drainage Basin Fee Program which requires fees to be paid at the time of final plat recordation. Based on Resolution No. 16-336, drainage and bridge fees will only be assessed on the two smaller lots (Lots 1 and 2).

The site generally slopes southwest towards an existing roadside ditch and culvert which flows south underneath Highway 24. Runoff for all three lots will be conveyed by private swales and storm sewer system into a full spectrum detention pond proposed on Lot 3 which provides both water quality and flood control storage. The full spectrum detention pond is a private facility and will be maintained by the owner of Lot 3.

There is an existing private concrete drainage channel located along the eastern property line of Lot 3. An approximately 120 foot section of the concrete lined drainage channel shall be reconstructed by the developer.

A grading and erosion control (GEC) plan was approved with this vacation and replat request. The GEC plan identifies best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

5. Transportation

The subdivision will access off of Amelia Street and Terminal Avenue. No direct lot access to Highway 24 is allowed. A traffic memorandum dated January 17, 2019, was completed by LSC Transportation Consultants, Inc. The memorandum concluded that no public roadway improvements are required.

H. SERVICES

1. Water

Sufficiency:

Quality:

Quantity:

Dependability:

Attorney's summary: The State Engineer has stated that there is sufficient water allocated to the additional three (3) lots created as part of this vacation and replat. The County Attorney's Office has yet to complete a determination of water sufficiency. Any determination made by the County Attorney's Office prior to the Planning Commission hearing will be provided by staff at the hearing.

2. Sanitation

Cherokee Metropolitan District has provided a commitment letter to provide wastewater service to the three (3) proposed lots.

3. Emergency Services

The property is within the Cimarron Hills Fire Protection District.

4. Utilities

Colorado Springs Utilities will provide natural gas and electrical service to the proposed vacation and replat.

5. Metropolitan Districts

The property is located within Cherokee Metropolitan District.

6. Parks/Trails

Park fees are not applicable for industrial subdivisions.

7. Schools

School fees are not applicable for industrial subdivisions.

I. APPLICABLE RESOLUTIONS

Approval Page 49

Disapproval Page 50

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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 (2018) staff recommends the following conditions and notations:

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 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 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. 18-471), or any amendments thereto, 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 the property.
10. Drainage and bridge fees in the amount of \$26,174 and \$7,930, respectively, for Lots 1 and 2 shall be paid at the time of plat recordation.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on January 29, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter (to be provided at hearing or prior to)

El Paso County Parcel Information

File Name: VA-18-013

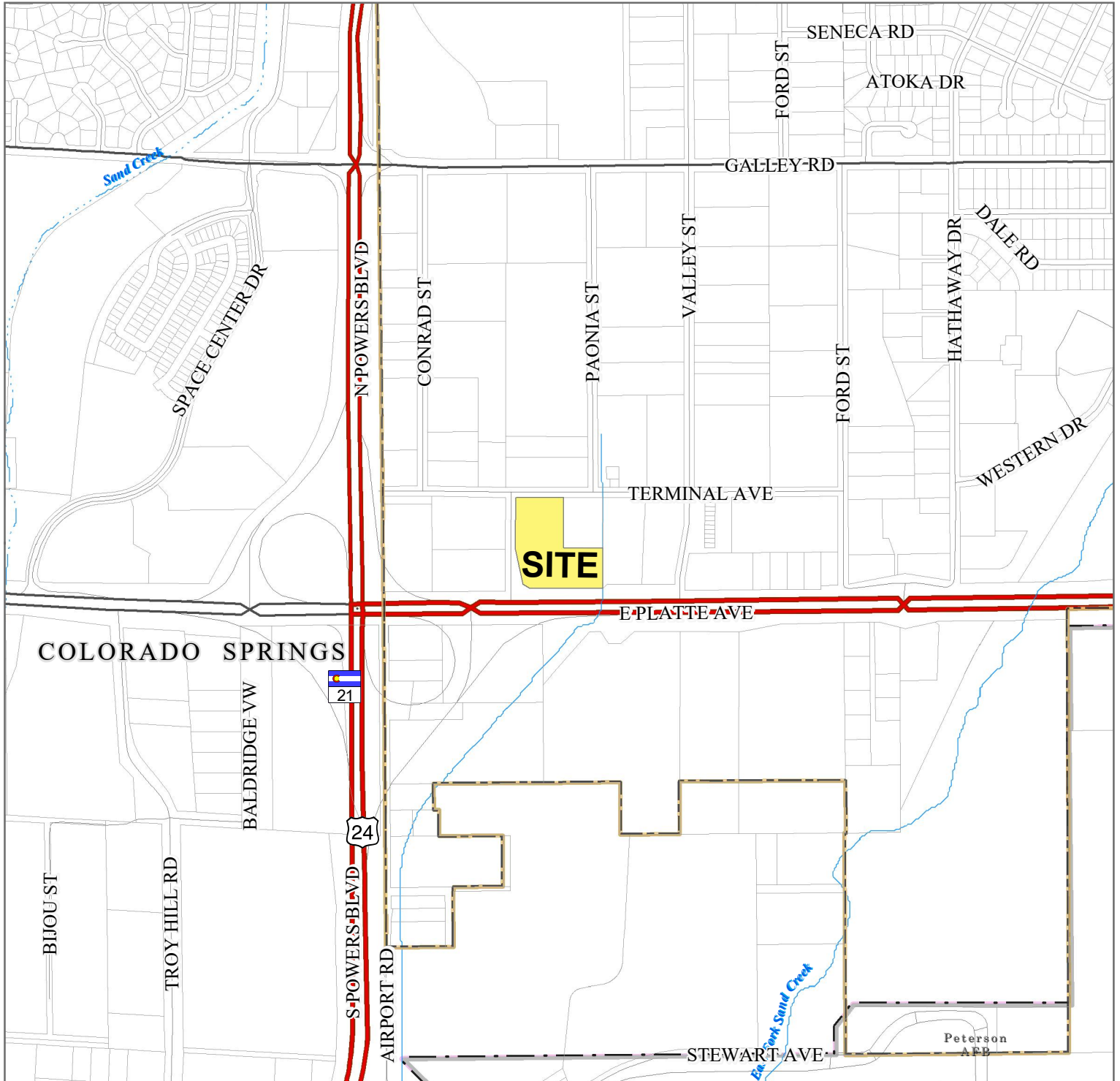
PARCEL	NAME
5407317012	PLATTE VALLEY LLC

Zone Map No. --

ADDRESS	CITY	STATE
1378 PROMONTORY BLUFF VW	COLORADO SPRINGS	CO

ZIP	ZIP+4
80921	3945

Date: January 29, 2019



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
520-6600



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**Letter of Intent
November 2018**

Project: Appaloosa Hwy 24 Subdivision Fil. No. 2

Owner: Platte Valley LLC
1378 Promontory Bluff View
Colorado Springs, CO 80921
719-491-0801

Applicant/Consultant: ADP Civil
3520 Austin Bluffs Pkwy, Suite 102
Colorado Springs, CO 80918
719-266-5212

Site Location: The 4.67 acre site is located at the southeast corner of the Hwy 24 and Amelia Street intersection

Applications/Project Description: This application is for the replatting of Lot 2 of the Appaloosa Hwy 24 Subdivision into three (3) lots.

The site is currently zoned I-2, limited industrial zone. No zone change is required or requested for the proposed use of the property. Topographically, the site is relatively flat, and drains from the north to the south.

Phasing: None

Buffering/Screening: This parcel does not abut any residentially zoned or used property, therefore no screening or buffering is required.

Justification: The site is zoned I-2 (Limited Industrial). The proposed use is permitted by right in the existing zone. The access to the site is from Terminal Avenue and Amelia Street. No access from Hwy 24 is permitted.

The Final Plat meets the County Code requirements for approval.

This industrial site will be served by public central utility systems. Water and sanitary sewer services will be provided by the Cherokee Metropolitan District and Colorado Springs Utilities will serve natural gas and electric services. County policy dictates that new commercial services be provided with urban infrastructure, and this development proposal complies with that policy.

Early grading is being requested to construct the proposed Water Quality/ Detention Basin located in the southwest corner of the site.

Conformance with El Paso County Policy Plan: The following policies in the El Paso County Policy Plan support these applications:

- **Policy 6.1.1** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.
- **Policy 6.1.3** Encourage new development which is contiguous with previously developed areas in terms of factors such as density, land use and access.
- **Policy 6.1.6** Direct development toward areas where necessary urban-level supporting facilities and services are available or will be available concurrently.
- **Policy 6.1.7** Encourage infill development which compliments existing uses, is consistent with Small Area and other adopted plans.
- **Goal 6.3** Continue to support existing and carefully planned future urban density development in the unincorporated County, provided the requisite level of urban services is available or will available in a timely fashion.

Districts Serving the Property

- Colorado Springs Utilities (Gas and Electric)
- Cherokee Metropolitan District
- Cimarron Hills Fire Protection District

Wildlife Impact: There are no impacts to wildlife.

Natural Features: There are no significant natural features on this site. Site vegetation consists of native grasses.

Maintenance Statement: There will not be an owners association for this property. The property owner for proposed Lot 3 will provide maintenance for the Facilities

Subdivision Improvements Agreement: A Subdivision Improvements Agreement has been submitted with these applications.

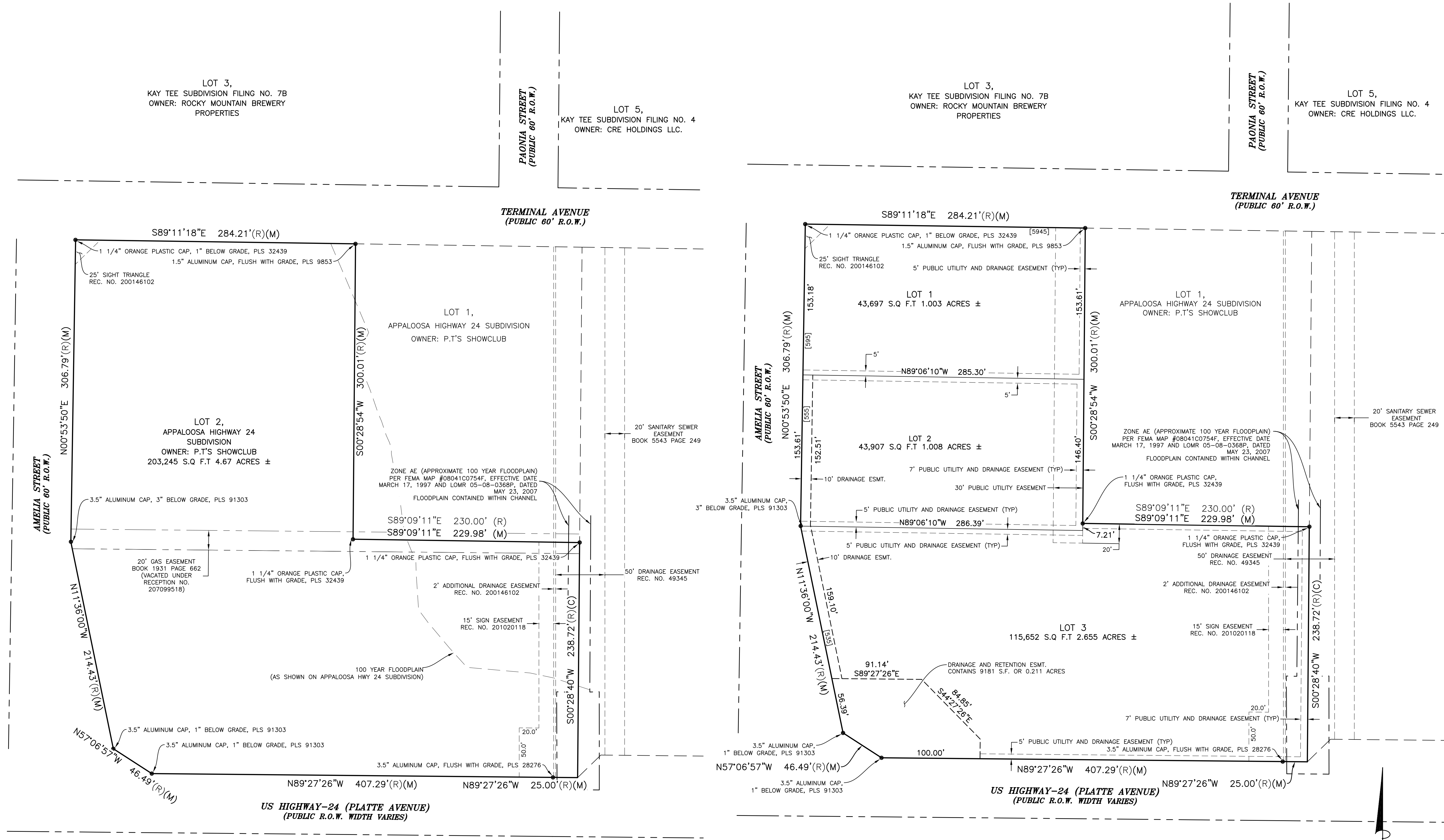
Waiver Request: No Waivers are requested

FINAL PLAT
APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A

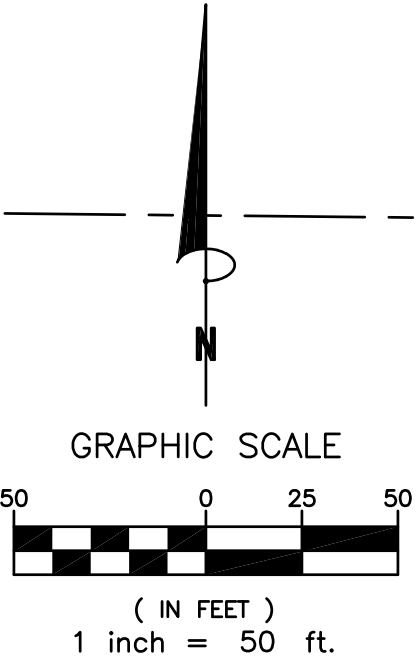
A VACATE AND RE-PLAT OF LOT 2, APPALOOSA HWY 24 SUBDIVISION,
BEING A PORTION OF THE SW1/4 OF SECTION 7, T14S, R65W OF THE 6TH P.M.
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

AS PLATTED

AS RE-PLATTED



- FOUND MONUMENT (AS NOTED)
- (R) RECORDED
- (M) MEASURED
- (C) CALCULATED
- (R.O.W.) RIGHT OF WAY
- (REC. NO.) RECEPTION NUMBER
- [XXX] STREET ADDRESS



APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 7,
TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO.

Project No. 180231
Drawn By: BCB
Checked By: SLM
Date: 3/20/2018
Sheet 2 of 2

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Revisions		By		Date
No.	Description			
3	Certificate Comment	SLM		1/29/2019
2	Comments from various entities.	CME		11/9/2018
1	1st Review Comments	SLM		9/28/2018

Office of the State Engineer
1313 Sherman St, Suite 818
Denver, CO 80203

February 25, 2019

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

RE: Appaloosa Hwy 24 Subdivision Filing No. 2
Final Plat (Re-Plat of Lot 2, Appaloosa Hwy 24 Subdivision)
SW1/4 Sec. 7, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24657

To Whom It May Concern:

We have received additional information for the above-referenced proposal to subdivide a 4.67 +/- acre tract of land into 3 commercial lots. This office previously provided comments regarding this subdivision on August 2, 2018; this letter shall supersede those prior comments. The first lot will be 1.003 +/- acres, the second lot will be 1.008 +/- acres, and the third lot will be 2.655 +/- acres. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 1.247 acre-feet/year for the commercial/industrial uses for all three lots combined. This calculation includes drinking and sanitary use, commercial & industrial uses and landscape irrigation.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee dated June 13, 2018 was included with the submittal, along with an updated letter dated February 15, 2019. According to the letters, they have committed to supply 1.247 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 1.247 acre-feet/year for the proposed development.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. Should you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco", enclosed within a thin black rectangular border.

Ivan Franco, P.E.
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner