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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Gabe Sevigny, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: SP-17-009
Project Name: Space Village Filing No 3 Preliminary Plan
Parcel No.: 54170-00-022**

OWNER:	REPRESENTATIVE:
Space Village Retail LLC 90 S Cascade Avenue, Ste. 1500 Colorado Springs, CO 80903	Olsson Associates ATTN: Josh Erramouspe 1880 Fall River Drive Suite 200 Loveland, CO 80538

Commissioner District: 4

Planning Commission Hearing Date:	11/20/2018
Board of County Commissioners Hearing Date	12/11/2018

EXECUTIVE SUMMARY

A request by Olsson Associates, on behalf of Space Village Retail LLC, for the approval of a preliminary plan. The three (3) parcels, totaling 4.13 acres, are zoned C-1 (Commercial) zoning district and are located on the southeast corner of Space Village Avenue and Peterson Road intersection within section 17, Township 14 South, Range 65 West of the 6th P.M. The parcels are not located within a small area plan, but are located within the Peterson Gateway and Cherokee Metropolitan Districts.



The Board of County Commissioners approved a Preliminary Plan (SP-86-027) to create six (6) parcels on December 11, 1986; however the final plat (SF-87-001) only applied to one lot, currently known as Space Village 2. No final plat was applied for or forwarded to the BoCC for approval on the remaining property in question. The final plat is being applied for concurrently with the preliminary plan.

The three parcels will be served by the Cherokee Metropolitan District for water and waste water services.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by Olsson Associates, on behalf of Space Village Retail, LLC, for approval of a preliminary plan for the Space Village Filing Number 3 subdivision to create 3 commercial lots within C-1 (Commercial) zoning district.

Waiver(s): There are no waivers associated with this request

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a preliminary plan, the BoCC shall find that:

- 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 this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

- A 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;
- 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 this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- 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 therefore, 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 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 this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North C-1 (Commercial)	Office
South CS (Commercial Service)	School
East CC (Commercial Community)	Gas station/motel
West City of Colorado Springs	Peterson AFB

E. BACKGROUND

The property was zoned C-1 (Commercial) zoning district from the A-3 (Agricultural) zoning district in 1956. The C-1 (Commercial) zoning district is an obsolete zoning district within the current regulations of the El Paso County Land Development Code (2018).

A preliminary plan (SP-86-027) was approved by the Board of County Commissioners on December 11, 1986; however the final plat (SF-87-001) only applied to one lot, currently known as Space Village 2. No final plat was applied for or forwarded to the BoCC for approval on the remaining property in question.

There is an existing structure on Lot 2 that was constructed in 1986 and is depicted on the proposed preliminary plan. It is unclear how the structure was legally permitted without a final plat. However, the existing structure meets all setbacks for the C-1 (Commercial) zoning districts and no non-conformities will be created with an approval of the preliminary plan.

The subject preliminary plan proposes to legalize Lot 2, create a lot to accommodate a gas station on Lot 1, and create a third lot to accommodate future commercial uses permitted in the C-1 (Commercial) zoning district. The construction on Lot 1 will require an approved site development plan from the Planning and Community Development Department. This action is currently pending approval from the Colorado Department of Transportation (CDOT) for a full movement access onto Space Village Avenue as well as proposed roundabouts at the Space Village Avenue and Peterson Road Intersection and the Highway 24 off ramp and Peterson Road Intersection on the north side of Highway 24.

The Board of County Commissioners approved a service plan for the Peterson Gateway Metropolitan District (ID-17-004) on October 24, 2017. The purpose of the district includes financing, design, and construction of: 1) landscaping, entry way, and gateway improvements; 2) water and wastewater lines; 3) street improvements and safety protection; 4) drainage facilities; 5) covenant enforcement and design review; and 6) security services. The maximum debt authorized is \$3 million and an operations mill levy of 10 mills. The applicant has also submitted their Final Plat (SF-18-016) for a concurrent review and request for approval.

F. ANALYSIS

1. Land Development Code Compliance

The preliminary plan application meets the preliminary plan submittal requirements, the General Development Standards of Chapter 6, the Standards for Divisions of Land in Chapter 7, and the Standards for Subdivision in Chapter 8 of the Code.

2. Zoning Compliance

The preliminary plan request is consistent with the density and dimensional standards established within the C-1 (Commercial) zoning district as identified in Chapter 5, Table 5-5 of the Code are as follows:

- Setbacks – 15 feet front and rear
 - Minimum setback is 15 feet from perimeter boundary;
 - No minimum internal setbacks are required for side and rear
- Maximum building height – 30 feet
- Maximum lot coverage – none

3. Policy Plan Analysis

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

Policy 6.1.3- Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

Policy 6.1.8- Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.10

Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Policy 6.1.11- Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 10.1.2

Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

The area is zoned for commercial uses and includes a retail center, school, motels, apartments, and an existing gas station. The proposed uses as a gas station and future commercial are consistent with the adjacent uses in the area.

The current site design limits access from Space Village Avenue to a right in right out only. This creates an issue for the functionality of traffic in and out of the site. The applicant is actively engaged with CDOT to provide solutions for the intersections at Space Village Avenue and Peterson Road, and the Highway 94 off ramp and Peterson Road on the north side of Highway 94.

Public water, wastewater, gas, and electrical services are all available for commercial development. Staff has no concerns with this request with regard to compatibility, density transitions, or patterns of growth.

4. Small Area Plan Analysis

The subject parcel is not within the boundaries of a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits of sand, gravel with silt and clay; remnants of older streams deposited on topographic highs or bench like features. The Master Plan also identifies coal, probably underlain by Laramie coals within 200 feet of ground surface, based on minimal geologic data. in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils and geology report, dated September 13, 2017, was submitted by Olsson Associates in support of the preliminary plan application. The report provides a geologic hazards evaluation and preliminary geotechnical investigation of the plan area. No hazards were identified in the review of this preliminary plan. The Colorado Geological Survey (CGS) has no objection to approval of the preliminary plan as proposed.

2. Wildlife

Potential impact to wildlife is generally low as depicted in the El Paso County Wildlife Habitat Descriptors Map (1996).

3. Floodplain

The site is located in Zone X, areas determined to be outside the 500-year floodplain according to FEMA FIRM Map 08041C0754 F with an effective date of March 17, 1997.

4. Drainage and Erosion

The property is located within Sand Creek drainage basin (FOFO400). Drainage and bridge fees are due at the time of recording the final plat. The site generally drains to the west into an existing inlet at Peterson Road. Neither new development nor redevelopment is proposed with the associated Preliminary/Final Drainage Report for Space Village Filing No. 3. Subsequent site plans will be required to submit a drainage report. Upon development of either Lot 1 or Lot 3, a privately-owned detention facility will be constructed on Lot 1 which will be maintained by the Peterson Gateway Metropolitan District.

5. Transportation

Access to the subdivision is taken from Peterson Road and Space Village Avenue. Peterson Road, starting at the intersection of Peterson Road and Space Village Avenue to the gates of Peterson AFB, is owned and maintained by the City of Colorado Springs, and Space Village Avenue, starting at the off ramp for Highway 24 and approximately 2,000 feet east on Space Village Avenue, is owned and maintained by CDOT. No change in access or off-site improvements are proposed with this final plat. Subsequent site development will require a detailed traffic impact study and make any on-site or off-site improvements necessitated by the site development.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 16-454). Fees for each lot shall be paid in full at the time of building permit issuance of new structures.

H. SERVICES

1. Water

Sufficiency: Cherokee Water and Sanitation District has committed to providing services to the proposed development.

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The County Attorney's Office has provided a recommendation regarding a finding of sufficiency for water quantity and dependability. El Paso County Public Health also made a recommendation for a finding of sufficiency in terms of water quality. The State Engineer's Office has provided an opinion that water supply can be provided without causing injury.

2. Sanitation

Cherokee Metropolitan Water and Sanitation District has committed to providing wastewater service to the development.

3. Emergency Services

The site is within the boundaries of the Cimarron Hills Fire Protection District. The District was sent a copy of the preliminary plan request. The District has no objections to this request.

4. Utilities

The subject property is within the Colorado Springs Utilities (CSU) service area for natural gas and electrical service. CSU had no objections to the request. Standard utility easement will be provided with the final plat.

5. Metropolitan Districts

The property is within the boundaries of the Cherokee Metropolitan District and within the boundaries of the Peterson Gateway Metropolitan District. The Peterson Gateway Metropolitan District was approved by the Board of County Commissioners on October 24, 2017 under Resolution Number 17-294, for the purpose of the district include financing, design, and construction of: 1) landscaping, entry way, and gateway improvements; 2) water and wastewater lines; 3) street improvements and safety protection; 4) drainage facilities; 5) covenant enforcement and design review; and 6) security services.

The maximum debt authorized is \$3 million and an operations mill levy of 10 mills.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) shows no open space, park facilities, or trails intersected by or within the project area. There are no park fees associated with this request.

7. Schools

The subject property is within the boundaries of Colorado Springs School District 11. District 11 has not commented on this proposed subdivision. School dedication requirements or fees in lieu of land dedication are not applicable to the platting of commercial property.

I. APPLICABLE RESOLUTIONS

Approval Page 25
Disapproval Page 26

J. STATUS OF MAJOR ISSUES

Future development of the site is dependent on access. The access to this site is controlled by CDOT. The applicant is engaged with CDOT to work through issues with full access onto Space Village Avenue.

K. 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 (2018) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. No building permits shall be issued for any individual lot within the subdivision unless and until the required public improvements triggered by the development of that lot have been constructed and completed in accordance with the approved construction plans, preliminary acceptance of said public improvements has been received from El Paso County, and defect warranty collateral has been posted with the County. In the alternative, the owner of a particular lot may enter into a development agreement, in association with the required Site Development Plan, with El Paso County which will allow for the issuance of a building permit upon the provision of public improvement construction collateral.

NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twelve (12) adjoining property owners on October 30, 2018, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter

El Paso County Parcel Information

File Name: SP-17-009 SF-18-016

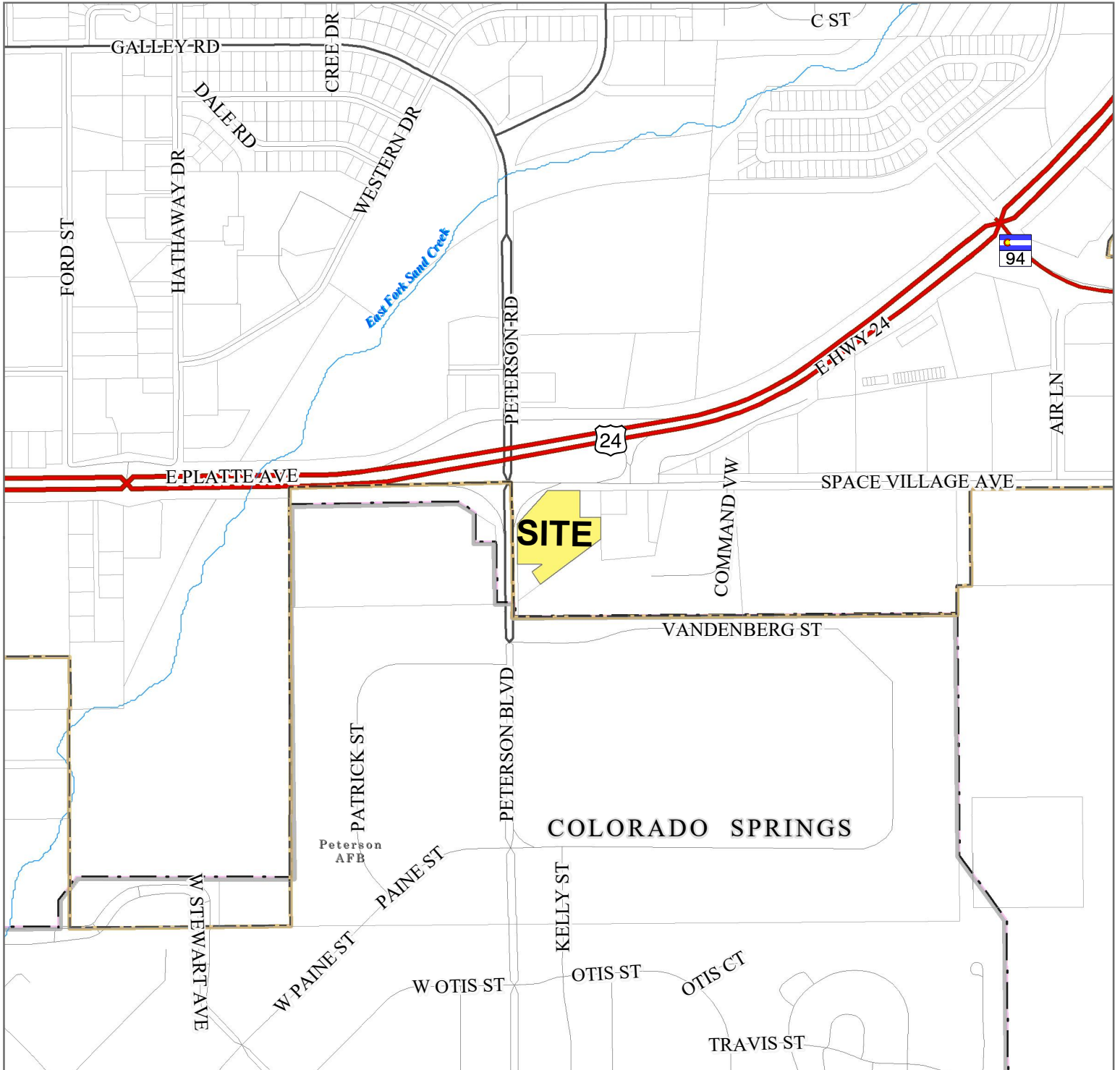
PARCEL	NAME
5417000022	SPACE VILLAGE RETAIL LLC

Zone Map No.: --

ADDRESS	CITY	STATE
90 S CASCADE AVE STE 1500	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80903	1639

Date: October 24, 2018



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 919 520-6600



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August 28, 2018

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

RE: Space Village Filing No. 3 Preliminary Plan - Letter of Intent

Mr. Sevigny,

The owner of the property described as Space Village Filing No. 3 respectfully submits the enclosed Preliminary Plan, located near the intersection of Space Village Avenue and Peterson Boulevard. The property is currently zoned as C-1, Commercial. Lots 1 & 3 of the subdivision are currently vacant while Lot 2 contains retail uses. The subdivision is bordered by commercial development on the east, Peterson AFB on the south, Peterson Boulevard on the west, and Space Village Avenue on the north. This property currently has legal/physical access to, both, Space Village Avenue and Peterson Boulevard.

The existing strip retail building on Lot 2 is in conformance with the County's criteria related to C-1 zoning, including building setbacks and heights, landscape requirements and parking requirements. The owner anticipates additional commercial uses to be developed on Lots 1 & 3, however, there is no immediate plan for development on either lot. The County has agreed to process a final plat for this property in the interim; and site-specific development plans for Lots 1 & 3 will be submitted for the County's consideration prior to the development of either lot.

To aid Staff in their review of this application, we have provided a traffic impact study and a drainage report to outline the existing conditions and anticipated challenges associated with further development within the platted area. As a condition of future development on Lot 1 or Lot 3, a project-specific letter of intent will be required in conjunction with any site development plan application. In addition, future development on Lots 1 & 3 will likely trigger the need for improvements to the adjacent roadway network, and as such, a proposal/design for said improvements will need to be submitted to the County in conjunction with site-specific development plans for further consideration. Prior to development on Lots 1 or 3, the owner will work with all stakeholders (County, City, Peterson AFB, and CDOT) to determine the necessary roadway improvements.

Utility services for Lots 1 & 3 are anticipated to be connected to the public water and sewer systems operated by Cherokee Metropolitan District and Lot 2 is currently utilizing the Districts water & sewer network. The site's stormwater runoff will be conveyed to a detention facility and said facility will be constructed in conjunction with Lot 1 or Lot 3 improvements. This storm sewer

system will be designed with a full spectrum detention basin per the latest Urban Drainage and Flood Control District's criteria (including local amendments).

Criteria for Approval

The enclosed preliminary plan is in conformance with the final plat (reviewed in parallel) for this subdivision in terms of lot lines, lot areas, easements, legal/physical access to each lot, etc. and is also in full compliance with the County's Land Development Code and subdivision design standards, including provisions outlined in Chapter 8 of the County's Land Development Code (applicable sections from Chapter 6 of the Land Development Code will be assessed in future site development plan applications for development on Lots 1 & 3). The owner has worked with Cherokee Metropolitan District to secure water supply and sewer service for the entirety of the subdivision and commitment letters from the District are included with this preliminary plan submittal. In addition, Cimmaron Hills Fire Department has reviewed the proposed subdivision and has ensured their ability to provide emergency and non-emergency response services. Olsson's drainage report outlines a plan for future improvements associated with further development within the subdivision and provides guidance for subsequent site-specific drainage studies for Lots 1 & 3. Olsson also provided a thorough analysis of the site's soil conditions and included recommendations for future construction within the submitted geotechnical study. Preliminary analysis of offsite impacts has occurred, however, the County has agreed that the final design and construction of any required offsite improvements will be tied to sale/transfer of any lot or issuance of building permits (or, alternatively, the owner may enter into an SIA with the County). Future roadway improvements will be designed to support a balanced transportation system, including auto, pedestrian and bike traffic in an effort to maintain current levels of service within the surrounding street network. No apparent natural physical features or environmentally sensitive areas exist on this property. Future development within the platted area will comply with current zoning standards related to landscape setbacks and open space requirements.

We ask that you review our submittal at your earliest convenience. We appreciate your time and thank you for your consideration. Please let us know if you have any further questions or if you need any additional information concerning our application. Contact information is provided at the bottom of this letter.

Sincerely,



Josh Erramouspe
Olsson Associates

Developer
Danny Mientka
The Equity Group LLC
90 South Cascade Ave, STE 1500
Colorado Springs, CO 80903
(719)448-4034

Engineer
Josh Erramouspe
Olsson Associates
1880 Fall River Drive, STE 200
Loveland, CO 80538
(970)461-7733

ENGINEER:
 OLSSON ASSOCIATES
 1880 FALL RIVER DRIVE, SUITE 200
 LOVELAND, CO 80538
 CONTACT: JOSH ERRAMOUSPE
 PH: (970)461.7733
 E: JERRAMOUSPE@OLSSONASSOCIATES.COM

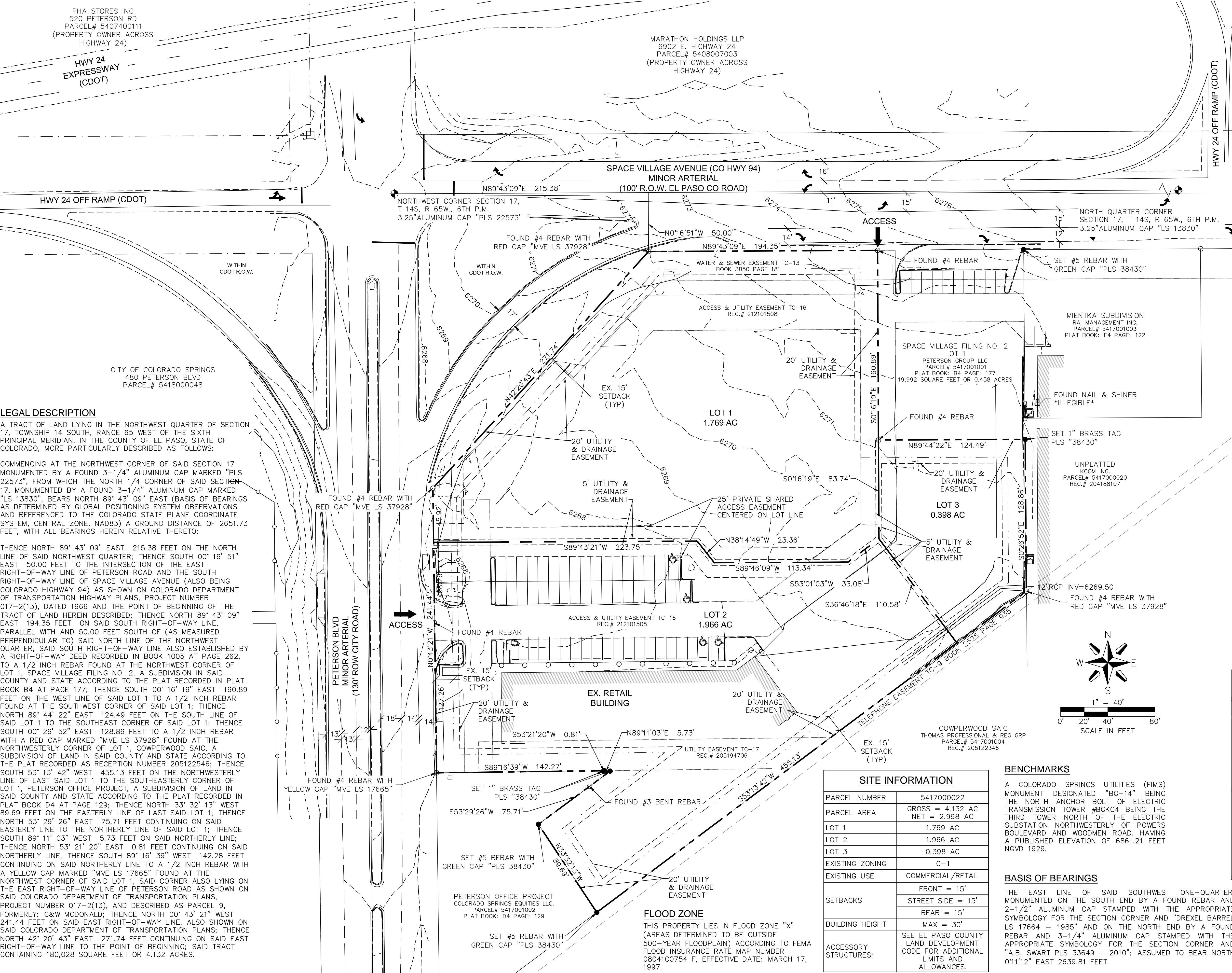
OWNER/SUBDIVIDER:
 SPACE VILLAGE RETAIL LLC
 90 SOUTH CASCADE AVE, SUITE 1500
 COLORADO SPRINGS, CO 80903
 CONTACT: DANNY MIENKA
 PH: (719)448.4034
 E: DANNY@THEEQUITYGROUP.NET

SPACE VILLAGE FILING No. 3 PRELIMINARY PLAN

A COMMERCIAL SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH,
 RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

GENERAL NOTES

- ALL (FUTURE) STRUCTURAL FOUNDATIONS SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO. FOUNDATION DESIGN SHALL ADHERE TO THE RECOMMENDATIONS PROVIDED IN THE GEOTECHNICAL REPORT PREPARED BY OLSSON ASSOCIATES (PROJECT 017-1754, DATED 9/13/2017).
- ALL DESIGN AND CONSTRUCTION RELATED TO ROADS, STORM DRAINAGE AND EROSION CONTROL SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS OF THE MOST RECENT VERSION OF THE EL PASO COUNTY STANDARDS, INCLUDING THE LAND DEVELOPMENT CODE, THE ENGINEERING CRITERIA MANUAL, THE DRAINAGE CRITERIA MANUAL, AND THE DRAINAGE CRITERIA MANUAL VOLUME 2. ANY DEVIATIONS FROM THESE MANUALS MUST BE REQUESTED AND APPROVED IN WRITING PRIOR TO CONSTRUCTION.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN CONJUNCTION WITH THE PRELIMINARY PLAN OR FINAL PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOTECHNICAL REPORT; FIRE PROTECTION REPORT AND NATURAL FEATURES REPORT.
- 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.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- DEVELOPER HAS DELEGATED THE RESPONSIBILITY FOR DETENTION POND/WATER QUALITY BMP FINAL DESIGN AND CONSTRUCTION TO THE INDIVIDUAL LOT PURCHASER, AS DESCRIBED IN THE APPROVED PRELIMINARY/FINAL DRAINAGE REPORT FOR THIS SUBDIVISION. FINAL DESIGN, CONSTRUCTION DRAWINGS AND DRAINAGE REPORT UPDATES FOR THE DETENTION POND/WATER QUALITY BMP(S) SERVING EACH LOT SHALL BE PROVIDED WITH SITE DEVELOPMENT PLAN SUBMITTAL FOR EITHER LOT 1 OR LOT 3, WHICHEVER DEVELOPS FIRST. THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE CONSTRUCTED AND COMPLETED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE SUBJECT LOTS. THE PETERSON GATEWAY METROPOLITAN DISTRICT SHALL ENTER INTO A PRIVATE DETENTION BASIN / STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT ("AGREEMENT") PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE SUBJECT LOTS.
- THE SUBDIVIDER(S) AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNS THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE COUNTYWIDE TRANSPORTATION IMPROVEMENT FEE RESOLUTION (RESOLUTION 16-454), AS AMENDED, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
- NO BUILDING PERMITS SHALL BE ISSUED FOR ANY INDIVIDUAL LOT WITHIN THE SUBDIVISION UNLESS AND UNTIL THE REQUIRED PUBLIC IMPROVEMENTS TRIGGERED BY THE DEVELOPMENT OF THAT LOT HAVE BEEN CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS. PRELIMINARY ACCEPTANCE OF SAID PUBLIC IMPROVEMENTS HAS BEEN RECEIVED FROM EL PASO COUNTY, AND DEFECT WARRANTY COLLATERAL HAS BEEN POSTED WITH THE COUNTY. IN THE ALTERNATIVE, THE OWNER OF A PARTICULAR LOT MAY ENTER INTO A DEVELOPMENT AGREEMENT, IN ASSOCIATION WITH THE REQUIRED SITE DEVELOPMENT PLAN, WITH EL PASO COUNTY WHICH WILL ALLOW FOR THE ISSUANCE OF A BUILDING PERMIT UPON THE PROVISION OF PUBLIC IMPROVEMENT CONSTRUCTION COLLATERAL.
- UNLESS OTHERWISE INDICATED, SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT (FIVE FOOT FOR BELOW 2.5 ACRES) PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES SHALL HAVE A 20 FOOT (SEVEN FOOT FOR BELOW 2.5 ACRES) PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
- IN THE INSTANCE THAT LOT 3 DEVELOPS PRIOR TO LOT 1, THE OWNER OF LOT 3 SHALL BE GRANTED LEGAL ACCESS TO CONSTRUCT ALL NECESSARY DRAINAGE IMPROVEMENTS (I.E. A DETENTION POND AND ASSOCIATED PIPING) ON LOT 1. IN ADDITION, AN EASEMENT SHALL BE GRANTED AROUND THE CONSTRUCTED POND FOR THE BENEFIT OF LOTS 1 AND 3 AND THE PETERSON GATEWAY METROPOLITAN DISTRICT.



LEGAL DESCRIPTION
 A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17 MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP MARKED "PLS 22573", FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 17, MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP MARKED "LS 13830", BEARS NORTH 89° 43' 09" EAST (BASIS OF BEARINGS AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS AND REFERENCED TO THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83) A GROUND DISTANCE OF 2651.73 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

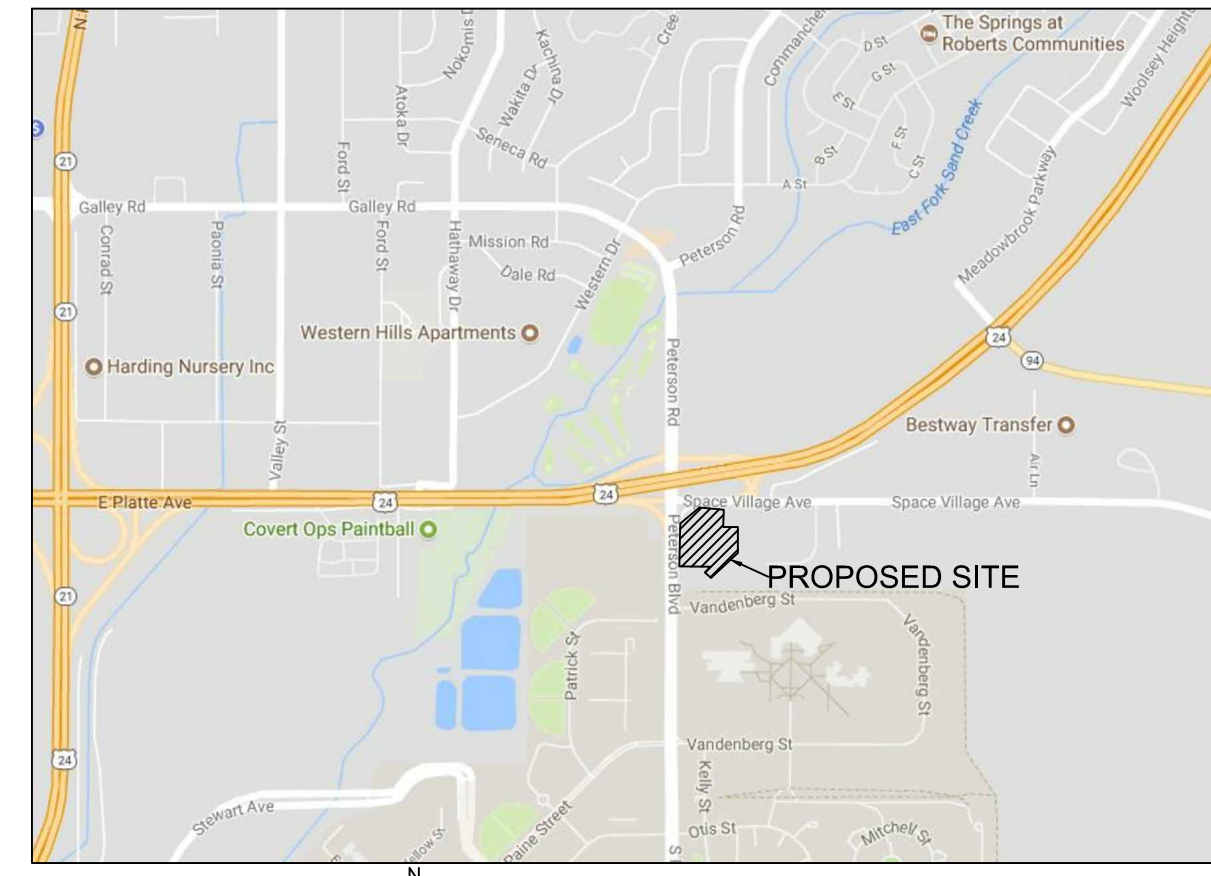
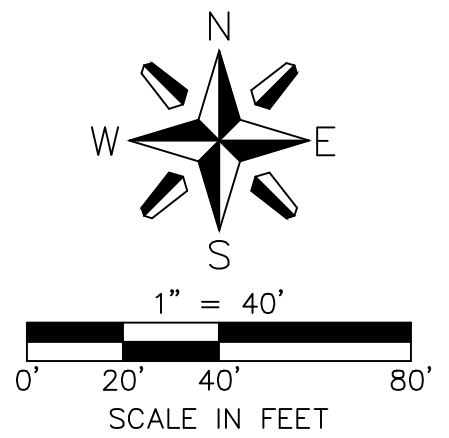
THENCE NORTH 89° 43' 09" EAST 215.38 FEET ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00° 16' 51" EAST 50.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF PETERSON ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF SPACE VILLAGE AVENUE (ALSO BEING COLORADO HIGHWAY 94) AS SHOWN ON COLORADO DEPARTMENT OF TRANSPORTATION HIGHWAY PLANS, PROJECT NUMBER 017-2(13), DATED 1966 AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 89° 43' 09" EAST 194.35 FEET ON SAID SOUTH RIGHT-OF-WAY LINE, PARALLEL WITH AND 50.00 FEET SOUTH OF (AS MEASURED PERPENDICULAR TO) SAID NORTH LINE OF THE NORTHWEST QUARTER, SAID SOUTH RIGHT-OF-WAY LINE ALSO ESTABLISHED BY A RIGHT-OF-WAY DEED RECORDED IN BOOK 1005 AT PAGE 262, TO A 1/2 INCH REBAR FOUND AT THE NORTHWEST CORNER OF LOT 1, SPACE VILLAGE FILING NO. 2, A SUBDIVISION IN SAID COUNTY AND STATE ACCORDING TO THE PLAT RECORDED IN PLAT BOOK B4 AT PAGE 177; THENCE SOUTH 00° 16' 19" EAST 160.89 FEET ON THE WEST LINE OF SAID LOT 1 TO A 1/2 INCH REBAR FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89° 44' 22" EAST 124.49 FEET ON THE SOUTH LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00° 26' 52" EAST 128.86 FEET TO A 1/2 INCH REBAR WITH A RED CAP MARKED "MVE LS 37928" FOUND AT THE NORTHWESTERLY CORNER OF LOT 1, COWPERWOOD SAIC, A SUBDIVISION OF LAND IN SAID COUNTY AND STATE ACCORDING TO THE PLAT RECORDED AS RECEPTION NUMBER 205122546; THENCE SOUTH 53° 13' 42" WEST 455.13 FEET ON THE NORTHWESTERLY LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER OF LOT 1, PETERSON OFFICE PROJECT, A SUBDIVISION OF LAND IN SAID COUNTY AND STATE ACCORDING TO THE PLAT RECORDED IN PLAT BOOK D4 AT PAGE 129; THENCE NORTH 33° 32' 13" WEST 89.69 FEET ON THE EASTERLY LINE OF SAID LOT 1; THENCE NORTH 53° 29' 26" EAST 75.71 FEET CONTINUING ON SAID EASTERLY LINE TO THE NORTHERLY LINE OF SAID LOT 1; THENCE SOUTH 89° 11' 03" WEST 5.73 FEET ON SAID NORTHERLY LINE; THENCE NORTH 53° 21' 20" EAST 0.81 FEET CONTINUING ON SAID NORTHERLY LINE; THENCE SOUTH 89° 16' 39" WEST 142.28 FEET CONTINUING ON SAID NORTHERLY LINE TO A 1/2 INCH REBAR WITH A YELLOW CAP MARKED "MVE LS 17665" FOUND AT THE NORTHWEST CORNER OF SAID LOT 1, SAID CORNER ALSO LYING ON THE EAST RIGHT-OF-WAY LINE OF PETERSON ROAD AS SHOWN ON SAID COLORADO DEPARTMENT OF TRANSPORTATION PLANS, PROJECT NUMBER 017-2(13), AND DESCRIBED AS PARCEL 9, FORMERLY: C&W MCDONALD; THENCE NORTH 00° 43' 21" WEST 241.44 FEET ON SAID EAST RIGHT-OF-WAY LINE, ALSO SHOWN ON SAID COLORADO DEPARTMENT OF TRANSPORTATION PLANS; THENCE NORTH 42° 20' 43" EAST 271.74 FEET CONTINUING ON SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 180,028 SQUARE FEET OR 4.132 ACRES.

SITE INFORMATION

PARCEL NUMBER	5417000022
PARCEL AREA	GROSS = 4.132 AC NET = 2.998 AC
LOT 1	1.769 AC
LOT 2	1.966 AC
LOT 3	0.398 AC
EXISTING ZONING	C-1
EXISTING USE	COMMERCIAL/RETAIL
SETBACKS	FRONT = 15' STREET SIDE = 15' REAR = 15'
BUILDING HEIGHT	MAX = 30'
ACCESSORY STRUCTURES:	SEE EL PASO COUNTY LAND DEVELOPMENT CODE FOR ADDITIONAL LIMITS AND ALLOWANCES.

BENCHMARKS
 A COLORADO SPRINGS UTILITIES (FIMS) MONUMENT DESIGNATED "BG-14" BEING THE NORTH ANCHOR BOLT OF ELECTRIC TRANSMISSION TOWER #BGK4 BEING THE THIRD TOWER NORTH OF THE ELECTRIC SUBSTATION NORTHWESTERLY OF POWERS BOULEVARD AND WOODMEN ROAD, HAVING A PUBLISHED ELEVATION OF 6861.21 FEET NGVD 1929.

BASIS OF BEARINGS
 THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER; MONUMENTED ON THE SOUTH END BY A FOUND REBAR AND 2-1/2" ALUMINUM CAP STAMPED WITH THE APPROPRIATE SYMBOLOLOGY FOR THE SECTION CORNER AND "DREXEL BARREL LS 17664 - 1985" AND ON THE NORTH END BY A FOUND REBAR AND 3-1/4" ALUMINUM CAP STAMPED WITH THE APPROPRIATE SYMBOLOLOGY FOR THE SECTION CORNER AND "A.B. SWART PLS 33649 - 2010"; ASSUMED TO BEAR NORTH 01°11'21" EAST 2639.81 FEET.



OLSSON ASSOCIATES

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 Loveland, CO 80538
 TEL: 970-461-7733
 www.olsonassociates.com

PRELIMINARY NOT FOR CONSTRUCTION

SPACE VILLAGE FILING No. 3
 PETERSON BOULEVARD & SPACE VILLAGE AVENUE

PRELIMINARY PLAN

REVISION DESCRIPTION	
DATE	
DATE	10/02/2018
SHEET NUMBER	1 OF 1
	SP-17-009

USER: jerramouspe
 DWG: F:\2017\1501-2000\017-1754\40-Design\AutoCAD\Preliminary\Plots\Sheets\GNV\OR-SET\VC_PREL-PLAN_71754.dwg
 DATE: Oct 02, 2018 3:26pm
 XREFS: C:\BASE_71754

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

September 19, 2018

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

RE: Space Village Filing No. 3 Lots 1, 2 & 3 (Kum & Go #0692)
Final Plat
NW1/4 Sec. 17, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24412

To Whom It May Concern:

We have received additional information concerning the above-referenced proposal to subdivide a 4.13 +/- acre tract of land into 3 commercial lots. The comments provided herein supersede those comments previously provided by letter dated May 31, 2018. The first lot will be 1.77 +/- acres, the second lot will be 1.97 +/- acres, and the third lot will be 0.39 +/- acres. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The updated Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 3.43 acre-feet/year for all combined uses in the development. This breaks down to 0.63 acre-feet/year for the commercial uses on lot one, 2.02 acre-feet/year for commercial uses on lot two, 0.17 acre-feet/year for commercial uses on lot three, and 0.62 acre-feet/year for combined irrigation on all three lots.

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

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and an updated letter of commitment from Cherokee dated August 29, 2018 was included with the submittal. According to the letter, they have committed to supply 3.440 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 3.440 acre-feet/year for the proposed development.

State Engineer's Office Opinion

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

Sincerely,

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

Ivan Franco, P.E.
Water Resource Engineer

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

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

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Diana K. May

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Assistant County Attorneys
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Lisa A. Kirkman
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Peter A. Lichtman

October 5, 2018

Space Village Filing No. 3 (Kum & Go Convenience Store)
Preliminary Plan – SP-17-009
Final Plat – SF-18-16

Reviewed by: Lori Seago, Senior Assistant County Attorney *LS*
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a Preliminary Plan and Final Plat proposal by Space Village Retail, LLC/Space Village Filing No. 3 (“Applicant”), to subdivide an approximately 4.132 acre parcel into 3 commercial lots. Lot 2 is currently being used for commercial retail purposes and Lots 1 and 3 are currently vacant. For the purpose of calculating a proposed water demand, the Applicant assumed a 5,600 square foot convenience store on Lot 1 and a 1,500 square foot commercial building on Lot 3. The property is zoned C-1 (Commercial).

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District (“District”). Pursuant to the Water Supply Information Summary for the subdivision, the Applicant estimates its annual water needs to serve the 3-lot commercial subdivision at 3.43 acre-feet/year for the subdivision (2.81 acre-feet/year for commercial use and 0.62/acre-feet/year for irrigation). Based on these figures, the Applicant must be able to provide a supply of 1,029 acre-feet of water (3.43 acre-feet/year x 300 years) to meet the County’s 300 year water supply requirement.

3. In a letter dated September 19, 2018, the State Engineer reviewed the application to subdivide the 4.13 +/- acres into 3 commercial lots. The State Engineer noted the breakdown of acreage and water demands for the 3 lots as follows:

Lot 1: 0.63/acre-feet + irrigation (1.77 +/- acres)
Lot 2: 2.02/acre-feet + irrigation (1.97 +/- acres)
Lot 3: 0.17/acre-feet + irrigation (0.39 +/- acres)

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

The State Engineer's Office stated that according to their records, the Cherokee Metropolitan District "has adequate water resources to serve 3.440 acre-feet/year for the proposed development." And further, pursuant to "Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

4. The District's Water & Wastewater Collections Manager provided a letter of commitment for the 3-lot commercial subdivision dated August 29, 2018. The District noted that the parcels of land are located within the District's service boundary and that the "District stands ready and willing to provide water and sewer service for the specific properties and uses detailed herein." The District further stated that the "Space Village Filing #3 Lots #1, #2, #3 development requires 3.440 acre feet per year of water, which includes water for irrigation purposes, leaving the District with a water balance of 344.403 acre feet per year for future developments."

5. A Water/Wastewater Resources Report for Space Village Filing No. 3, Lots 1, 2 & 3, dated August 22, 2018, was also provided with Applicant's submittal. The report noted that Lot 2 is already being serviced by the District and the water demand is based on current site conditions. The report set forth the commercial uses that were noted by the State Engineer at a total of 2.81 acre-feet (0.63/acre-feet for Lot 1, 2.02 acre-feet for Lot 2, and 0.17 acre-feet for Lot 3), plus irrigation in the amount of 0.62 acre-feet (0.44 acre-feet for Lot 1, 0.08 acre-feet for Lot 2, and 0.10 acre-feet for Lot 3).

6. Analysis: Pursuant to the Water Supply Information Summary and Water/Wastewater Resources Report, the water demand for the 3-lot commercial subdivision is 3.43 acre-feet per year. The District currently has infrastructure in place and water resources available in excess of 347 acre-feet per year. The District reaffirmed its commitment to provide water services to the commercial subdivision in the amount of 3.44 acre-feet per year for 300 years.

7. Pursuant to Section 8.4.7.B.10 of the Land Development Code, it is presumed that water supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by the EPCDHE, meets the required water quality standards.

8. Therefore, based upon no objection by the State Engineer, the District's commitment of the specified water demand, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

- A. The District requires that the subdivision must achieve zoning and final plat approval from El Paso County within 12 months of the date of their commitment letter dated August 29, 2018.
- B. The following note shall be added to the face of the final plat:

An updated water commitment letter from Cherokee Metropolitan District shall be submitted with the applications for site development plans for Lot 1 and Lot 3 and provided to the State Engineer's Office to more accurately record the estimated water usage of the proposed uses.
- C. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Gabe Sevigny, Project Manager, Planner II