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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 Board of County Commissioners
FROM: Planning & Community Development
DATE: 10/12/2023
RE: SF2232, Solace Apartments Filing No. 2 Final Plat

Project Description

A request by CS Powers & Galley, LLC, for approval of a 7.685-acre Final Plat illustrating one (1) multi-family residential lot consisting of 108 multi-family dwelling units. The property is zoned RM-12 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport Overlay) District. The property is located at the northeast corner of the intersection of North Powers Boulevard and Galley Road. If the request for Final Plat is approved, the applicant will be required to obtain Site Development Plan approval prior to construction.

Notation

Please see the attached *Draft* PC Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions. An additional timeline and notes are provided in the Staff Presentation.

Planning Commission Recommendation and Vote

The request was heard as a consent agenda item at the September 21st, 2023, Planning Commission Hearing. Mr. Carlson moved and Mr. Schuettpelz seconded to recommend approval of the Final Plat for Solace Apartments Filing No. 2, utilizing the resolution attached to the staff report with eight (8) conditions and four (4) notations, that this item be forwarded to the Board of County Commissioners for their consideration.

Discussion

This item was heard as a consent agenda item and did not have substantial discussion.

Attachments

1. Draft PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 21, 2023
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: THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, BRYCE SCHUETTPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JIM BYERS.

PC MEMBERS ABSENT: BRANDY MERRIAM, KARA OFFNER, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, JEFF RICE, JOE LETKE, RYAN HOWSER, DANIEL TORRES, LEKISHIA BELLAMY, KARI PARSONS, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: DAVID ELLIS AND KAYLIE DREW.

1. REPORT ITEMS

Mr. Kilgore advised that the next PC Hearing is Oct. 5, 2023. The applicant for item number 3D of the current agenda has requested a continuance to a date certain of Oct. 19, 2023.

2. Call for public comment for items not on the hearing agenda.

Mr. David Ellis commended the Planning Commission (PC) for their objective application of the zoning and land-use standards regarding the Colorado Pumpkin Patch (CPP). He recapped that the Special Use request to increase the allowed number of cars on the residential lot was recommended for denial by the PC. He stated the decision recognized the right of the current residents to peacefully enjoy their properties. He further stated the decision signaled that the provisions within the LDC, established through previous public comment and debate, should not be arbitrarily swept aside to

allow one business to make money at the detriment of its neighbors. He further reiterated that only one week after the PC's recommendation, the BOCC unanimously went in the opposite direction and approved the Special Use request. He stated the residents feel betrayed by the BOCC, who he stated cast aside the LDC restrictions, in favor of a special interest, possibly their own self-interest. He stated the agritainment concept is relatively new; adopted in 2017. He believes it was written specifically to enable the CPP to relocate from its proximity to Matthew Dunston's Preserve at Walden housing development into the existing residential neighborhood of Canterbury. Before the LDC amendment, agritainment would only have been allowed within agricultural or commercial zoning districts. He mentioned that Mr. Dunston donated a 23-acre site for the Monument Academy High School and has donated thousands of dollars to current Commissioners' campaign funds. He believes that whatever Mr. Dunston wants from the Commissioners, he gets. He thinks the concept of agritainment, as it is written in the LDC, has "gone off the rails". He stated the CPP is far from the examples of corn mazes or farm tours and has morphed into an outdoor amusement park.

3. CONSENT ITEMS

A. Adoption of Minutes of meeting held September 7th, 2023.

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

B. SF2224

BAGLEY

FINAL PLAT THE GLEN AT WIDEFIELD FILING NO. 12

A request by Glen Investment Group No. VIII, LLC for approval of a Final Plat to create seventy-nine (79) single-family residential lots and three (3) tracts. The 27.23-acre property is zoned RS-6000 (Residential Suburban) and is subject to the CAD-O (Commercial Airport Overlay) district. The property is located on the west side of South Marksheffel Road, approximately one-half of a mile south of Fontaine Boulevard. (Parcel No. 5522000010) (Commissioner District No. 4).

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: FULLER MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER SF2224, FOR A FINAL PLAT, THE GLEN AT WIDEFIELD FILING NO. 12, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVENTEEN (17) 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 WAS APPROVED (9-0).

C. SF2232

HOWSER

FINAL PLAT SOLACE APARTMENTS FILING NO. 2

A request by CS Powers & Galley, LLC for approval of a 7.685-acre Final Plat illustrating one (1) multi-family residential lot to support development of 108 multi-family dwelling units. The property is zoned RM-12 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport Overlay) District. The property is located at the northeast corner of the intersection of North Powers Boulevard and Galley Road. (Parcel No. 5407205047) (Commissioner District No. 4).

NO PUBLIC COMMENT

DISCUSSION

Mr. Trowbridge asked for clarification regarding the recommended water finding.

Ms. Seago clarified that the County Attorney's Office has provided a recommended finding of conditional sufficiency because before Cherokee Metro District's "Commitment to Serve" can be complete, they require that a copy of the Final Plat approval be provided to them within 12 months from the date of their commitment letter. While the PC may make a motion to approve, the applicant has the burden of providing the Metro District with a copy of the Final Plat approval, if granted, which will fulfill the condition.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER SF2232, FOR A FINAL PLAT, SOLACE APARTMENTS FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED CONDITIONAL 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).

D. P234

HOWSER

MAP AMENDMENT (REZONE) FAIRYTALE ACRES

A request by Jacob and Sherry Kershman for approval of a Map Amendment (Rezoning) of 14.63 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 13055 Herring Road and on the east side of Herring Road, approximately one-half of a mile north of Shoup Road. (Parcel No. 5209000030) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION

THE APPLICANT REQUESTED THAT THE PROJECT BE POSTPONED TO THE PC HEARING ON 10/19/2023.

PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO POSTPONE AGENDA ITEM 3D, FILE NUMBER P234, FOR A MAP AMENDMENT (REZONE), FAIRYTALE ACRES, THAT THE ITEM BE RESCHEDULED TO A DATE CERTAIN OF OCTOBER 19, 2023. THE MOTION WAS APPROVED (9-0).

E. SP231

BELLAMY

PRELIMINARY PLAN HAY CREEK PRELIMINARY PLAN

A request by Matrix Design Group Inc. for approval of a 213.41-acre Preliminary Plan illustrating twenty (20) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 2855 Hay Creek Road, 1.26 miles from Baptist Road. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, and 7133000001) (Commissioner District No. 3).

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

**PRELIMINARY PLAN
WATERVIEW EAST COMMERCIAL**

A request by Waterview Commercial Investors, LLC for approval of a 22.10-acre Preliminary Plan illustrating nine (9) commercial lots. The property is zoned CS (Commercial Service) and is located directly southeast of the intersection of Bradley Road and Powers Boulevard. (Parcel No. 5509200002) (Commissioner District No. 4).

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER SP229, FOR A PRELIMINARY PLAN, WATERVIEW EAST COMMERCIAL, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, FIVE (5) NOTATIONS, TWO (2) WAIVERS, 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).

4. CALLED-UP CONSENT ITEMS

**PRELIMINARY PLAN
HAY CREEK PRELIMINARY PLAN**

A request by Matrix Design Group Inc. for approval of a 213.41-acre Preliminary Plan illustrating twenty (20) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 2855 Hay Creek Road, 1.26 miles from Baptist Road. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, and 7133000001) (Commissioner District No. 3).

STAFF & APPLICANT PRESENTATIONS

Mr. Markewich asked about the areas that are highlighted within the applicant's Letter of Intent.

Ms. Bellamy stated she would need to look at the packet to see what he was referring to.

Mr. Bailey added that PCD staff does not typically mark up the applicant's documents, so the applicant would have made those marks and can address why it was done.

Mr. Whitney asked for clarification regarding the 5th recommended condition of approval; "The developer shall ensure that all easements and notes requested by the USAFA are addressed at the final plat stage." Does that mean it is not timely to do that now?

Ms. Bellamy replied that it *is* already addressed on the Preliminary Plan, but she wanted to ensure the easements and notations were not left out of the Final Plat.

Mr. Jason Alwine, with Matrix Design Group, responded to Mr. Markewich's previous question. When a revised Letter of Intent was submitted, they highlighted the changes so PCD staff did not need to search through the entire document looking for edits. The highlighting was not meant to serve as emphasis, it just wasn't turned off before final submission.

Mr. Markewich asked if a Letter of Intent would be resubmitted without the highlighting.

Mr. Alwine responded that they would submit a clean version to be sent to the BOCC. The applicant's presentation then began.

Mr. Carlson asked about an outline present on a map image within the slideshow.

Mr. Alwine explained that it was part of the offset of the property boundary for the map making program, but it has no bearing on the proposal. Presentation continued.

Mr. Whitney asked if the applicant is agreeable to PCD staff's 5th recommended condition.

Mr. Alwine confirmed and added that the note is already on the Preliminary Plan, will be carried forward onto the Final Plat, and will be included on any other necessary disclosures.

PUBLIC COMMENTS & DISCUSSION

Mr. Bailey noted that some members of the public that requested the item be heard as a Regular Item have left. He verified there is one remaining member of the public who wishes to speak.

Ms. Kaylie Drew stated she didn't get a letter notice of the public hearing but saw the posted hearing notice (poster) on the property. She noted that Ms. Bellamy's name was not on the poster, so she couldn't reach out directly to her. She came to the hearing for information because she didn't have time to read all the project information. She mentioned that there will be an impact to wildlife because elk migrate through the area. She wonders if adding 20 additional wells will impact people in the area. She would like to know if there will be additional phases. She would like to know how the increase in residents that turn off the road into this neighborhood will impact traffic for those that live further down the road. It is a two-lane road with no shoulder and she wonders how it will hold up. She mentioned wildfire risk and would like to know how the additional homes and traffic will impact her ability to get to safety. She requests that the item be postponed so people in the area can have additional time to research the information.

Mr. Alwine stated they corresponded with both CPW and US Fish & Wildlife regarding restrictions. There are other nearby large-lot developments in the area. While the developer is constructing a road into the neighborhood, individual residents will need to decide the location of their improvements. Fencing and tree-removal will follow state and federal guidelines. The finding of sufficiency regarding water is being deferred to Final Plat, so the applicant will need to address that topic at future public hearings. He clarified there will only be one phase of development, but the sale of lots and the construction of homes may happen at different times. Regarding the effect the proposal may have on traffic, the appropriate documentation was submitted to the County with no issues identified. The County asked for improvements to be made to the intersection. He explained that the number of anticipated trips is spread out over a 24-hour period, and besides peak morning and evening work commute times, should be negligible. He noted that the subject area already consists of 6 lots, so this proposal only adds 14 residences.

Mr. Markewich asked if Hay Creek Road was paved. (It is.) He then mentioned that the road was described as a narrow road with no shoulder. He asked if it would be safe to assume that a car could pass any heavy equipment traveling on and off the site.

Mr. Alwine replied that it should be possible. The proposal is a small subdivision with a small construction schedule. There may be a time where traffic must pause when there is an oversized load, for example, but it shouldn't be common because of the small scale of the proposal.

Mr. Markewich asked what would happen if damage were done to the road due to equipment.

Mr. Alwine stated the Department of Public Works would contact them if repairs needed to be done. The next step includes construction drawings, and no concerns have been mentioned so far.

Mr. Moraes asked Ms. Herington for a description of public notice requirements.

Ms. Herington answered that the application was submitted in 2022 when notifications were only sent to immediately adjacent properties. PCD's Public noticing procedures have since been updated, and PCD now notifies all property owners within 500 feet. The poster size has also increased. Going forward, both the initial notification at an application's submission *and* the notice of public hearing will be sent to property owners within 500 feet.

Mr. Moraes asked Ms. Seago for a brief overview of how water sufficiency is determined.

Ms. Seago explained that because the applicant is not requesting a finding of sufficiency with their Preliminary Plan, it will be evaluated at the Final Plat stage. They will need to provide sufficient documentation, which will be reviewed by the County Attorney's Office, to show that there is sufficient water to support the subdivision. The County Attorney's Office will then make a recommendation to the PC and BOCC of their finding.

Mr. Moraes asked what would happen if water sufficiency were not found. Would the applicant have to find another solution?

Ms. Seago confirmed and further explained that if the BOCC determines a finding of sufficiency has not been found, they could not approval the Final Plat.

Mr. Trowbridge noted that all project documents are available to the public on EDARP.

PC ACTION: TROWBRIDGE MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3E, FILE NUMBER SP231, FOR A PRELIMINARY PLAN, HAY CREEK PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, AND TWO (2) WAIVERS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

5. REGULAR ITEMS

A. PUDSP222

PARSONS

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN COPPER CHASE AT STERLING RANCH PUD PRELIMINARY PLAN

A request by Challenger Communities, LLC for approval of a combined Planned Unit Development and Preliminary Plan to create one hundred and thirty-eight (138) single-family residential lots in a single phase of development. The 19.65-acre property is zoned RS-5000 (Residential Suburban) and is located east of Vollmer Road and north of the recent Marksheffel Road extension. The PUD/Preliminary Plan is within the approved Sterling Ranch Sketch Plan. If the request for a PUD/Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property. (Parcel No. 5232410003) (Commissioner District Nos. 1 and 2).

STAFF & APPLICANT PRESENTATIONS

Ms. Parsons asked Ms. Herington to explain how PCD is going to address Master Plan placetype map errors such as the one occurring in the subject area.

Ms. Herington explained that the Master Plan implemented guidelines to recommend an evaluation after 2-3 years. Due to staff changes, the 2-year mark has passed. PCD will be reporting back to the Planning Commission sometime in the Spring of 2024 regarding a review of the Master Plan's implementation. If there are errors, changes, or updates that need to be made, PCD will work with the Planning Commission to complete those. The presentation continued.

Mr. Moraes asked how many more Sterling Ranch projects remained.

Ms. Parsons used a slideshow image of the Sketch Plan to explain the status of various Sterling Ranch projects.

Mr. Trowbridge asked for an explanation of the ECM deviations that were requested.

Ms. Andrea Barlow, with N.E.S., described the "broken back curve" that connects with Bynum Drive due to the short distance between the two curved roads. She also described the deviation request from mid-block crossings due to the continuous road exceeding 600 feet. She referenced the slideshow image to show where crosswalks will be provided. She discussed the overall pedestrian circulation within the community.

Ms. Parsons noted that ECM deviations are not granted by the BOCC or the PCD Director but are under the authority of the County Engineer.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: CARLSON MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER PUDSP222, FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, COPPER CHASE AT STERLING RANCH PUD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) 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 WAS APPROVED (9-0).

6. NON-ACTION ITEMS – NONE

MEETING ADJOURNED at 10:42 A.M.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2232
SOLACE APARTMENTS FILING NO. 2

WHEREAS, CS Powers & Galley, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Solace Apartments Filing No. 2 Subdivision for the 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 September 21, 2023; 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.
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. 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 ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;

11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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 Land Development Code, provided that the required conditions of approval are met.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of CS Powers & Galley, LLC, for a final plat of Solace Apartments Filing No. 2 be approved by the Board of County Commissioners with 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 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 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.
5. 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 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.

6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 3, 2023, as provided by the County Attorney's Office.
7. The applicant shall process and have an effective LOMR approved by FEMA prior to issuance of any building permits within this filing.
8. Within one month of issuance of the final certificate of occupancy in Filing No. 2, the Developer shall provide signal warrant analysis for the Paonia Street and Galley Road intersection to the El Paso County Planning and Community Development Department and the Department of Public Works for review. If signal warrants are not met at that time, warrant analysis shall be updated every six (6) months thereafter unless otherwise changed in writing by the County Engineer. When signal warrants are met, and upon direction from the County Engineer, the improvements to the intersection shall be fully collateralized within one month, construction documents for the signal/intersection improvements shall be submitted to PCD for approval, construction started on the improvements within six (6) months, and construction completed within 2 years of approval of the construction documents. Should it be determined that a signal warrant has not been met after the third signal warrant analysis, then the Developer shall be absolved of any responsibility for the installation of the traffic signal due to the development of Solace Apartments Filing No. 2.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. 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.
4. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

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.

SCHUETTELZ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
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 / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / 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 Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 21st day of September, 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

DATED: September 21, 2023

EXHIBIT A

TRACT A, SOLACE APARTMENTS FILING No. 1, COUNTY OF EL PASO, STATE OF COLORADO.

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Planner III
Daniel Torres, PE, Sr. Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SF2232
Project Name: Solace Apartments Filing No. 2
Parcel Number: 54072-05-047

OWNER:	REPRESENTATIVE:
CS Powers & Galley, LLC 510 South Neil Street Champaign, IL, 61820	Kimley-Horn & Associates 2 North Nevada Avenue, Suite 300 Colorado Springs, CO, 80903

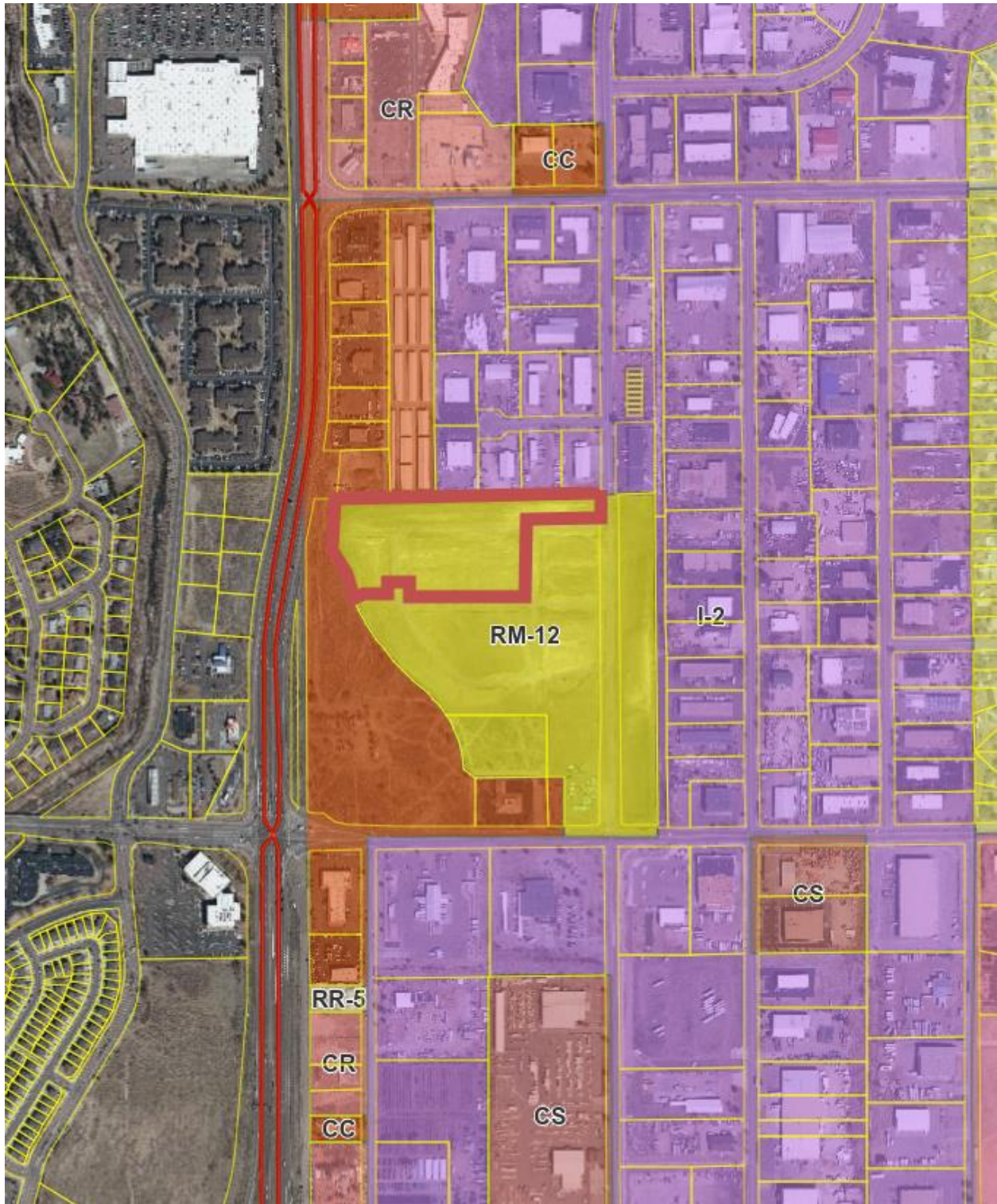
Commissioner District: 4

Planning Commission Hearing Date:	9/21/2023
Board of County Commissioners Hearing Date:	10/12/2023

EXECUTIVE SUMMARY

A request by CS Powers & Galley, LLC for approval of a 7.685-acre Final Plat illustrating one (1) multi-family residential lot platted to accommodate 108 multi-family dwelling units. The property is zoned RM-12 (Residential, Multi-Dwelling), subject to the CAD-O (Commercial Airport Overlay) District, and is located at the northeast corner of the intersection of North Powers Boulevard and Galley Road.





Vicinity Map

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A. AUTHORIZATION TO SIGN: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
- The subdivision is consistent with the purposes of the Land Development Code (“Code”).
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
- 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.
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual (“ECM”) are provided by the design.
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.



- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
- Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.

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

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C. LOCATION

North:	CC (Commercial Community) I-2 (Limited Industrial)	Industrial/Commercial Industrial/Commercial
South:	RM-12 (Residential Multi-Dwelling)	Residential
East:	I-2 (Limited Industrial)	Industrial/ Commercial
West:	CC (Commercial Community)	Vacant (CDOT Right-of-Way)

D. BACKGROUND

On April 11, 2017, the Board of County Commissioners (BoCC) approved a request to rezone the property from CC (Commercial Community) to RM-12 (Residential, Multi-Dwelling) (PCD file no: P167). On November 10, 2020, the BoCC approved a request for the Solace of Colorado Springs Preliminary Plan (PCD file no. SP201).

The BoCC approved the Rezoning and Preliminary Plan requests with specific conditions and notations related to aircraft noise, setbacks, and compatibility with the surrounding industrial zoning; staff recommends these conditions should be included within the Final Plat (See Recommended Conditions of Approval and Notations below).

Solace Apartments Filing No. 1 included 234 multi-family dwelling units (10 residential structures), a swimming pool, and a clubhouse, and was approved administratively by the Planning and Community Development Director on September 27, 2022 (PCD file no. SF2032). The currently proposed Filing No. 2 consists of 108 multi-family dwelling units (5 residential structures). The applicant requested a deferred finding of water sufficiency in terms of quality, quantity, and dependability for Filing No. 2 until the final plat, which precluded administrative final plat approval for Filing No. 2.

E. ANALYSIS

1. Land Development Code Analysis

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code.

2. Zoning Compliance

The RM-12 (Residential Multi-Dwelling) zoning district is intended to accommodate moderate density single-family attached and low-density multi-dwelling

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development. The RM-12 (Residential Multi-Dwelling) zoning district density and dimensional standards are as follows:

- Minimum lot size – 3,500 square feet
- Maximum density – 12 dwelling units per acre
- Setbacks – front 15, sides 10 feet, and rear 20 feet
- Maximum building height – 40 feet
- Maximum lot coverage – 70 percent

Inclusive of Filing No. 1, the development includes 28.99 acres, which could permit a maximum of 346 residential dwelling units. The 108 dwelling units proposed with Filing No. 2 brings the total number of units for the development to 342, which would result in a density that is less than the maximum allowed in the zoning district.

The property is also located within the CAD-O (Commercial Airport Overlay) District. The property is located within the Accident Potential Zone-2 (APZ-2) Sub-Zone. Multiple-family residences are listed as allowed uses within the APZ-2 Sub-Zone. The proposal is consistent with the requirements of the CAD-O District and the APZ-2 Sub-Zone. The Colorado Springs Airport Advisory Commission was sent a referral and has no outstanding comments.

A site development plan will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards as well as the general development standards of the Land Development Code and the requirements of the Engineering Criteria Manual.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Employment Center

Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.

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Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development.

Recommended Land Uses:

Primary

- *Light Industrial/Business Park*
- *Heavy Industrial*
- *Office*

Supporting

- *Commercial Retail*
- *Commercial Service*
- *Restaurant*

Placetype Character: Military

Land use and development near and immediately adjacent to existing military installations, as well as their ancillary facilities, require additional consideration with regard to the compatibility of development and the potential for impacts or interference with military lands and potential future military base missions. The five military installations in the County, Cheyenne Mountain Air Force Station, Fort Carson, Peterson Air Force Base, Schriever Air Force Base, and the U.S. Air Force Academy (USAFA), each function of their own accord.

Most include a mix of residential and other supporting uses in addition to their core military functions. In total they serve over 151,000 active-duty, National Guard, Reserve, retired military personnel, contractors, and other related tenants throughout Colorado's Front Range. The County continues to partner with all of the installations to maintain compatible use transitions and buffers adjacent to each installation through open space protection and site-specific development restrictions. Base Realignment and Closure (BRAC) is a key factor in the Military placetype. This is the only placetype that proposes to describe primary and supporting land uses for areas around and near the placetype, which causes overlap with adjacent placetypes.

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Recommended Land Uses:

Primary

- *Military Operation*
- *Office*
- *Light Industrial*
- *Multifamily Residential*

Supporting

- *Single-Family Detached Residential*
- *Single-Family Attached Residential*
- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Entertainment*
- *Institutional*
- *Parks and Open Space*

Analysis:

Residential uses are not identified as recommended land uses within the Employment Center placetype. However, the property is also located within the Military Reservation Buffer area, which identifies multi-family residential uses as a recommended primary land use within this area. Additionally, the proposed Final Plat is consistent with the RM-12 zoning district and the approved Preliminary Plan. Relevant goals and objectives are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Goal HC1 – *Promote development of a mix of housing types in identified areas.*

Goal HC3 – *Locate attainable housing that provides convenient access to goods, services, and employment.*

Objective HC1-6 – *Single-family attached housing such as townhomes, rowhomes, and multi-unit apartment homes should be used to create seamless transitions between low-intensity and high-intensity neighborhoods as well as nonresidential uses.*

Goal M1 – *Support compatible land uses within and in close proximity to bases and associated facilities.*

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Objective M1-1 – Continue to include military installation representatives in regional planning efforts such as transportation plans, master plans, and facilities planning to ensure compatibility among future desired development and military operations.

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 property is located within the Transition area. This property has already been zoned and is subject to a Preliminary Plan for multi-family residential development. A relevant priority is as follows:

Goal LU3 Priority – *The Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment will be intense enough to transition the existing development setting to an entirely new type of development.*

c. Key Area Influences: Enclaves or Near Enclaves

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

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



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

Key Area Influence: Colorado Springs Airport/Peterson Air Force Base

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

Analysis:

The property is located within the Enclaves Key Area, which is determined to be an appropriate area for urban-density residential uses. Additionally, the property is in proximity to Colorado Springs Airport and Peterson Space Force Base (identified in the Master Plan as its former name, Peterson Air Force Base). The Master Plan identifies this area as appropriate for nonresidential development, consistent with the Employment Center Placetype; however, the proposed final plat is consistent with the RM-12 zoning district and the approved

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Preliminary Plan, and potential compatibility issues regarding the proximity to the airport have been identified and included as conditions of approval at the Rezone and Preliminary Plan stages.

3. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; 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.*

Goal 3.1 – *Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

Goal 3.4 – *Promote cooperation between water providers to achieve increased efficiencies on storage.*

Goal 3.7 – *Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.*

Goal 4.5 – *Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

Policy 5.2.4 – *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.*

Policy 5.5.1 – *Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.*



Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps.

The following information pertains to water demands and supplies in Region 5 for central water providers:

The Plan identifies the current demands for Region 5 to be 4,211 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,443 AFY (Figure 5.2). The projected demand in 2040 is at 6,468 AFY (Figure 5.1) with a projected supply in 2040 of 6,800 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 9,608 AFY (Figure 5.1) with a projected supply in 2060 of 10,131 AFY (Figure 5.2). This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the Water Master Plan. The needs analysis in the Plan states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

Water sufficiency has been analyzed with the review of the proposed subdivision. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

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G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the final plat.

2. Floodplain

This property is not located within a defined floodplain as shown in the FEMA Flood Insurance Rate Map panel number 08041C0752G, dated December 7, 2018. A FEMA floodplain is located within the previously approved Solace Apartments Filing No. 1. Solace Apartments Filing No. 1 has a condition of approval that an effective LOMR shall be approved by FEMA prior to any issuance of building permits within Filing No. 2. A plat note reflecting this condition has been provided on the Final Plat document as well as a condition of approval as indicated below.

3. Drainage

The property is located within the Sand Creek (FOFO4000) Drainage Basin, which is a studied drainage basin with drainage and bridge fees. Bridge fees for the subdivision were previously paid with Solace Apartments Filing No. 1. Drainage fees for the subdivision were deferred due to the construction of reimbursable channel improvements identified within the Sand Creek Drainage Basin Planning Study (DBPS). It is the responsibility of the applicant to follow procedures outlined within the Drainage Criteria Manual to request reimbursement of the DBPS improvements constructed.

Stormwater runoff from the site will be routed via an existing private storm system into the existing private full spectrum detention ponds A & B, constructed with Solace Apartments Filing No. 1. The two ponds will mitigate the site's developed runoff and release flows at or below historic rates to the Sand Creek Center Tributary Drainageway along the eastern property line of Solace Apartments Filing No. 1.

4. Transportation

The site is located within the northeast quadrant of the intersection of Galley Road and Powers Boulevard. The development will obtain access to the site via two access points along the extension of Paonia Street being constructed with Solace Apartments Filing No. 1.

The associated traffic study submitted for the entire subdivision identified public improvements which are currently under construction with Solace Apartments Filing

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No. 1. The traffic study also identified that traffic signal warrants are projected to be met with existing traffic and build-out of the subdivision at the intersection of Galley Road and Paonia Street. Signal construction plans have been approved by the ECM administrator for this intersection. The applicant shall monitor the intersection as indicated in the condition of approval below and shall construct the signal/intersection improvements once warrants are met. The applicant is responsible for completing a Road Impact Fee Credit agreement with El Paso County to establish credits through the El Paso County Road Impact Fee Program prior to the construction of the signal/intersection improvements.

There are no improvements identified in the El Paso County 2016 Major Transportation Corridors Plan Update. The development is subject to the El Paso County Road Impact Fee program (Resolution 19-471, as amended).

H. SERVICES

1. Water

Cherokee Metropolitan District has provided a commitment to serve the development. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Final Plat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Wastewater is provided by the Cherokee Metropolitan District. The District has provided a commitment letter to serve the anticipated development.

3. Emergency Services

The property is within and is currently served by the Cimarron Hills Fire Protection District. The District was sent a referral for the project and did not provide a response.

4. Utilities

Colorado Springs Utilities (CSU) provides natural gas and electric services to the property. CSU was sent a referral for the project and does not have any outstanding comments.

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5. Parks/Trails

Fees in lieu of park land dedication in the amount of \$49,680.00 for regional fees (Area 2), \$12,312.00 for neighborhood fees (Area 5), and \$19,008.00 for community fees (Area 5) will be due at the time of recording the final plat.

6. Schools

Fees in lieu of school land dedication in the amount of \$11,016.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major 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 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) 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 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.

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4. 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.
5. 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 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.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 3, 2023, as provided by the County Attorney's Office.
7. The applicant shall process and have an effective LOMR approved by FEMA prior to issuance of any building permits within this filing.
8. Within one month of issuance of the final certificate of occupancy in Filing No. 2, the Developer shall provide signal warrant analysis for the Paonia Street and Galley Road intersection to the El Paso County Planning and Community Development Department and the Department of Public Works for review. If signal warrants are not met at that time, warrant analysis shall be updated every six (6) months thereafter unless otherwise changed in writing by the County Engineer. When signal warrants are met, and upon direction from the County Engineer, the improvements to the intersection shall be fully collateralized within one month, construction documents for the signal/intersection improvements shall be submitted to PCD for approval, construction started on the improvements within six (6) months, and construction completed within 2 years of approval of the construction documents. Should it be determined that a signal warrant has not been met after the third signal warrant analysis, then the Developer shall be absolved of any responsibility for the installation of the traffic signal due to the development of Solace Apartments Filing No. 2.

NOTATIONS

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

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2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. 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.
4. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty-nine (29) property owners on September 5, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

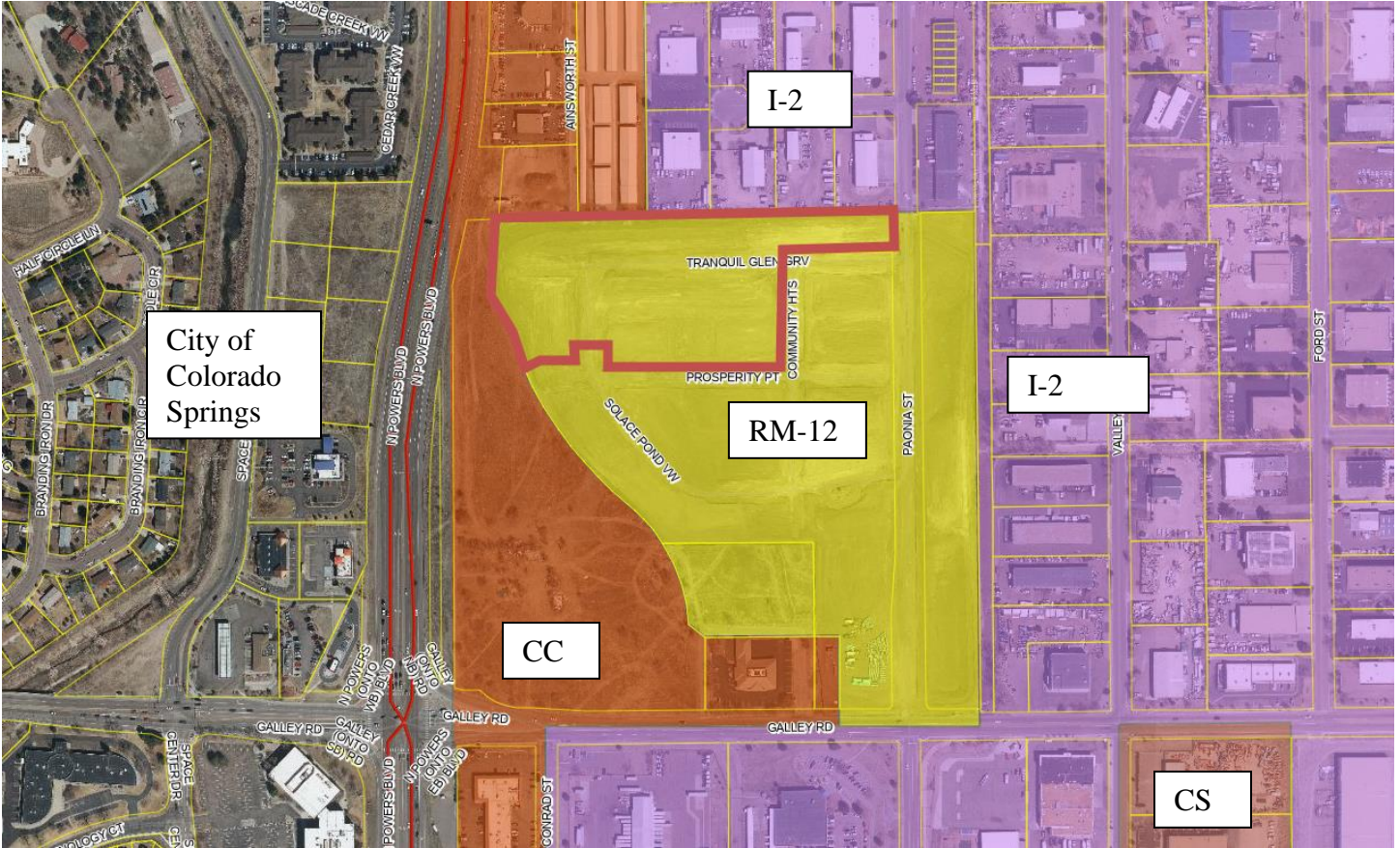
Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter
Colorado Springs AAC Review Letter
Draft Resolution

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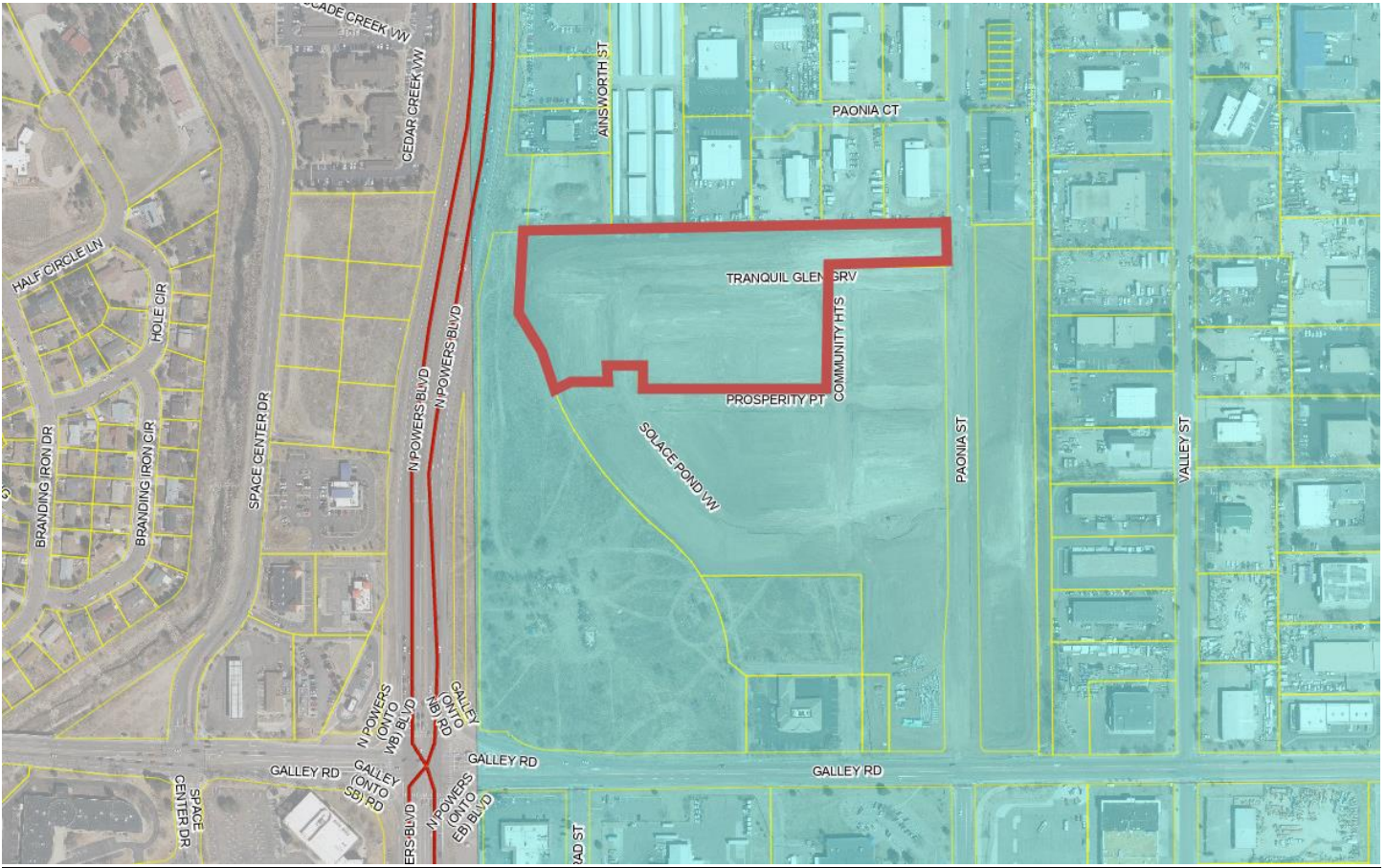


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Map Exhibit #1: Zoning



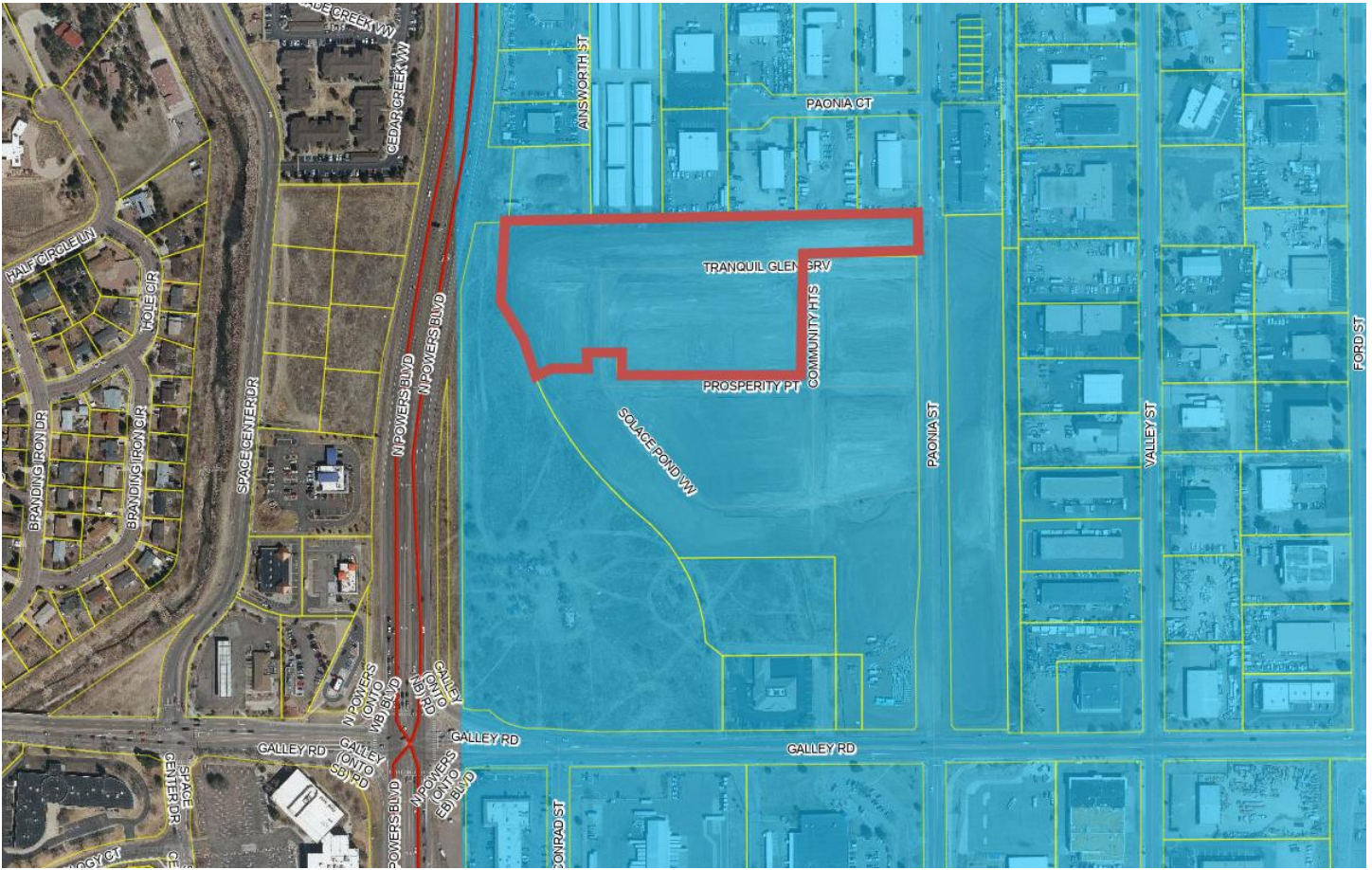
Map Exhibit #2: Placetype



Legend

- | | |
|---|---|
| Rural | Employment Center |
| Large-Lot Residential | Regional Open Space |
| Suburban Residential | Mountain Interface |
| Urban Residential | Military |
| Rural Center | Utility |
| Regional Center | Incorporated Area |

Map Exhibit #3: Area of Change

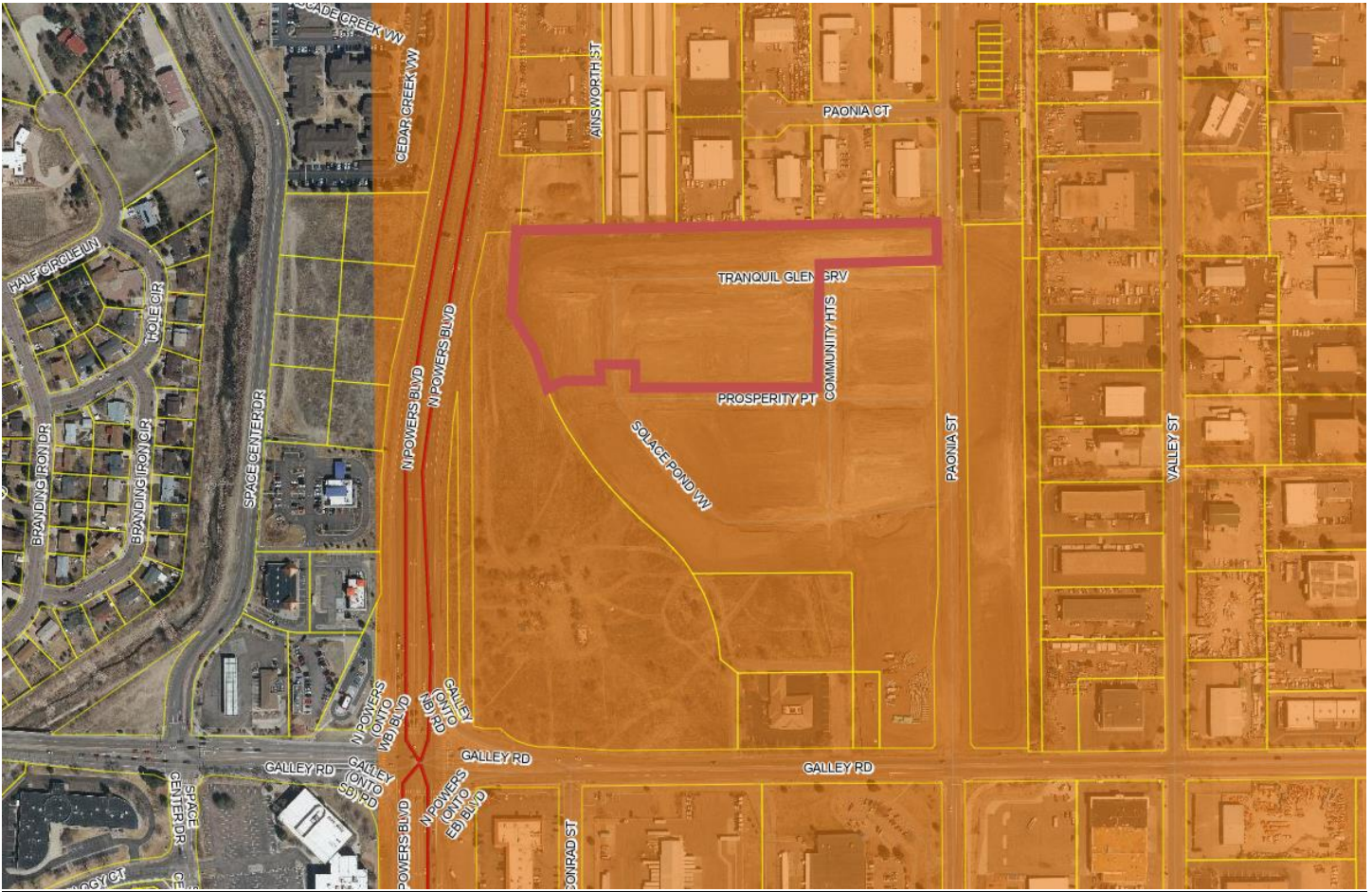


Legend

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



Map Exhibit #4: Key Area



Legend

- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources



SOLACE APARTMENTS FILING NO. 2
A REPLAT OF TRACT A, SOLACE APARTMENTS FILING NO. 1
SITE DEVELOPMENT PLAN AND FINAL PLAT LETTER OF INTENT

OWNER/APPLICANT

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

ENGINEERING & PLANNING

KIMLEY-HORN AND ASSOCIATES, INC.
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903
ATTN: Eric Gunderson, PE
PHONE: (719) 453-0180
EMAIL: eric.gunderson@kimley-horn.com

SURVEYING

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

REQUEST

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

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

PROJECT DESCRIPTION

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

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

PROPERTY LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

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

Property Zone History

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

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

Per the agreement and approval with Phase 1 (File No. 2032), the applicant also requests with Phase 2 findings of:

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

RM-12 ZONING COMPLIANCE:

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

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

YOUR EL PASO MASTER PLAN CONFORMANCE

The proposed final plat and site plan is in general conformance with the EL Paso County Master Plan as discussed in detail below. The Plat implements the existing RM-12 zone (**PCD File No. SF-20-032**) to create a legal zoning lot for proposed multifamily development. Findings of Master Plan conformance are/have been approved through the preliminary plan application. The Plat is also consistent with general Master Plan and approved Zone Change to implement the multifamily land use for the existing phase 1 and 2 project. Increased market demand for housing in the county is reflected in and consistent with the recent residential infill developments in the county.



Key Areas

- | | | |
|---|--|---|
| Military Installations and 2 Mile Notification Zone | Small Town & Rural Communities | Tri-Lakes Area |
| Potential Area For Annexation | Forested Area | Colorado Springs Airport/ Peterson Air Force Base |
| Enclaves or Near Enclaves | Fountain Creek Watershed Flood Control & Greenway District | Uncommon Natural Resources |
| Pikes Peak Influence Area | | |

The project area lays within: **Enclaves or Near Enclaves** are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but there are a number of smaller enclaves around the project area

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

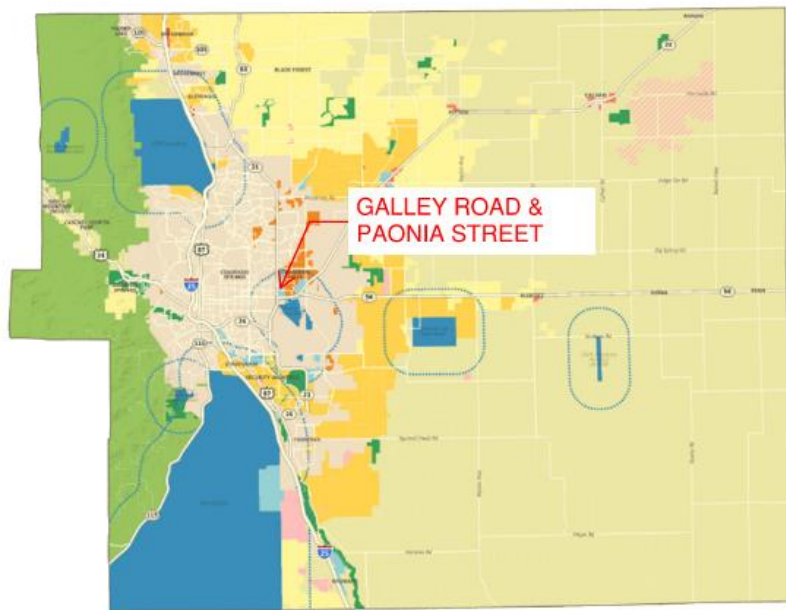
stormwater runoff, or are otherwise served by one or more municipal (District) utilities. The character and intensity of new development or redevelopment in these enclaves shall match that of the development in the the surrounding area. This is consistent with the currently approved Phase 1 plans.

It is also recognized that the project area also lays with the **Colorado Springs Airport** overlay. The airport is the second largest in the State of Colorado with continually rising passenger totals and activity. Currently, large amounts of land adjacent to the airport are primed for commercial and industrial development, in part due to the establishment of a Commercial Aeronautical Zone (CAZ). The Board of County Commissioners approved the CAZ to attract local businesses and spur development on the available land. The County should continue to prioritize growth in this area to help expand the Employment Center in unincorporated El Paso County. While the focus is on the Employment Centers, the residential relationships with the Enclave land uses strengthens the county’s development of live and work services. the Peterson Air Force Base also utilizes the Colorado Springs Airport for military flight operations and hosts various military activities critical to national security. The County and the pervious plan approvals have also coordinate with the two airport facilities and the related Airport Accident Potential Zone (APZ).

Since the original properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use that comprises of

commercial/retail uses supporting a growing single-family residential market base in the area.

The approved of the RM-12 CAD-O zoning in 2017 (per the approved rezone through phase 1) and planned multifamily land uses and densities are consistent with that growing change in the character of the adjacent commercial, industrial, public and residential land uses. The zone changes over the years continue to fuel the development and redevelopment if the job-centered enclave.

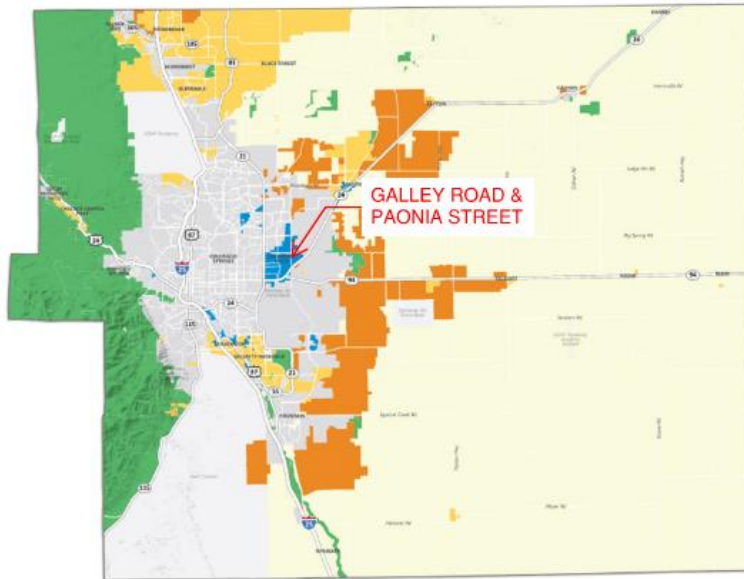


There has also been a substantial ongoing change in the character of the area's development and land use patterns creating a mixed land use character that incorporates commercial, industrial, single & multifamily densities centered at the Powers/Galley intersection and adjacent corridors. This development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

Placetypes



Since the properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004 and the 2017 zone change to RM-12, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use comprised of commercial/retail uses supporting a growing the residential market base.



Areas of Change

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

larger scale in line with a commercial center. As recognized with the previous approved zone change and Phase 1 plans, the area is a dynamic area of change that is be defined by new services and neighborhood opportunities.

Per the Master Plan, this area of the county is identified as a Transition area. This is a 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

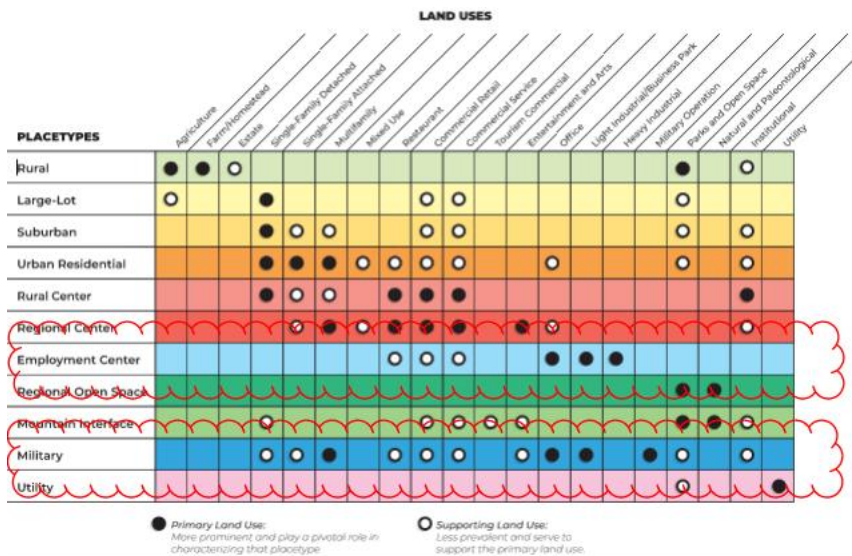
MASTER PLAN CONFORMITY (LAND USE & HOUSING)

Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

Land Use

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



The proposed multifamily uses and densities are compatible with the existing and approved residential, commercial, and industrial land use patterns. Plat and Site Development Plan approval will implement development consistent with the intent and goals of the Master Plan. Under the referenced under the Conditions and Notation of Approval item No. 4; Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-12 (Residential Multi-Dwelling) zoning district and the applicable sections of the Land Development Code and Engineering Criteria Manual.

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

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

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

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

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

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

According to the Priority Development Areas Map in the Master Plan, the site is located within an Employment Center and Military Reservation Buffer Placetype. Some parts of Cimarron Hills are located in Accident Potential Zones (APZ) for the Colorado Springs Airport. The project recognizes that residential development has been discouraged in some cases in the area. Cimarron Hills is an Employment Center placetype, which includes commercial, and employment uses. Phase 2 was reviewed and approved with Phase 1 of the projects that has defined the current phase of development as residential. Upon additional findings, phase two is in compliance with Project File No. 2032.

Phase 2 is in accordance with Phase 1 (Project File No. 2032), and approved Resolution No. 17-118. It is understood that the site is an airport overlay zone. Upon the approved Phase 1 Site Development Plan all construction will abide to the overlay regulations.

Consistent with the Master Plan, future development may impact the Peterson Airforce Base and the surrounding area. With that said, it is also understood that this development should consider providing workforce housing in order to broaden the level of housing affordability in the surrounding area and for the local employers. The project development also supports the County Opportunity Zones and Priority Development Areas.

Project Objective:

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

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

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

WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

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

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

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

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

FINAL PLAT DESCRIPTION

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

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

REVIEW/APPROVAL CRITERIA

1. The subdivision is in substantial conformance with the approved preliminary plan; **The subdivision boundaries are consistent with Solace of Colorado Springs Preliminary Plan (SP-20-001). The property is being platted with existing proposed densities provided from the current RM-12 zone. The property is currently a platted tract and not eligible for development under existing condition until a final replat is approved.**
2. The subdivision is consistent with the subdivision design standards and regulations, and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials; **The required reports and plans have been submitted for review against County Subdivision requirements including compliance with applicable LDC, ECM, DCM, and other applicable County, State, and/or federal regulatory requirements.**
3. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

Cherokee Metropolitan District has committed to provide a sufficient water supply in terms of quantity, quality and dependability needed to meet the domestic and irrigation demand of the proposed development.

4. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
Cherokee Metropolitan District has committed to provide wastewater disposal service that is adequate to meet the wastewater disposal and treatment demands of the proposed development.
5. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
Per studies provided in Phase 1; No areas have been identified as a hazardous soils or topographical concern. The site conditions do support the intended Multi-family use.
6. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
Per the master drainage study provided and approved in Phase 1, all proposed improvements associated with Phase 2 have been accounted for with proposed storm sewer, detention ponds and drainage channels.
7. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

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

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

- When constructed, this development would generate an estimated 2,547 vehicle-trips during the day with 160 of these trips occurring during the AM peak and 195 trips occurring during the PM peak.
- No improvements to existing Paonia St north of the site are required.
- Based on the results of this analysis, current and future conditions at the intersection of Galley Rd and Paonia St would meet signal warrants. This intersection should be monitored to determine when signalization is necessary. An annual warrant study should be performed, starting with a study approximately 1 month after completion of the intersection reconstruction adding a new north leg. The warrant study should be based upon 10-12 hours of turning movement counts in order to provide actual rather than scaled values, and the evaluation should incorporate the most recent crash history. The proposed development is expected to generate approximately 9 percent of the traffic traveling through the intersection in the short term and 7 percent in the long term. Coordination with the Engineering Manager and/or County Engineer may be required to determine further responsibility of the developer.
- Consideration should be given to restricting the northbound left turn movement at the Galley Rd/Conrad St intersection to reduce congestion at this location.
- Auxiliary turn lanes should be installed along the southbound and eastbound approaches to the Galley Rd/Paonia St intersection and left turn lanes should be provided at the site accesses to Paonia St.
- When the intersection of Galley Rd and Paonia St is reconstructed with a new north leg as an unsignalized intersection, a crosswalk should be striped on the north leg of the intersection, and, when signalized, on the west leg of the intersection.
- McAuliffe Elementary School is within 2 miles of the project site; therefore, missing sidewalk gaps and improvements to existing sidewalks should be made for better access. A six-foot sidewalk will need to be constructed on the north side of Galley Rd between Powers Blvd and east of Paonia St.
- It is acknowledged that the unit count dropped for all these studies by 6 units, which would be less than the demand calculated for Phase 1 report, thus within compliance of any approved report.

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

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

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

Infrastructure Capacity (Utilities and Urban Services)

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

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

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

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

9. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
The plans comply with applicable provisions of Chapter 6 for fire protection and access. Water supply demands for fire suppression will be coordinated with the Cimarron Hills Fire Department.

10. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
A Noise Attenuation report was prepared by ASTI Environmental (ASTI) and submitted with the Preliminary Plan. According to ASTI, "based on the data sources cited in this letter (report) and noise level calculations using HUD

methodology, the required 30 dB(A) reduction and less than 30 dB(A) interior noise will be attained by the proposed development.

11. **Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;**

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

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

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

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

FINAL PLAT
SOLACE APARTMENTS FILING NO. 2
A REPLAT OF TRACT A, SOLACE APARTMENTS FILING No. 1
A PORTION OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL BY THESE PRESENTS:

That CS Powers & Galley, LLC, a Delaware limited liability company, being the owners of the following described tract of land to wit:

LEGAL DESCRIPTION:

TRACT A, SOLACE APARTMENTS FILING No. 1, COUNTY OF EL PASO, STATE OF COLORADO.

DEDICATION

The above owner has caused said tract of land to be platted into a lot and easements as shown hereon. The tract of land herein platted shall be known as "SOLACE APARTMENTS FILING NO. 2" in the County of El Paso, State of Colorado.

OWNERSHIP AND ACKNOWLEDGMENT STATEMENT:

The aforementioned, CS Powers & Galley, LLC, a Delaware limited liability company, has executed this instrument this ____ day of _____, 2023, A.D.

Ryan Tobias, Managing Member
CS Powers & Galley, LLC, a Delaware limited liability company

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 a lot and easements as shown hereon under the name and subdivision of SOLACE APARTMENTS FILING NO. 2. The utility easements shown hereon were previously dedicated by the plat of Solace Apartments Filing No. 1 for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements were 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.

By: _____
Ryan Tobias, Managing Member, CS Powers & Galley, LLC, a Delaware limited liability company, its successors and assigns.

By: _____

Title: _____

ATTEST: (if corporation)

Secretary/Treasurer

STATE OF _____ }
COUNTY OF _____ } SS

The above and aforementioned instrument was acknowledged before me this ____ day of _____, 2023, A.D.

By: Ryan Tobias, Managing Member

Witness my hand and seal:

My Commission expires _____

Notary Public _____

EASEMENT STATEMENT:

All public drainage, utility and improvement easements are as shown hereon. All easements shown or dedicated herein for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

FLOOD PLAIN CERTIFICATION:

According to the National Flood Insurance Program, Flood Insurance Rate Map Panel 08041C0752G with an effective date of December 7, 2018, the subject property is located in Zone X (an area determined to be outside the 0.2% annual chance floodplain).

SURVEYOR'S NOTES

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18-4-508.
3. The lined units used in this drawing are U.S. Survey Feet. A U.S. Survey Foot is defined as 1200/3937 meters.
4. This survey does not constitute a title search by Barron Land, LLC to determine ownership, rights-of-way, or easements of record. For information regarding ownership, rights-of-way, and easements of record, Barron Land, LLC relied upon Title Commitment Order No. SC55107784, with an effective date of September 13, 2022 as provided by Old Republic National Title Insurance Company and Land Title Guarantee Company.
5. This survey was performed in the field on Septemeber 9, 2022.
6. The overall subject parcel contains a calculated area of 334,741 square feet (7.68 acres) of land, more or less.
7. BASIS OF BEARINGS: Bearings are based upon Northerly lines of Tract A & Tract B, monumented at the Northwest corner of Tract A with a #5 rebar and 1.5" aluminum cap stamped "JR ENG PLS 38252", and monumented at the Northeast corner of Tract B with a #5 rebar, and is assumed to bear N 89°58'24" E, a field measured distance of 1311.73 feet.
8. Unless stated otherwise, all found or set monuments are flush with grade.
9. The approval of this Replat vacates all prior plats for the area described by this plat.
10. There shall be no direct lot access to North Powers Boulevard.
11. Geologic hazard note:

Per the Geotechnical Investigation report prepared by CTL Thompson, Inc., dated January 15, 2020, (CTL Thompson Project No. CS19163.001-125), and Geologic Hazards Evaluation and Preliminary Geotechnical Investigation dated December 10, 2019, (CTL Thompson Project No. CS19163.000-105) - No geologic hazards were identified at this site that CTL Thompson believes preclude development of the project as planned. Regional geologic conditions that impact the site include seismicity and radioactivity and may pose engineering constraints to development. CTL Thompson believes these conditions can be mitigated with engineering design and construction methods commonly employed in this area. Geologic Hazards and mitigation alternatives are discussed in the Geotechnical Investigation Report and the Geologic Hazards Evaluation.

12. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice, approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guideline enacted or promulgated under or with respect to such laws.

13. All property within this subdivision is subject to an Avigation Easement as recorded at Reception No. 221101914 of the records of the El Paso County Clerk and Recorder.

14. 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 submittal. 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.

15. Notice of potential aircraft overflight and noise impact associated with airport: this serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. this property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.

16. 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. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

17. No driveway shall be established unless an access permit has been granted by El Paso County.

18. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

19. 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; noise report.

20. 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 Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife service regarding the endangered species act, particularly as it relates to the listed species (e.g., Preble's Meadow jumping mouse).

21. The addresses exhibited on this Plat are for informational purposes only. They are not the legal description and are subject to change.

22. An existing blanket access easement exists over Tract A, Solace Apartments Filing No. 1 for emergency services and will remain in effect over Lot 1, Solace Apartments Filing No. 2.

23. A 30 dB(A) indoor noise reduction shall be achieved by approved construction techniques as evidenced by a noise reduction certificate prior to site development plan approval.

24. An effective LOMR for the floodplain identified in Solace Apartments Filing No. 1 shall be approved by FEMA prior to issuance of any building permits within this filing.

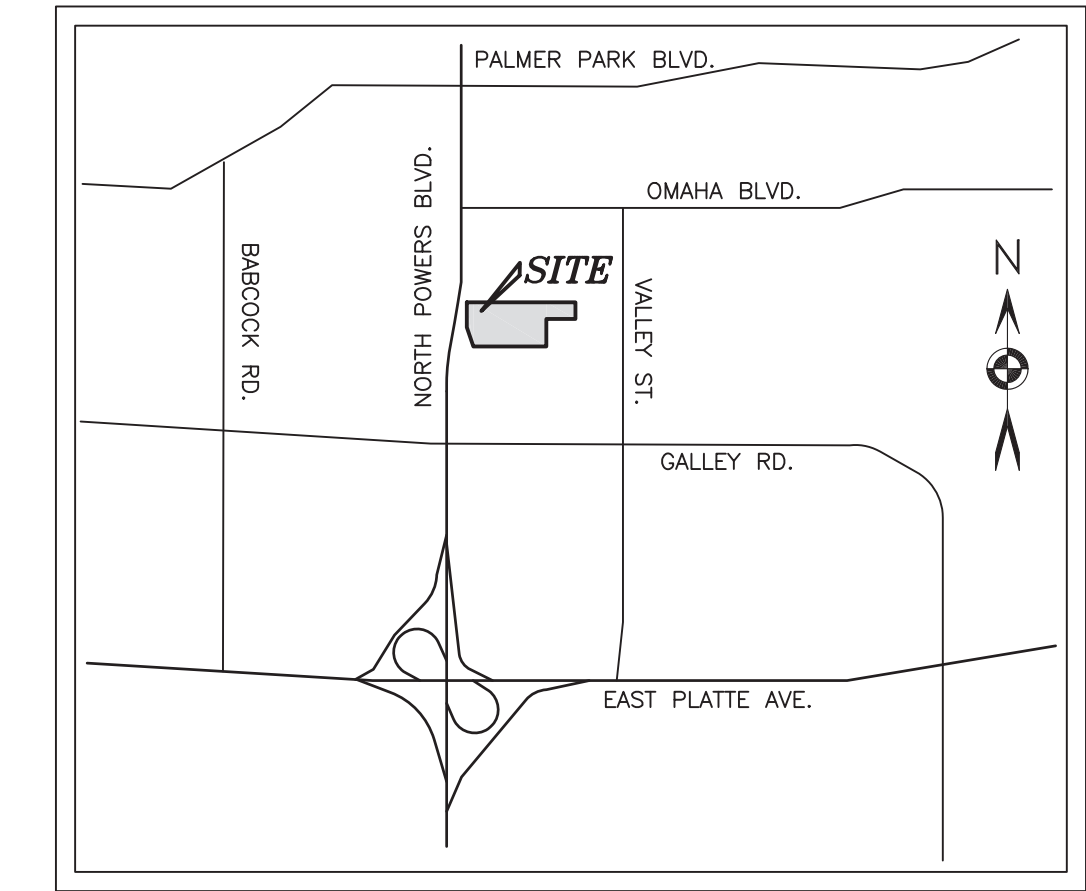
25. Utility Providers:

Sanitary Sewer: Cherokee Metropolitan District

Water: Cherokee Metropolitan District

Electric: Colorado Springs Utilities

Gas: Colorado Springs Utilities



VICINITY MAP
(NOT TO SCALE)

SURVEYOR'S CERTIFICATE:

I Spencer J. Barron, 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 September 9, 2022, by me or under my direct supervision and that the monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.



Spencer J. Barron
Colorado Professional Land Surveyor No. 38141
For and on behalf of Barron Land, LLC

COUNTY APPROVAL

This plat for SOLACE APARTMENTS FILING NO. 2 was approved for filing by the El Paso County, Colorado Board of

County Commissioners on the _____ day of _____, 2023, subject to any notes specified herein and any conditions included in the resolution of approval. The prior dedications of land to the public (easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual.

Chair, Board of County Commissioners Date

Planning and Community Development Director Date

RECORDING

STATE OF COLORADO }
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record at my office at ____ O'clock __M., this day of _____, 2023 A.D., and is duly recorded under Reception Number _____ of the records of El Paso County, Colorado.

Fee: _____

Surcharge: _____

Steve Schleiher, Recorder

By: _____
Deputy

FEES:

School Fee (School District ____): _____

Bridge Fee (Sand Creek Drainage Basin): \$ _____

Urban Park Fee: _____

Regional Park Fee: _____

Drainage Fee (Sand Creek Drainage Basin): \$ _____

REVISIONS			
No.	Remarks	Date	By
1	ADDRESS COUNTY COMMENTS	11/28/22	KPB
2	ADDRESS COUNTY COMMENTS	2/8/23	KPB
3	ADDRESS COUNTY COMMENTS	5/18/23	KPB
4	ADD ADDRESSES	7/13/23	SJB

OWNER OF RECORD:

CS Powers & Galley, LLC
510 South Neil St.
Champaign, IL 61820

SF2232

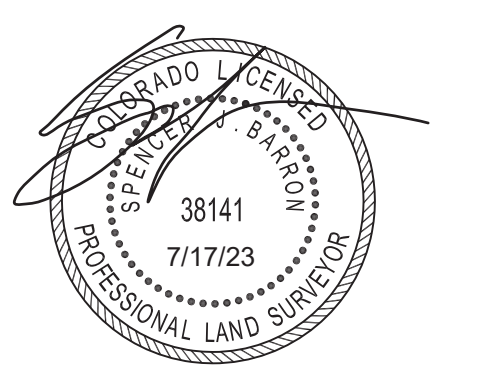
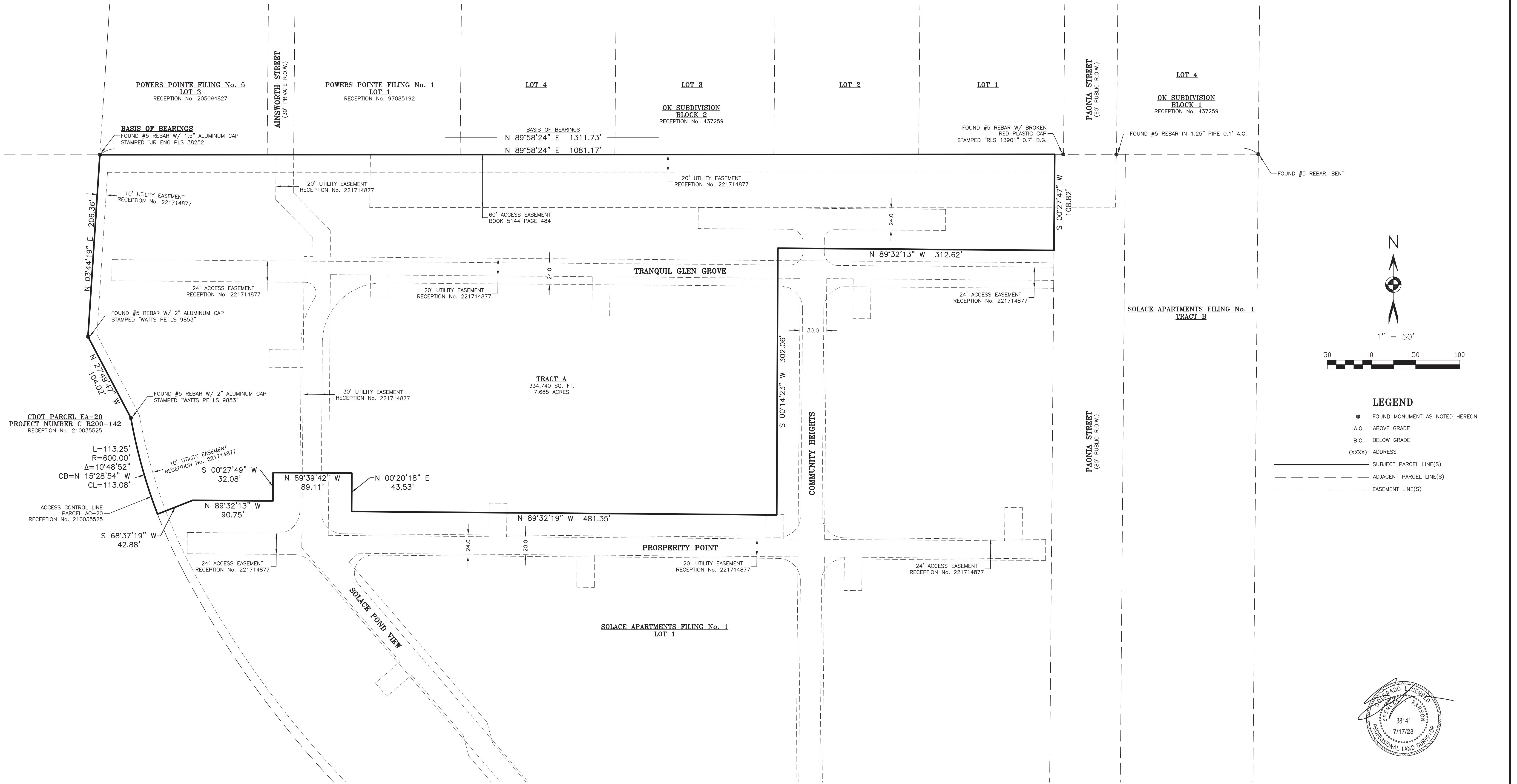
BARRON **LAND**
BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION
2790 N. Academy Blvd., Suite 311 P: 719.360.6827
Colorado Springs, CO 80917 F: 719.466.6527
www.BARRONLAND.com

PROJECT No.: 22-031 SHEET 1 OF 3

FINAL PLAT SOLACE APARTMENTS FILING NO. 2

A REPLAT OF TRACT A, SOLACE APARTMENTS FILING No. 1
A PORTION OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF EL PASO, STATE OF COLORADO

AS PLATTED



DATE: 09/23/2022		REVISIONS	
No.	Remarks	Date	By
1	ADDRESS COUNTY COMMENTS	11/28/22	KPB
2	ADDRESS COUNTY COMMENTS	2/8/23	KPB
3	ADDRESS COUNTY COMMENTS	5/18/23	KPB
4	ADD ADDRESSES	7/13/23	SJB

SF2232

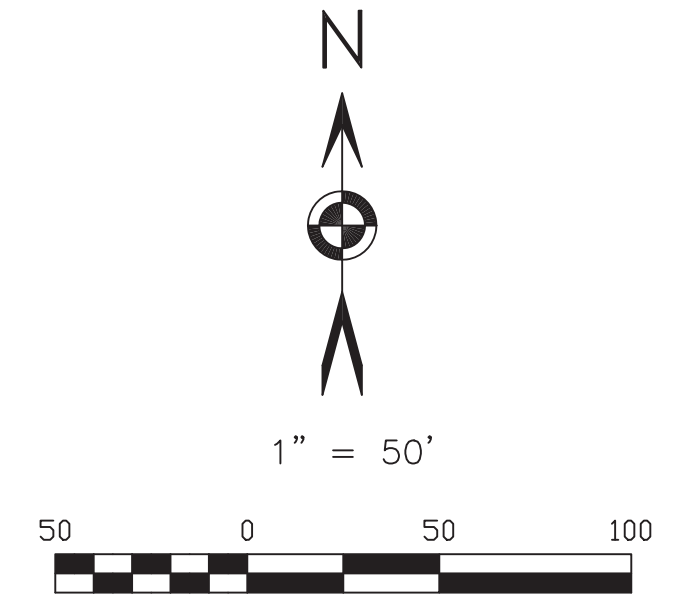
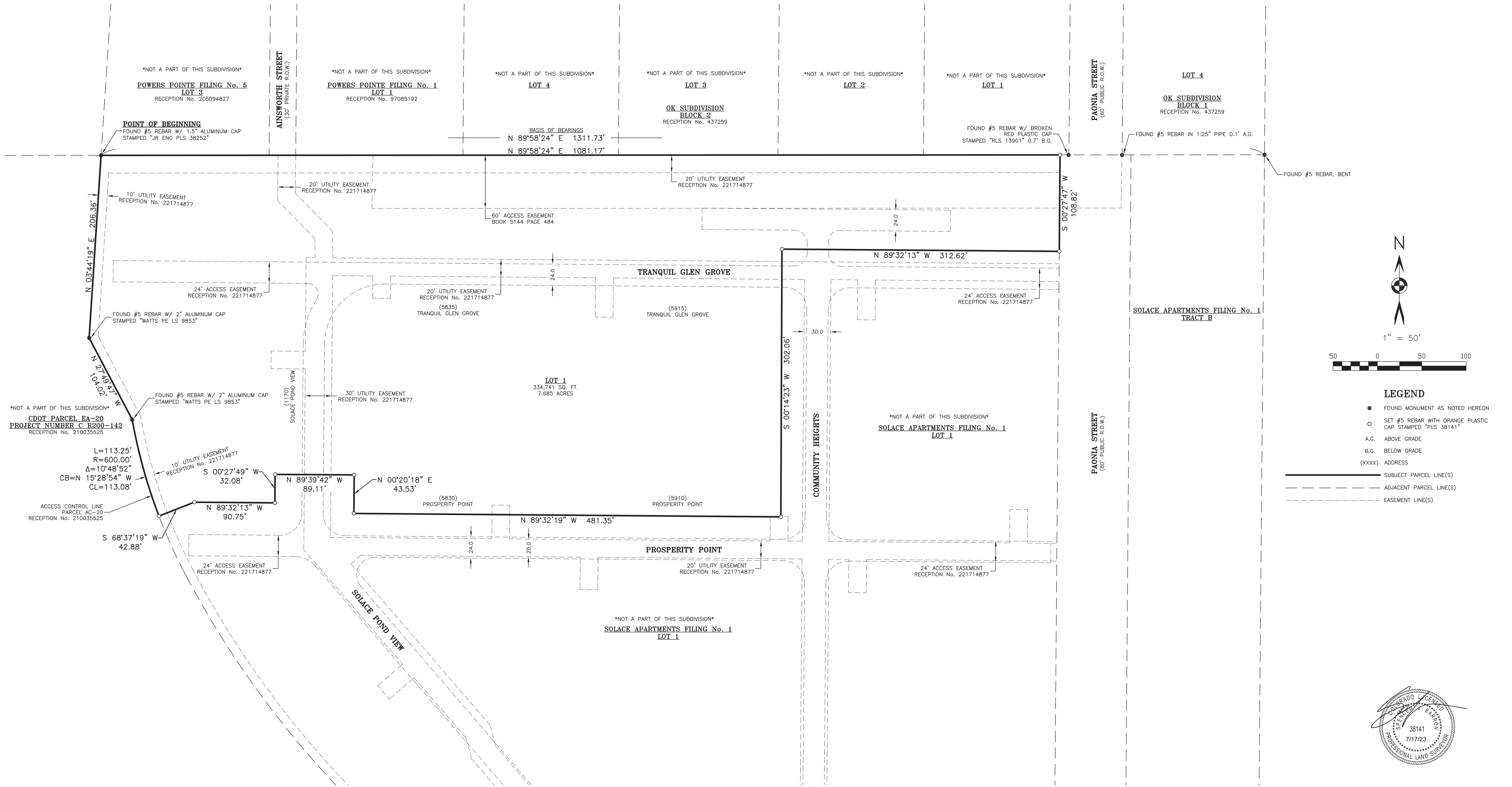
BARRON & LAND

BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION
2790 N. Academy Blvd., Suite 311 P: 719.360.6827
Colorado Springs, CO 80917 F: 719.466.6527
www.BARRONLAND.com

PROJECT No.: 22-031 SHEET 2 OF 3

FINAL PLAT
SOLACE APARTMENTS FILING NO. 2
 A REPLAT OF TRACT A, SOLACE APARTMENTS FILING No. 1
 A PORTION OF THE SOUTHWEST QUARTER OF THE
 NORTHWEST QUARTER OF SECTION 7,
 TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
 COUNTY OF EL PASO, STATE OF COLORADO

AS REPLATTED



- LEGEND**
- FOUND MONUMENT AS NOTED HEREON
 - SET #5 REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 38141"
 - A.G. ABOVE GRADE
 - B.G. BELOW GRADE
 - (XXXX) ADDRESS
 - SUBJECT PARCEL LINE(S)
 - - - ADJACENT PARCEL LINE(S)
 - - - - - EASEMENT LINE(S)



DATE: 09/23/2022		REVISIONS	
No.	Remarks	Date	By
1	ADDRESS COUNTY COMMENTS	11/28/22	KPB
2	ADDRESS COUNTY COMMENTS	2/8/23	KPB
3	ADDRESS COUNTY COMMENTS	5/18/23	KPB
4	ADD ADDRESSES	7/13/23	SJB

SF2232

BARRON & LAND
 BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION
 2790 N. Academy Blvd., Suite 311 P: 719.360.6827
 Colorado Springs, CO 80917 F: 719.466.6527
 www.BARRONLAND.com

PROJECT No.: 22-031 SHEET 3 OF 3



June 12, 2023

Ryan Howser
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Solace at Cimarron Hills Filing No. 2 - Final Plat (Solace Apartments)
Sec. 7, Twp. 14S, Rng. 65W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Referral No. 30528

To Whom It May Concern:

We have received updated information concerning the above referenced proposal for 108 multi-family units on 7.68 acres. This office previously provided comments regarding Filing No. 2 (Phase 2) on November 7, 2022. The comments included herein shall supersede those prior comments. Phase 1 of the plan consisted of 234 units on 21.37 acres and irrigation of 6.1 acres and this office provided our most recent comments on February 3, 2021. Phase 2 of the plan continues to consists of 108 units on 7.68 acres. The applicant also proposes to irrigate common areas at the site. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Cherokee Metropolitan District (“Cherokee”).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal references an updated total demand of 28.2 acre-feet/year the proposed development. The referral documents estimate a domestic water demand of 21.6 acre/feet/year for a water use rate of 0.20 acre-foot/year/unit and 6.6 acre-feet/year for irrigation.

Source of Water Supply

The source of water for the proposed development is to be served by the Cherokee Metropolitan District, and an updated letter of commitment, dated March 21, 2023 from Cherokee was provided with the submittal confirming 90.4 acre-feet have been committed for both Phase 1 and 2, of which 28.2 acre-feet would be allocated to Solace Apartments Phase 2, which is sufficient for Phase 2 of the proposed development and irrigation of common areas.

Information in our files indicates that Cherokee has sufficient resources to serve the property without injury to decreed water rights.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) 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, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

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 for Solace at Cimarron Hills Filing No. 2 is adequate and can be provided without causing injury to decreed water rights.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

cc: Division 2 Engineer
District 10 Water Commissioner

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

August 3, 2023

SF-22-32 Solace at Cimarron Hills Filing No. 2
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by Jackson Dearborn Partners (“Applicant”) to plat a single, 7.68-acre lot for the purpose of supporting a 108-unit multifamily development. The property is zoned RM-12 CAD-O (Residential Multi-Dwelling with a Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the Applicant estimates its annual water needs to serve this subdivision at 28.2 acre-feet per year. The Applicant estimates annual household use at 0.20 acre-feet per dwelling unit for 108 dwelling units, plus 6.6 acre-feet per year for the irrigation of 5.4 acres, resulting in a total annual water demand of 28.2 acre-feet for Solace at Cimarron Hills Filing No. 2. Based on these figures, the Applicant must provide a supply of 8,460 acre-feet of water (28.2 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
DOREY L. SPOTTS

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

TERRY A. SAMPLE
MERI GERINGER

3. The Applicant has provided for the source of water supply to be provided by the Cherokee Metropolitan District (“District”). As identified in the *Water Resources Report* dated July 2023, the annual water demand for the development is 28.2 acre-feet per year. Per the *Water Resources Report*, Cherokee’s total available water supply is approximately 4,364.8 acre-feet/year, while its existing water commitments, total 4,049.7 acre-feet per year leaving an excess of 315.1 acre-feet, not including this project.

4. Cherokee Metropolitan District provided a letter of commitment dated March 21, 2023, committing to provide water service for the Solace Apartments Phases 1 and 2 for a total demand of 90.4 acre-feet per year.

The District notes that these commitments are “hereby made exclusively for this specific development project at this site within the District.” The District’s commitment is only a conditional commitment: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

State Engineer’s Office Opinion

5. In a letter dated June 12, 2023, the State Engineer reviewed the application to subdivide the 7.68-acres for 108 multi-family units. The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 28.2 acre-feet/year, which is the water demand identified in the WSIS. Further, the State Engineer states that “[i]nformation in our files indicates that Cherokee has sufficient resources to serve the property without injury to decreed water rights.” Further, the State Engineer declared that “[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Solace at Cimarron Hills Filing No. 2 is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Solace at Cimarron Hills Filing No. 2 is 28.2 acre-feet per year to be supplied by Cherokee Metropolitan District. **Based on the water demand of 28.2 acre-feet/year for the development and the District’s availability of water sources, but given the conditional nature of the District’s commitment to serve, the County Attorney’s Office recommends a finding of conditional sufficiency as to water quantity and dependability for Solace at Cimarron Hills Filing No. 2.**

7. Quality. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the 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 December 2022, the *Cherokee Metropolitan District* letter dated March 21, 2023, and the *State Engineer’s Office Opinion* dated June 12, 2023. The recommendations herein are based on the information contained in such documents and

on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect or should the below requirement 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, and specifications set by the District.

B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated March 21, 2023 (approval must be provided by March 21, 2024), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid unless 1) an updated commitment letter from the District is provided with the final plat application and 2) the information provided in connection with and relied upon to complete this Review otherwise remains unchanged.**

cc: Ryan Howser, Project Manager, Planner



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Solace at Cimarron Hills, Filing No. 2, SF-22-32

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- **Water service will be provided by Cherokee Metropolitan District. Cherokee Metropolitan District has been assigned PWSID #CO-0121125 by the Colorado Department of Public Health and Environment, Water Quality Control Division. There is a finding for sufficiency in terms of water quality for water from Cherokee Metropolitan District. There is a formal Letter of Commitment to Serve water dated 23August2022 from Cherokee Metropolitan District submitted with this project.**
- **Wastewater service to be provided by Cherokee Metropolitan District. There is a formal Letter of Commitment to Serve wastewater service dated 23August2022 from Cherokee Metropolitan District submitted with this project. The December 2022, JR Engineering, Wastewater Disposal Report for Solace Apartments El Paso County, CO supports the finding for sufficient capacity for wastewater service.**
- **Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.**
- **The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
03February2023

SEE ATTACHED FOR PREVIOUS REVIEW

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard October 26, 2022
Land Use Review Item #10**

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): PPR2252, SF2232 RESIDENTIAL SITE DEVELOPMENT PLAN AND FINAL PLAT	PARCEL #(S): 5407205047
DESCRIPTION: <p>Request by Kimley-Horn & Associates on behalf of CS Powers & Galley, LLC for approval of Cimarron Hills (Solace) Phase 2 Site Development Plan. The plan includes a 108-unit multi-family development consisting of five (5) – three (3) story buildings including parking recreation and open spaces. The site is zoned RM-12/CAD-O (Residential Multi-Dwelling, Commercial Airport Overlay District) and consists of approximately 7.7 acres. The site is located northeast of Powers Boulevard and Galley Road. Concurrent Request: Request for approval of the Solace Apartments Filing No. 2 final plat.</p> <p>Review Note: <i>The Solace of Colorado Springs preliminary plan was reviewed and the AAC recommended disapproval in April 2020 based on the following: “The Airport Advisory Commission provides advice when requested to various legislative bodies within the County, including the El Paso County Board of County Commissioners. The Commission believes Land Use development #12 is not compatible with “Requirements of the (County) Code” to be located within the 65 DNL noise contour of the Colorado Springs Airport.”</i></p>	
CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 1.7 miles north of Rwy 17R
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 42 feet above ground level; 6,312 feet above mean sea level	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: Airport Noise Subzone (ADNL), Accident Potential Zone 2 (APZ-2)
ATTACHMENTS: https://epcdevplanreview.com/Public/ProjectDetails/184177 CLICK ON VIEW SITE DEVELOPMENT PLAN UNDER REVIEW DOCUMENTS LIST https://epcdevplanreview.com/Public/ProjectDetails/184176 CLICK ON VIEW FINAL PLAT DRAWINGS UNDER REVIEW DOCUMENTS LIST	

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard October 26, 2022
Land Use Review Item #10**

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

Subject to Airport Advisory Commission Action

*Airport recommends **no objection**, with staff **strongly recommending** that the following conditions are agreed on between the Developer and the Airport:*

- **Avigation Easement:** Proof of Avigation Easement filing noted on plat (Recorded at Reception No. 221101914); no further action is required.
- **ADNL/Noise:** The development is within the ADNL Airport Noise subzone of the Commercial Airport Overlay District, as adopted by El Paso County.
- Residential use is not compatible within the 65 DNL noise contour and no residential development is permitted within the 65 DNL contour.
- No development that creates mass gatherings is permitted.
- The approval of this land use item by the Airport and the AAC does not constitute as any commitment, agreement, or other to the land owned by the Airport indicated as a future inclusion area.
- Other uses may require the indoor noise reduction requirement as outlined in Section 4.3.1 of the El Paso County Land Development Code.

- **Airport Staff previously met with Developer and agreed to provide the following:**
Airport Noise Lease Notice and Acknowledgement to tenants:
Upon accepting residency within Solace of Colorado Springs, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Solace of Colorado Springs lies within an Airport Overlay Zone and is located less than 2 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.
- Verified recorded ordinance for future plat requirements.
- Noise Study: A more thorough noise study is to be completed by the developer; a new noise study was submitted in May 2020.

- **Noise Mitigation:** The developer has agreed to the use of noise mitigation/construction materials and to the thirty (30) dBA noise reduction.

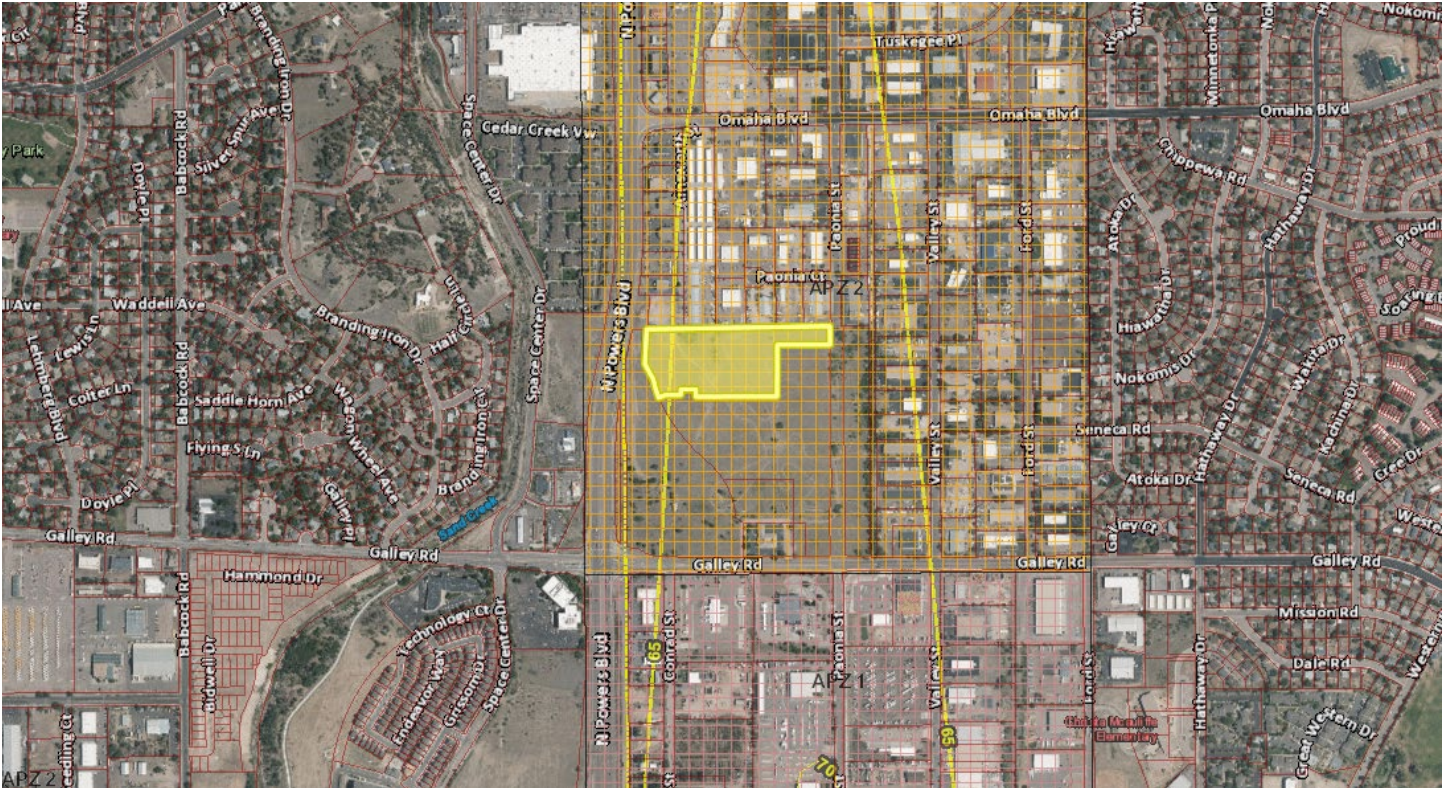
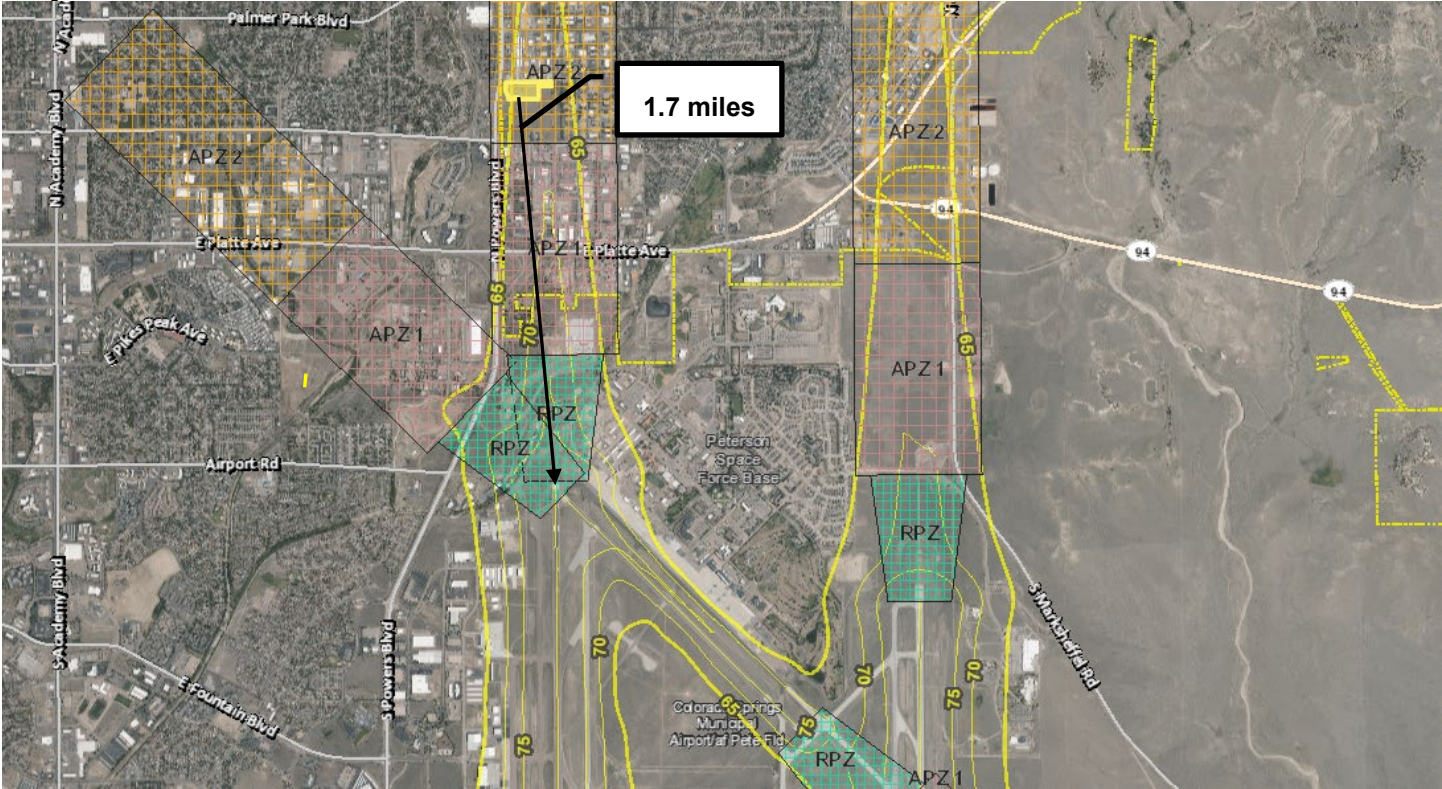
- **APZ-2:** The proposed development is within the Accident Potential Zone 2 (APZ-2) subzone of the Commercial Airport Overlay District, as adopted by El Paso County. The proposed use associated with this development is permissible in the APZ-2 subzone per El Paso County Land Development Code.

- **FAA 7460-1:** Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

SEE ATTACHED FOR PREVIOUS REVIEW

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard October 26, 2022
Land Use Review Item #10**

Project location exhibit:



Colorado Springs Airport Advisory Commission Meeting
To Be Heard January 27, 2021
Land Use Review Item #12

<p>EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): PPR2047, SF2032 RESIDENTIAL DEVELOPMENT PLAN AND FINAL PLAT</p>	<p>PARCEL #(S): 5407200052</p>
<p>DESCRIPTION:</p> <p>Request by Jackson Dearborn Partners and N.E.S. Inc., on behalf of Butler and Peetz LLC for approval of a site development plan for Lot 1 of the Solace of Colorado Springs for 234 units on 28.8 acres. The site is zoned RM-12/CAD-O (Residential multi-dwelling and Commercial Airport Overlay District). The site is located northeast of Powers Boulevard and Galley Road. Concurrent Request: Request for approval for the Solace at Colorado Springs final plat.</p> <p>Review Note: <i>The Solace of Colorado Springs preliminary plan was reviewed and the AAC recommended disapproval in April 2020 based on the following: "The Airport Advisory Commission provides advice when requested to various legislative bodies within the County, including the El Paso County Board of County Commissioners. The Commission believes Land Use development #12 is not compatible with "Requirements of the (County) Code" to be located within the 65 DNL noise contour of the Colorado Springs Airport."</i></p>	
<p>CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL? No</p>	<p>DISTANCE/DIRECTION FROM COS: 1.5 miles north of Rwy 17R</p>
<p>TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 40 feet above ground level; 6, 315 feet above mean sea level</p>	<p>COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: Airport Noise Subzone (ADNL), Accident Potential Zone 2 (APZ-2)</p>
<p>ATTACHMENTS: SOLACE SITE DEVELOPMENT PLAN AND NOISE STUDY: https://epcdevplanreview.com/Public/ProjectDetails/152712 CLICK ON VIEW SITE DEVELOPMENT PLAN 24"X36" UNDER DOCUMENT LIST CLICK ON VIEW NOISE STUDY UNDER DOCUMENT LIST SOLACE FINAL PLAT: https://epcdevplanreview.com/Public/ProjectDetails/152706 CLICK ON FINAL PLAT DRAWINGS 24"X36" UNDER DOCUMENT LIST</p>	

PREVIOUS REVIEW

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard January 27, 2021
Land Use Review Item #12**

Subject to Airport Advisory Commission Action

*Airport recommends **no objection**, with staff **strongly recommending** that the following conditions are agreed on between the Developer and the Airport:*

- **Avigation Easement:** Proof of Avigation Easement filing noted on plan (Recorded in Book 2478 at Page 304); no further action is required.
- **ADNL/Noise:** The development is within the ADNL Airport Noise subzone of the Commercial Airport Overlay District, as adopted by El Paso County.
- Residential use is not compatible within the 65 DNL noise contour and no residential development is permitted within the 65 DNL contour.
- No development that creates mass gatherings is permitted.
- The approval of this land use item by the Airport and the AAC does not constitute as any commitment, agreement, or other to the land owned by the Airport indicated as a future inclusion area.
- Other uses may require the indoor noise reduction requirement as outlined in Section 4.3.1 of the El Paso County Land Development Code.

- **Airport Staff previously met with Developer and agreed to provide the following:**
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- Verified recorded ordinance for future plat requirements.
- Noise Study: A more thorough noise study is to be completed by the developer; a new noise study was submitted in May 2020.

- **Noise Mitigation:** The developer has agreed to the use of noise mitigation/construction materials and to the thirty (30) dBA noise reduction.

- **APZ-2:** The proposed development is within the Accident Potential Zone 2 (APZ-2) subzone of the Commercial Airport Overlay District, as adopted by El Paso County. The proposed use associated with this development appears to be permissible in the APZ-2 subzone.

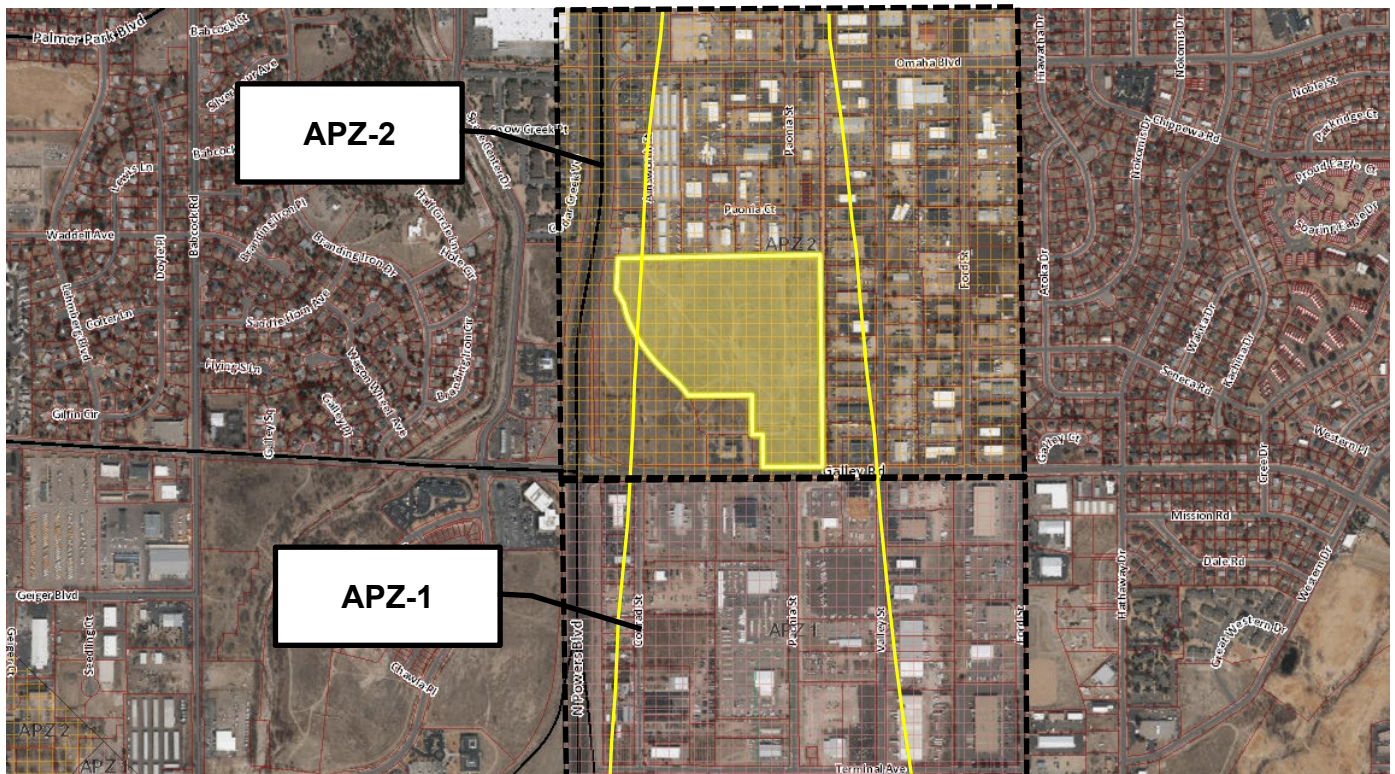
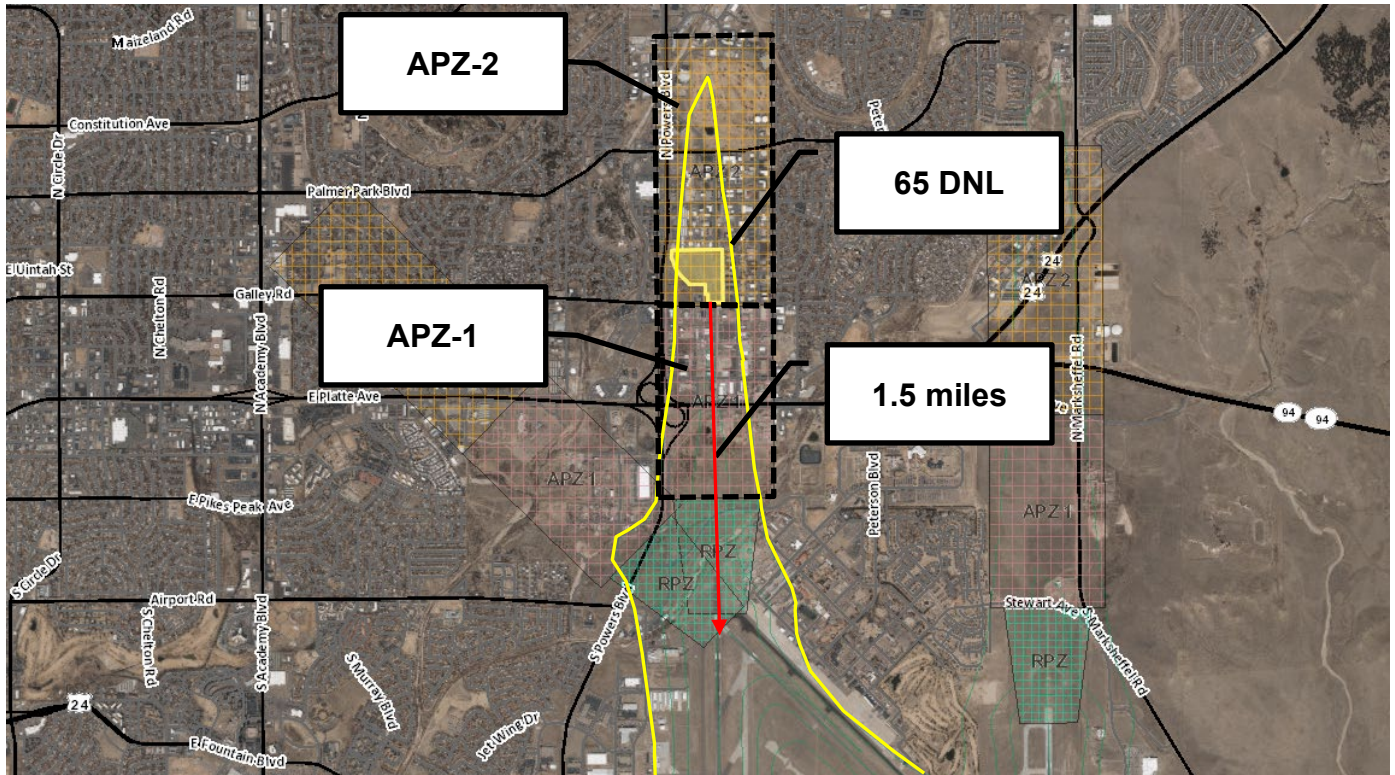
- **FAA 7460-1:** Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Colorado Springs Airport Advisory Commission Meeting

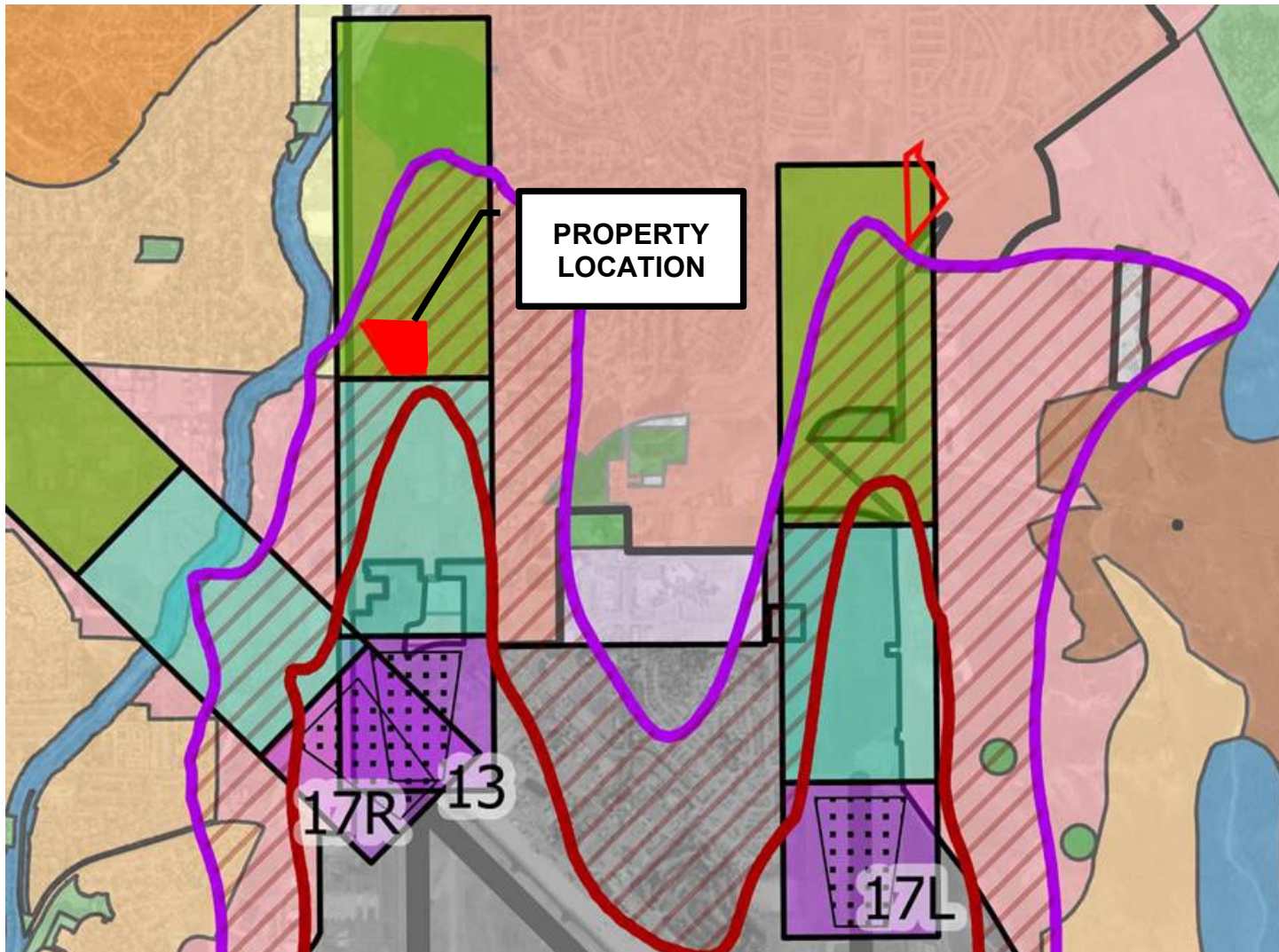
To Be Heard January 27, 2021

Land Use Review Item #12

PROJECT LOCATION EXHIBIT:



Colorado Springs Airport Advisory Commission Meeting
To Be Heard January 27, 2021
Land Use Review Item #12



RESOLUTION NO. 23-

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

APPROVAL OF FINAL PLAT
SOLACE APARTMENTS FILING NO. 2 (SF2232)

WHEREAS, CS Powers & Galley, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Solace Apartments Filing No. 2 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 September 21, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on October 12, 2023; 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 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.

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. 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 ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Solace Apartments Filing No. 2 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 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.
5. 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 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.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 3, 2023, as provided by the County Attorney's Office.

7. The applicant shall process and have an effective LOMR approved by FEMA prior to issuance of any building permits within this filing.
8. Within one month of issuance of the final certificate of occupancy in Filing No. 2, the Developer shall provide signal warrant analysis for the Paonia Street and Galley Road intersection to the El Paso County Planning and Community Development Department and the Department of Public Works for review. If signal warrants are not met at that time, warrant analysis shall be updated every six (6) months thereafter unless otherwise changed in writing by the County Engineer. When signal warrants are met, and upon direction from the County Engineer, the improvements to the intersection shall be fully collateralized within one month, construction documents for the signal/intersection improvements shall be submitted to PCD for approval, construction started on the improvements within six (6) months, and construction completed within 2 years of approval of the construction documents. Should it be determined that a signal warrant has not been met after the third signal warrant analysis, then the Developer shall be absolved of any responsibility for the installation of the traffic signal due to the development of Solace Apartments Filing No. 2.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. 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.
4. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 12th day of October 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

TRACT A, SOLACE APARTMENTS FILING No. 1, COUNTY OF EL PASO, STATE OF COLORADO.