

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

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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

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**SUMMARY MEMORANDUM**

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 5/16/2023  
**RE:** SP-22-010, Cathedral Rock Commons Commercial Preliminary Plan, Store Master Funding VIII, LLC

**Project Description**

A request by Store Master Funding VIII, LLC, for approval of a preliminary plan to create three (3) commercial lots and one (1) tract. The 10.23-acre property is zoned CC (Commercial Community) and is located at the northeast corner of Struthers Road and Spanish Bit Drive. If the request for a preliminary plan is approved, the applicant will be required to obtain final plat approval, as well as site development plan approval prior to the initiation of any uses or the issuance of any building permits on the property.

**Notation**

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

**Planning Commission Recommendation and Vote**

Bailey moved / Trowbridge seconded for approval, for a preliminary plan, Cathedral Rock Commons Commercial, utilizing the resolution attached to the staff report, with four (4) conditions and four (4) notations, and a finding of water sufficiency with regards to quality, quantity, and dependability, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-0)**. The item was heard as a consent agenda item.

**Discussion**

This item did not have discussion at the Planning Commission hearing and was unanimously recommended for approval. No responses were received in regard to the application from the adjacent properties.

**Attachments**

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

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## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, April 20, 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:** BRIAN RISLEY, TOM BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** KARA OFFNER.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** ERIC MORAES, JOSHUA PATTERSON, AND BRYCE SCHUETTPELZ.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, JEFF RICE, ED SCHOENHEIT, SCOTT SHEVOCK, RYAN HOWSER, LUPE PACKMAN, MINDY MADDEN, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT OR VIRTUAL AND SPEAKING:** PATTI BENNETT, CHAVA KIRK, STASIA ERICKSON, AND DON GROVEN.

#### **1. REPORT ITEMS**

**A. Planning Department. Next PC Hearing is Thursday, May 4, 2023, at 9:00 A.M.**

**Ms. Herington** advised the board that the annual meeting on 5/18/2023 will include presentations completed by Ms. Seago. She advised the board that there are 2 non-action items to be heard at the

end of this agenda. These items will go to a BOCC work session, so PCD would like the board's input before then. She also recognized Mr. Risley because this will be his last meeting on the PC after 9 years.

**Mr. Risley** thanked PCD staff, Ms. Seago, the County Commissioners, and his fellow board members.

**B. Call for public comment for items not on hearing agenda.** NONE.

## **2. CONSENT ITEMS**

**A. Adoption of Minutes of meeting held April 6, 2023.**

**Mr. Bailey** noted that the minutes are not the official record of the meeting. The audio is the official record of the hearing.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. SP221**

**HOWSER**

### **PRELIMINARY PLAN CATHEDRAL ROCK COMMONS COMMERCIAL**

A request by Store Master Funding VIII, LLC for approval of a preliminary plan to create three (3) commercial lots and one (1) tract. The 10.23-acre property is zoned CC (Commercial Community) and is located at the northeast corner of Struthers Road and Spanish Bit Drive. If the request for a preliminary plan is approved, the applicant will be required to obtain final plat approval, as well as site development plan approval prior to the initiation of any uses or the issuance of any building permits on the property. (Parcel No. 71360-02-035) (Commissioner District No. 1).

**NO DISCUSSION.**

**PC ACTION: BAILEY MOVED / TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, FILE NUMBER SP-22-001 FOR A PRELIMINARY PLAN, CATHEDRAL ROCK COMMONS COMMERCIAL, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FOUR (4) CONDITIONS AND FOUR (4) 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 (8-0).**

**3. CALLED-UP CONSENT ITEMS.** NONE.

## **4. REGULAR ITEMS**

**A. P2213**

**PARSONS**

### **MAP AMENDMENT (REZONE) STERLING RANCH SOUTHEAST REZONE**

A request by Classic SRJ Land, LLC, for approval of a map amendment rezoning 35 acres from RR-5 (Residential Rural) to RR-0.5 (Residential Rural). The applicant intends to develop one-half acre lots for single-family detached homes as a transition to the rural properties adjacent to the south pursuant to the approved Sterling Ranch Sketch Plan. The property is located east of Vollmer Road at the southern portion of the Sterling Ranch Sketch Plan area. A concurrent preliminary plan is also requested. A combined staff report has been provided. (Parcel Nos. 52330-00-017, 52330-00-018, 52000-00-552, and 52000-00-553) (Commissioner District No. 2).

**ITEMS 4A, 4B, AND 4C WERE PRESENTED TOGETHER AND HAD SHARED DISCUSSION (SEE BELOW).**

**B. P2212**

**PARSONS**

**MAP AMENDMENT (REZONE)  
STERLING RANCH EAST REZONE**

A request by Classic SRJ Land , LLC for approval of a map amendment rezoning 301 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The applicant intends to develop single-family detached homes in four phases. The property is located east of Vollmer Road and adjacent to the north and south of the future Briargate Parkway/Stapleton Road extension. A concurrent preliminary plan is also requested. A combined staff report has been provided. (Parcel Nos. 52270-00-008, 52000-00-552, 52000-00-553, 52000-00-554, 52280-00-037, 52280-00-038, 52330-00-015, 52330-00-016, 52330-00-017, and 52330-00-018) (Commissioner District No. 2).

**ITEMS 4A, 4B, AND 4C WERE PRESENTED TOGETHER AND HAD SHARED DISCUSSION (SEE BELOW).**

**C. SP224**

**PARSONS**

**PRELIMINARY PLAN  
STERLING RANCH EAST PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC, for approval of a preliminary plan to create 761 single-family residential lots in four phases. The 320-acre property is zoned RR-5 (Residential Rural) and is located east of Vollmer Road and adjacent to the north and south of the future Briargate Parkway/Stapleton Road extension. Two concurrent rezones are also requested. A combined staff report has been provided. The preliminary plan is within the approved Sterling Ranch Sketch Plan area. If the request for a 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 Nos. 52270-00-008, 52000-00-552, 52000-00-553, 52000-00-554, 52280-00-037, 52280-00-038, 52330-00-015, 52330-00-016, 52330-00-017, and 52330-00-018) (Commissioner District No. 2).

**STAFF PRESENTATION**

**APPLICANT PRESENTATION**

**Mr. Carlson** asked for clarification of the southern boundary's setback and buffer.

**Ms. Jennifer Shagin**, with NES, answered that the 30-foot easement and trail are within the 50-foot buffer tract south of the proposed lots. The lots have a 100-foot building setback from the lot lines.

## **PUBLIC COMMENT**

**Ms. Patti Bennett** (online) stated she is opposed to all 3 projects due to a lack of information on the projects. Before the hearings, she had a hard time determining the locations of the proposed rezones within the preliminary plan, but thought the presentations did a better job of providing clarity. She requested to see a plan with more clarity of the rezone areas, the defined open spaces, and the description of the easements and trails system. She requested that the parcels adjacent to Pawnee Rancheros (southeastern boundary) be modified to provide a better transition. She suggested 1-acre or 2.5-acre parcels along the southern border. Overall, she opposes all projects because of the impact they will have on her neighborhood.

**Ms. Chava Kirk** stated she is opposed to all 3 projects. She thinks the rezone will change the environment in the area. The homes in her area are on well and septic, livestock is in the area, and there is wildlife. There is a neighborhood dog. People take care of the land and don't use pesticides. She believes people who are going to move into the new development area will be irritated by the farm animals. How will 750 new homes and 2 schools respond when a cow gets out? She compared this proposal to the movie *Up* and stated the idealized parks and trails would kill the natural resources and wildlife. She asked for more of a buffer on the southern border.

**Ms. Stasia Erickson** is opposed to all 3 projects. She is requesting a modification to include 1 or 2.5-acre lots adjacent to the Pawnee Rancheros neighborhood. She is also requesting an 8-foot wall to separate her 5-acre neighborhood from the new development. The high-density proposal, which includes a school next to her property, concerns her because of her animals. She raises alpacas. She has had problems with a previous developer concerning a road in the area that caused flooding on her land. She is requesting mitigation of the noise and dust during construction. Over the past 13 years, she has had people approaching her animals to feed or pet them, loose dogs attacking her alpacas, and people leaving trash out. She is concerned about an increase in crime, traffic, and trespassing.

**Mr. Don Groven** is opposed to all 3 projects. He is concerned about where the development will get water and how long that water supply will last. He stated that 50 years ago, there was a 300-year supply when the land was scarcely populated. Now that the population has exploded, how will the water last?

**Ms. Shagin** addressed the concerns about the transition at the southern border. The developer is following the guidelines set by the 2008 sketch plan, which did not change with the 2022 sketch plan amendment. She stated it is unfortunate people have trespassed on other people's property. She stated construction has not begun within this planned area. She reiterated that there will be a buffer tract and a 100-foot building setback between the 5-acre lots' property lines and the buildable areas of the proposed RR-0.5 lots. There will also be a fence at the rear of the proposed

lot lines to promote that buffer. There is a small trail in the buffer tract to promote pedestrian connectivity throughout the Sterling Ranch development.

## **DISCUSSION**

**Mr. Carlson** stated that the sketch plan showed 3-5 dwelling units per acre in most of the residential areas, but the proposed zoning would allow as many as 9. Under the waiver section of the staff report, it states the PCD Director could approve the subsequent final plat so long that it is consistent with the preliminary plan. If the developer wanted to put 9 dwellings per acre in that area because now it's zoned that way, could they do that? Will the applicant have to come back before PC if they want to increase the density stated in the sketch plan?

**Ms. Parsons** answered that approval of the preliminary plan is approval of the actual layout of the roads, sidewalks, and size of the lots. To change the preliminary plan, the applicant would have to start over. Each project file in EDARP has its own specific maps and files. The preliminary plan drawing in EDARP shows the specific details of the lots, roadways, trails, sidewalks, and pedestrian ramps. The southern boundary, adjacent to Pawnee Rancheros, consists of a property line, split-rail fence then a 50-foot buffer tract, with a meandering trail. The paved roads will have adjacent sidewalks that will carry the majority of the pedestrian traffic from the school sites to the homes. The children going to schools or parks within this development would likely use the internal sidewalks as opposed to the peripheral trail.

**Mr. Risley** clarified that the proposed preliminary plan shows lot lines and the next stage will be the final plat, which could be approved administratively by the Department Director.

**Ms. Parsons** stated that is correct. If the PC recommends approval and the BOCC approves this application with a water finding, the applicant can submit an administrative final plat if no changes have been made. An administrative final plat would appear as the preliminary plan design as proposed during this hearing.

**Mr. Risley** reiterated that this appearance before the commission could be this development's final stop (for this specific development as proposed).

**Ms. Parsons** stated that is correct.

**Mr. Trowbridge** asked Ms. Parsons to pull up the zoning map from the presentation. He asked to see the southern boundary. He is concerned with the transition and is not happy with only one row of 0.5-acre lots and then having RS-5000 so close to the 5-acre lots. He doesn't think that's a good enough transition and he thinks it should be more gradual. He has a problem with everything south of the proposed Sterling Ranch Road.

**Ms. Parsons** clarified the area Mr. Trowbridge was referring to on a map. She stated that the sketch plan with designated buffers and transitions was already approved at the time of PCD staff's review of these requests. She was not able to compel the applicant to provide a greater buffer when they are following the approved sketch plan from 2008.

**Mr. Trowbridge** stated he understood that, but added PC was able to address concerns of adequate transition during review of Jaynes Sketch Plan and the applicant made changes.

**Mr. Risley** checked in with Ms. Offner to see if she had any questions. She did not.

**PC ACTION: BRITTAIN JACK MOVED / MERRIAM SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, FILE NUMBER P-22-013 FOR A MAP AMENDMENT (REZONE), STERLING RANCH SOUTHEAST REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-3).**

**IN FAVOR:** RISLEY, BAILEY, BRITTAIN JACK, FULLER, AND MERRIAM.

**IN OPPOSITION:** CARLSON, TROWBRIDGE, AND WHITNEY.

**COMMENT: MR. TROWBRIDGE** did not think the density transition was adequate. **MR. CARLSON** stated it has been mentioned in the past that a sketch plan isn't as important in the process, but the sketch plan stage was what determined this developer's plans to move forward. Things are harder to change now that the sketch plan has been approved. He agreed with Mr. Trowbridge's assessment that the transition is inadequate; having ½-acre properties adjacent to 5-acre lots is not acceptable. **MR. WHITNEY** agreed that there should be a greater transition between 5-acre lots and higher densities.

**PC ACTION: BAILEY MOVED / MERRIAM SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4B, FILE NUMBER P-22-012 FOR A MAP AMENDMENT (REZONE), STERLING RANCH EAST REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**PC ACTION: FULLER MOVED / BRITTAIN JACK SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4C, FILE NUMBER SP-22-004 FOR A PRELIMINARY PLAN, STERLING RANCH EAST PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FIVE (5) CONDITIONS AND FOUR (4) 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 (6-2).**

**IN FAVOR:** RISLEY, BAILEY, BRITTAIN JACK, CARLSON, FULLER, AND MERRIAM.

**IN OPPOSITION:** TROWBRIDGE AND WHITNEY.

**COMMENT: MR. WHITNEY** stated that he could not recommend approval of this preliminary plan when he voted against the earlier rezone (P-22-013).

**D. ID231**

**PARSONS**

**SPECIAL DISTRICT SERVICE PLAN  
STERLING RANCH METROPOLITAN DISTRICT NOS. 4 & 5**

A request by Classic SRJ, LLC, and Spencer Fane P.C. for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Sterling Ranch Metropolitan District Nos. 4 and 5. The 576-acre area included within the request is zoned RR-5 (Residential Rural) and is located south of Arroya Lane, and

east of Vollmer Road. The proposed service plan includes the following: a maximum debt authorization of \$150 million, a debt service mill levy of 50 mills for residential, and an operations and maintenance mill levy of 15 mills, for a total maximum combined residential mill levy of 65 mills. The statutory purposes of the district include the provision of the following: 1) street improvements, safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water including fire hydrant systems, and sanitation systems. (Parcel Nos. 52000-00-553, 52270-00-005, 52270-00-006, 52270-00-007, 52270-00-008, 52270-05-001, 52280-00-038, 52330-00-015, and 52340-02-001) (Commissioner District No. 2).

## **STAFF PRESENTATION**

**Mr. Carlson** asked Ms. Parsons for clarification regarding the district's water rights being given to FAWWA. Will there be any wells on the future developments in this area?

**Ms. Parsons** stated she could not answer that question. The only application received so far is Foursquare, which will use existing infrastructure. She asked if Mr. Campbell could give more info.

**Mr. Kyle Campbell**, with Classic Consulting Engineers & Surveyors, stated he is not aware of any need for additional wells as the water will be serviced by FAWWA.

**Mr. Whitney** asked Ms. Parsons to clarify if the boards for metro districts 1-3 could also run the board for the proposed metro districts 4 & 5 as opposed to the developer running the district.

**Ms. Parsons** stated that by not including the future development (the eastern half of Sterling Ranch) in districts 1-3, the existing owners in the western part of Sterling Ranch will be able to take over the district boards of 1-3 as a more active membership. This means the developer won't have as much say in the district boards. If the developers didn't create this, the existing residents would not be able to occupy as many board seats because there is so much future development. This creates balance.

**Mr. Trowbridge** stated this is typical for HOAs as well. When a developer initially creates this type of organization, they are the majority owner and they are in control. Once properties are sold, their influence is less and less.

**Mr. Whitney** thanked both for the clarification.

**Mr. Bailey** asked if the extension of Briargate Parkway is among the road and transportation improvements these metro districts would fund. He asked if there was any restriction as to what roads get improved.

**Ms. Parsons** answered that Briargate Parkway could be part of those improvements. She stated there are no restrictions.

## **APPLICANT PRESENTATION**

**Ms. Merriam** stated that when she thinks of the creation of new districts, she thinks of them collaborating with existing districts.

**Mr. Dykstra** stated FAWWA would be that coordinating entity. These districts will be responsible for building the sewer and water lines themselves, then after they're completed, they will be turned over to FAWWA for operation and maintenance.

**Ms. Merriam** asked for further clarification regarding the report stating the area will consist of lots over 35 acres that are serviced by individual wells using the Denver Basin. Is that part of Sterling or part of the Falcon water?

**Mr. Dykstra** answered that Mr. Campbell stated there was no plan to drill additional wells within this district. FAWWA has several other well fields in other areas that will produce water.

**Ms. Merriam** asked what would happen if one didn't go down as far as it should have. She asked about discharging the debt and going back to residents in the area. She asked if the older areas that are more surface-related, which don't have as deep wells, will run out because this is a larger district.

**Mr. Dykstra** clarified if Ms. Merriam was asking if the existing residential domestic wells run out.

**Ms. Merriam** stated that was correct.

**Mr. Dykstra** stated that was above his knowledge or expertise. He stated most domestic wells are shallower than the deeper Arapahoe or Denver wells. He stated he has not seen that in his experience, but he's not qualified to answer fully.

**Mr. Risley** added that while Ms. Merriam's concern is important, FAWWA is a municipal water system, so he does not believe that discussion is germane to the background financial structure.

**Ms. Merriam** stated she was focusing her question as it pertains to the proposed Sterling district.

**Mr. Risley** commented that the State of Colorado has very low property taxes compared to others. He stated that as a result, creative funding mechanisms to provide public utilities and infrastructure are used. He believes metro districts are very important. Some additional cost is added to residents who live in that metro district, but it's important that the cost is placed where appropriate instead of putting that burden on the County in general. The development pays its own way, which is a philosophy that El Paso County and other parts of Colorado have adopted.

**PC ACTION: CARLSON MOVED / BRITTAIN JACK SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, FILE NUMBER ID-23-001 FOR A SPECIAL DISTRICT SERVICE PLAN, STERLING RANCH METROPOLITAN DISTRICT NOS. 4 AND 5, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

## **5. NON-ACTION ITEMS**

## **A. POTENTIAL CODE AMENDMENT RE: GREENHOUSES**

### **PRESENTATION & DISCUSSION**

**Mr. Risley** asked how the Regional Building Department (PPRBD) arrived at the 1,000 ft<sup>2</sup> limit.

**Ms. Madden** stated they made the recommendation of 1,000 ft<sup>2</sup> but are open to larger structures with a special-use application. She mentioned the construction of hoop houses and stated snow-load may be part of their recommendation.

**Mr. Risley** requested detailed justification of the recommended square footage when this comes before PC again as a proposed amendment.

**Ms. Madden** stated that someone from PPRBD will be available at the hearings to give more information and feedback. She stated she doesn't know why they decided on 1,000 ft<sup>2</sup>.

**Mr. Risley** explained his reasoning behind the request for that information is because there are several pre-engineered greenhouse systems that come in a variety of sizes that he thinks PPRBD may want to keep in mind when making the square footage recommendation.

**Ms. Madden** added that this proposed amendment would bypass the building code and these structures would be reviewed by PCD staff. With the agricultural exemption, the use of the structure would be regulated to meet the requirements of state statute for agricultural use only. She also added that this amendment is for personal greenhouses, not commercial, so they don't want to get into the larger sizes.

**Mr. Trowbridge** asked if there would be a limit to how many greenhouses a person could have.

**Ms. Madden** answered that PCD staff would still look at the lot coverage standards of their zoning district.

**Mr. Trowbridge** asked if a person had 20 acres, could they build a 10,000 ft<sup>2</sup> greenhouse?

**Ms. Madden** answered that they could and added that the current code requires anything more than an acre must be a special-use process. She stated this amendment was intended for mom-and-pop backyard gardens.

**Mr. Trowbridge** understood but added there are always people who want to push the envelope. The presentation continued.

## **B. POTENTIAL CODE AMENDMENT RE: CARPORTS**

### **PRESENTATION & DISCUSSION**

**Ms. Herington** added that it was controversial when the City of Colorado Springs and the City of Fountain amended their carport codes. She wanted to make sure they are considering that the proposed change would allow a driveway to be covered by a carport where it is currently not

allowed. Proposed changes to greenhouses are easy. Changes to carports are not as easy.

**Mr. Carlson** asked if the structure would need to be off any utility easement as well.

**Mr. Schoenheit** confirmed and stated that the property owner would need to get permission from the easement holder/utility provider, especially for the front area. He stated he does not foresee a utility company approving a structure built on top of their utility easement.

**Mr. Carlson** clarified that the property owner could build right up to the utility easement.

**Mr. Schoenheit** agreed so long as the easement is within the 5-foot requirement from the right-of-way. The 5-foot setback should allow clearance from the utility easement.

**Mr. Carlson** asked if there is no sidewalk and no right-of-way, just a utility easement, could the property owner build right up to the easement.

**Mr. Schoenheit** stated the property owner would just need to get permission from the easement holder. That could be El Paso County or a private utility company.

**Ms. Brittain Jack** asked about existing carports that are not in compliance with code. Would they need a variance?

**Ms. Madden** answered that if a property owner doesn't meet the proposed requirements, then they likely don't meet the existing code. There will not be any legal non-conforming uses. The owner would need to bring their carport into compliance. Because PCD is proposing a setback of 5 feet, that will not allow additional administrative relief or BOA. The carport cannot be any closer to the road.

**Mr. Risley** added that the County is not going to go out and look for these violations unless there is a Code Enforcement (CE) complaint.

**Ms. Madden** confirmed the CE is complaint based and stated most of these complaints are from the Security/Widefield area where they receive a lot of hail damage.

**Ms. Fuller** asked if there would be a maximum size for the carports.

**Ms. Madden** answered with 500 ft<sup>2</sup>.

**Mr. Trowbridge** stated that the example diagram in the presentation appears to show an attached carport to the house. Do the carports need to be attached?

**Ms. Madden** answered that they would need to be free-standing. If they are attached, they are an addition to the house and would be processed through PPRBD.

**Ms. Fuller** asked if an HOA could still restrict a front yard carport with the proposed setback even when the County allows it.

**Ms. Madden** stated that is correct. The presentation continued.

**Mr. Risley** commented that the typical parking space is 9x18 feet while a typical carport is 10x20 feet. He suggested considering a larger allowable footprint because he thinks the 200 ft<sup>2</sup> condition will kick most carports into requiring a building permit.

**Ms. Madden** thanked Mr. Risley for the feedback and addressed one of Mr. Carlson's earlier comments. She stated that the current code allows temporary carports to be within setbacks and easements with permission of the easement holders. She asked for the PC's opinion on whether that should continue to be allowed if carports are no longer considered temporary, but permanent.

**Mr. Carlson** stated he thinks if the property owner received permission from the easement holder, then it should be allowed.

**Mr. Bailey** agreed and added that he doesn't think the code should limit that allowance if they have received permission from the easement holder. He thinks the easement holder should establish their own standards on whether that can be allowed or not.

**Ms. Merriam** agreed and stated that some carports may not be sheltering a car, but utility vehicles and lawnmowers, etc., and may be on the side of the house instead of the front.

**Ms. Madden** clarified that carports are defined by the code as being for the protection of vehicles. Any use other than that would be a CE violation.

**Mr. Trowbridge** added that it would be used as a storage shed at that point.

**Ms. Madden** agreed.

**Mr. Whitney** stated that if the carport meets the proposed code criteria and the landowner has received permission from the easement holder, he sees no problem.

**Mr. Risley** agreed and added that things are built within utility easements all the time. If the utility company needs to dig up a pipe or something, they will remove what is in their way at the homeowner's expense. He doesn't think the County should get involved in that process. He asked when this would come before the PC as a hearing item.

**Ms. Madden** answered it would come before the board on May 4<sup>th</sup> as a regular item with a more detailed presentation.

**Ms. Herington** asked the board if would need additional time for their consideration and if this was a concept they wished to pursue. She suggested Ms. Madden follow up with the City of Colorado Springs and City of Fountain to see how many carport permits they are seeing now that their codes have been in place. That information might be useful to determine how many carport requests the County might receive. Overall, she stated she does not hear any objection to moving forward with this proposed code amendment.

**Mr. Carlson** stated that he agreed with Mr. Risley's suggestion that the size allowed before requirement of a building permit should be larger.

**Ms. Madden** stated that is a PPRBD requirement so she doesn't think there is flexibility with that.

**Mr. Risley** added that the County would need to be aware then that these carports will generate additional building permits. He thought the purpose of these amendments was to make it easier for the property owners, but this seems to create an additional barrier. He thinks if there are regulations making it harder for the property owners, they will just do it without a building permit. He thinks it will be the same situation with the greenhouse proposal if they are tied to the building permit process. The intent may be good, but the outcome may not be. He thinks if it were an option between making these code amendments with unintended consequences or leaving it the way it is, he thinks it should stay the same.

**Ms. Madden** clarified that the current code would require a building permit with a BOA hearing. Amending the code to increase the front yard setback for a carport would remove that BOA requirement and would make it easier for the property owner.

**Ms. Herington** added that PCD will ask someone from PPRBD to attend the next hearing when these items are next discussed. She mentioned that even a shed over 200 ft<sup>2</sup> would need a building permit but she's not sure what makes 200 that magic number. Same scenario for why 1,000 ft<sup>2</sup> was decided as the magic number for greenhouses.

**Mr. Risley** reiterated that if it is too difficult to obtain the proper approval, most people are going to just put it up without the proper permitting until they get caught.

**Mr. Trowbridge** stated that the more information gathered regarding comparisons between the County, Colorado Springs, and Fountain, the better. Specifically, sizes and issues that followed the code amendments.

**Ms. Fuller** asked for a briefing on when Colorado Springs adopted their code amendment and what the arguments against were. She doesn't like the aesthetic of carports.

**Mr. Whitney** also requested more information on when and why anything over 200 ft<sup>2</sup> requires a building permit.

**Ms. Madden** stated the requirement used to be anything over 120 ft<sup>2</sup> required building permit, but it changed around 2016 or 2017.

**Ms. Herington** commented on Ms. Fuller's request. She stated the discussion within Colorado Springs was about the aesthetic and issues that come along with carports. She stated that this amendment would allow both prefabricated and metal carports. Colorado Springs had discussion on whether they should require carports to be stick-built. It was also discussed that there would be nothing preventing the construction of front yard carports once the amendment was adopted unless an HOA specifically prevented it. Colorado Springs was also more proactive regarding Code Enforcement, so how these structures were going to be tracked was also discussed. Colorado

Springs adopted a front yard carport permit (separate from a building permit and with its own fee), but the County is not proposing that. Fountain has something similar.

**Mr. Carlson** stated that so long as they receive the full staff reports on time before the next hearing, that should be sufficient time to review the information.

**Ms. Madden** stated they would receive her staff reports at the same time as the other hearing items for the next agenda.

**Ms. Herington** added that after PCD has made their next presentation, if the PC wants more time to decide, they can continue the item or request additional information. There is no burning need to do this. If the hearing happens and the PC wants more time, they can ask for that.

**Ms. Merriam** mentioned that she lives in the eastern part of the County. The wind can be so strong that a carport would blow three houses down if it were made of light materials. Are the materials the carports are made of part of the consideration?

**Ms. Madden** stated that the code amendment only addresses the front yard setback for a carport on parcels less than 1/2 an acre. The setback on any other lot would be whatever is allowed for an accessory structure.

**Mr. Risley** asked the board if a pre-hearing briefing of proposed code amendments was appreciated. The consensus was that it was appreciated.

**Mr. Bailey** likes the opportunity to provide feedback after having the time to think it over.

**Ms. Herington** thanked the board for that feedback and added that if anyone on the commission has follow-up ideas or questions, to please reach out to herself, Mr. Kilgore, or Ms. Madden so they can research the topic and discuss it in the future. She stated that these proposed changes were advertised on this agenda, will be discussed at a BOCC work session, will appear again before the PC as a regular item, and finally appear before the BOCC as a regular item. There will be plenty of time for the PC to provide review and to advise the public of upcoming changes. She thanked the board for their time on this.

**MEETING ADJOURNED** at 11:37 A.M.

**Minutes Prepared By:** Miranda Benson

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Bailey

moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP-22-001  
CATHEDRAL ROCK COMMONS COMMERCIAL

WHEREAS, Store Master Funding VIII, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for the proposed Cathedral Rock Commons Commercial 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 this Commission on April 20, 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. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

6. 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 Preliminary Plan, 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.2.e of the Land Development Code (2022):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Code;
3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
4. 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 (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat 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 the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
8. 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;
9. 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 the Code and the ECM;
10. 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;

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Store Master Funding VIII, LLC for the approval of a Preliminary Plan for the proposed Cathedral Rock Commons Commercial Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. 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.
3. 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 18-471), 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.

4. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

#### NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.
4. Park and school fees are not applicable to commercial subdivisions.

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.

TROWBRIDGE seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Kara Offner	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20<sup>th</sup> day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
BRIAN RISLEY, Chair

DATED: April 20, 2023

## EXHIBIT A

### "CATHEDRAL ROCK COMMONS COMMERCIAL"

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION: A portion of the Northeast Quarter of the Southeast Quarter of Section 36, Township 11 South, Range 67 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows: A tract of land in the Northeast quarter of the Southwest quarter in Section 36, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at a point of intersection with the West line of said Northeast quarter of the Southwest quarter and the northeasterly line of a tract described by Deed to the Department of Highways, State of Colorado, recorded August 12, 1963 in Book 1969 at Page 746 under Reception No. 301954 of the records of El Paso County, Colorado; thence N00°39'12"E on said West line, 745.58 feet to the most westerly corner of Lot 28, Chaparral Hills, as recorded in Plat Book T2 at Page 2 in the records of El Paso County, Colorado; thence S89°20'48"E, 485.53 feet to an angle point on the southerly line of said Lot 28; thence S40°33'06"E, 471.44 feet to a point of intersection with the northwesterly line of Spanish Bit Drive as platted in Chaparral Hills; thence along said northwesterly line of Spanish Bit Drive for the following five courses; S49°26'54"W, 227.19 feet to a point of curve; thence on a curve to the left, through a central angle of 14°19'10", having a radius of 530.00 feet, an arc distance of 132.46 feet; thence S35°07'44"W, 167.67 feet to a point of curve; thence on a curve to the right through a central angle of 29°52'41", having a radius of 470.00 feet, an arc distance of 245.09 feet; thence S65°00'25"W, 166.60 feet to a point of intersection with said recorded Department of Highways northeasterly line; thence N24°59'35"W, 250.13 feet to the point of beginning, except that portion conveyed by Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, County of El Paso, State of Colorado.

BEING THE SAME AS THAT PROPERTY ON ALTA/ACSM SURVEY BY DANIEL L. BOYD, FOR ALTA SURVEYS OF COLORADO INC., JOB NO. S15-64, SIGNED DECEMBER 2, 2015, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 36, Township 11 South, Range 67 West of the Sixth P.M. in El Paso County Colorado, more particularly described as follows:

Commencing from the southwest corner of Lot 27 Chaparral Hills, recorded in Plat Book T2 at Page 2, El Paso County records being the True Point of Beginning; S49°26'54"W along the northwesterly right of way line of Spanish Bit Drive as platted in said Chaparral Hills Subdivision, a distance of 227.19 feet to a point of curve; Thence continuing along said northerly right of way of said Spanish Bit Drive on a curve to the left having a central angle of 14°19'10", a radius of 530.00 feet and a length of 131.27 feet; Thence continuing along said right of way line S35°07'44"W, a distance of 167.67 feet to a point of curve; Thence continuing on the said right of way line through a curve to the right having a central angle of 29°52'41", a radius of 470.00 feet and a length of 242.19 feet; Thence continuing along said right of way of Spanish Bit Drive S65°00'25"W, a distance of 6.60 feet to a point on the northeasterly line of Struthers Road as described in a Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, El Paso County records; Thence along the easterly line of said Struthers right of way the following four courses;

1. N69°59'25"W, a distance of 70.71 feet;

2. Thence N24°59'27", a distance of 115.63 feet;
3. Thence along a curve to the right having a central angle of 25°38'51", a radius of 880.00 feet and a length of 393.92 feet;
4. Thence N00°39'12"E, a distance of 392.80 feet to a point on the south line of Lot 28 of said Chaparral Hills; Thence S89°20'48"E, a distance of 435.53 feet to an angle point on the southerly line of said Lot 28, Thence S40°33'06"E along the southwesterly lines of said lots 28 and 27 a distance of 471.44 feet to the True Point of Beginning.

Containing 10.246 acres, more or less.



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

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Brian Risley, Chair

**FROM:** Ryan Howser, AICP, Planner III  
Lupe Packman, EI, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SP-22-001  
Project Name: Cathedral Rock Commons Commercial  
Parcel Number: 71360-02-035

OWNER:	REPRESENTATIVE:
Store Master Funding VIII, LLC 100 Big R Street Pueblo, CO, 81001	YOW Architects 115 South Weber Street, Suite 200 Colorado Springs, CO, 80903

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>4/20/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>5/16/2023</b>

A request by Store Master Funding VIII, LLC for approval of a preliminary plan to create three (3) commercial lots and one (1) tract. The 10.23-acre property is zoned CC (Commercial Community) and is located at the northeast corner of Struthers Road and Spanish Bit Drive. If the request for a preliminary plan is approved, the applicant will be required to obtain final plat approval as well as site development plan approval prior to the initiation of any uses or the issuance of any building permits on the property.

### A. WAIVERS/DEVIATIONS/AUTHORIZATION

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

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**Authorization to Sign:** Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability, authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements, and any other documents necessary to carry out the intent of the Board of County Commissioners.

## **B. APPROVAL CRITERIA**

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2022) states 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 the 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 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 ECM are provided by the design;

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- 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 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 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 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; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

### C. LOCATION

North:	RR-2.5 (Residential Rural)	Residential
South:	R-4 (Planned Development)	Vacant
East:	RR-2.5 (Residential Rural)	Residential
West:	Town of Monument	Vacant

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## **D. BACKGROUND**

On April 5, 1976, the Board of County Commissioners (BoCC) approved a request to rezone the property to R-4 (Planned Development), creating the Jackson Creek Junction R-4 district (El Paso County Public Records, Reception No. 231703). The Jackson Creek Junction R-4 district (PCD File No. R4-75-004Z) identified this property as appropriate for multifamily development consisting of up to 7.5 dwelling units per acre. To date, none of the surrounding properties have incorporated multifamily development and most of the properties originally subject to the Jackson Creek Junction R-4 district have since rezoned to other zoning districts.

On February 8, 2012, the BoCC approved a request to rezone the subject property from R-4 to CC (Commercial Community) (PCD File No. CC-11-002). On July 16, 2012, the Planning and Community Development Director approved an administrative site development plan for the Big R retail store that is currently located on the subject property (PCD File No. PPR-21-005). The existing retail store is expected to remain on the proposed Lot 1; no changes to the existing use are proposed at this time.

The property is located on the east side of Struthers Road, immediately adjacent to Interstate 25. On the west side of Interstate 25, approximately one (1) mile south of the subject property is the United States Air Force Academy (AFA). Approximately one-quarter of a mile to the north of the subject property, at the intersection of Struthers Road and West Baptist Road are additional commercial uses within the Town of Monument. To the east and south of the subject property are primarily residential uses of varying densities, ranging from large lot residential development with a minimum lot size of 2.5 acres to urban densities.

## **E. ANALYSIS**

### **1. Land Development Code Compliance**

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2022).

### **2. Zoning Compliance**

The subject parcel is zoned CC (Commercial Community). According to the Land Development Code, the purpose of the CC zoning district is as follows:

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*The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.*

The density and dimensional standards for the CC zoning district are as follows:

- Minimum zoning district area: 1 acre \*
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet \*\*
- Maximum height: 40 feet

\* Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

\*\* The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

\*\* If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

The existing structure meets the dimensional standards of the CC zoning district. The preliminary plan proposes to retain the existing use on its own lot and the existing structure is expected to comply with the dimensional standards as depicted on the preliminary plan.

The applicant is not currently proposing to construct any new structures. Any additional structures constructed in the future will require site development plan review and approval and will need to demonstrate that all site developments will comply with the dimensional standards included in Chapter 5 as well as any applicable development standards of Chapter 6 of the Code.

## **F. MASTER PLAN COMPLIANCE**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character: Suburban Residential**

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*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.*

*Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.*

#### **Recommended Land Uses:**

##### *Primary*

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre.*

##### *Supporting*

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*



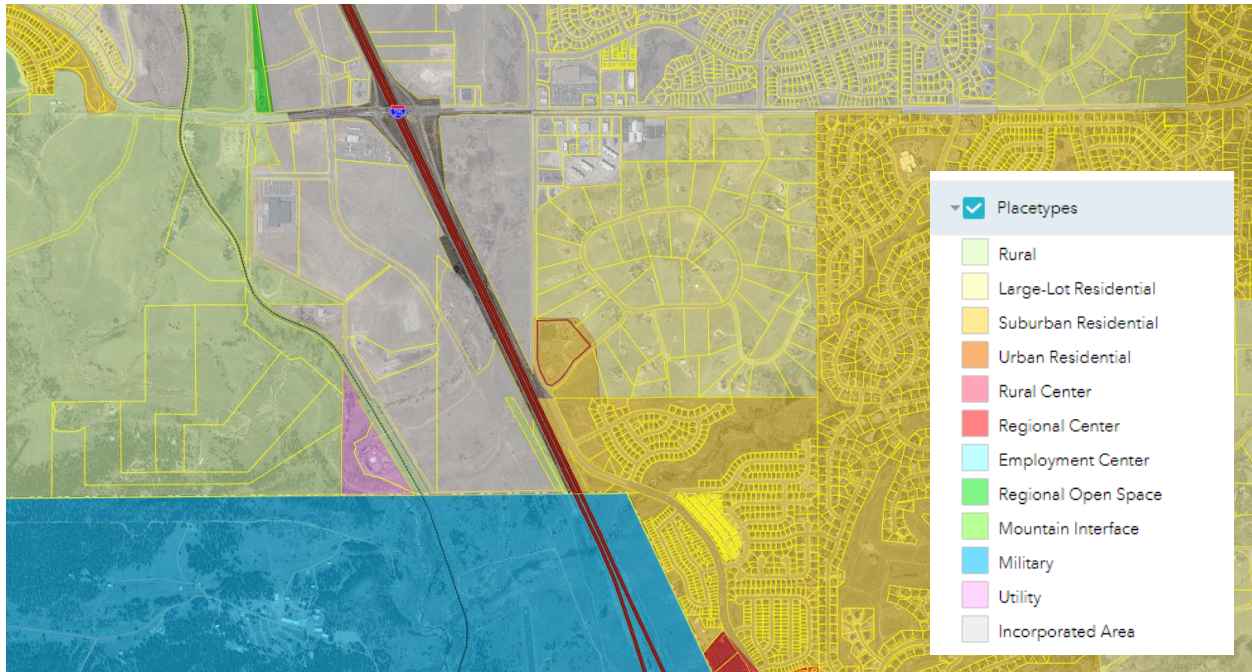


Figure F.1: Placetype Map

### Analysis:

The property is located within the Suburban Residential placetype. According to the Master Plan, *the Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections.* The existing and proposed commercial uses of the property are consistent with the recommended land uses within the Suburban Residential placetype. Relevant goals and objectives are as follows:

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

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

**Goal LU4** – *Continue to encourage policies that ensure “development pays for itself.”*

**Objective HC2-6** – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

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**Objective TM2-1** – *Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.*

**Objective TM1-4** – *Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.*

**Placetype character:** Military

The property is also located within the Military Reservation Buffer. *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.*

**Recommended Land Uses:**

*Primary*

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

*Supporting*

- *Single-Family Detached Residential*

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

### **Analysis:**

The proposed and existing commercial uses are consistent with the recommendations for properties located within the Military Reservation Buffer. Relevant goals and objectives are as follows:

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

**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: Minimal Change: Developed**

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of an denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*



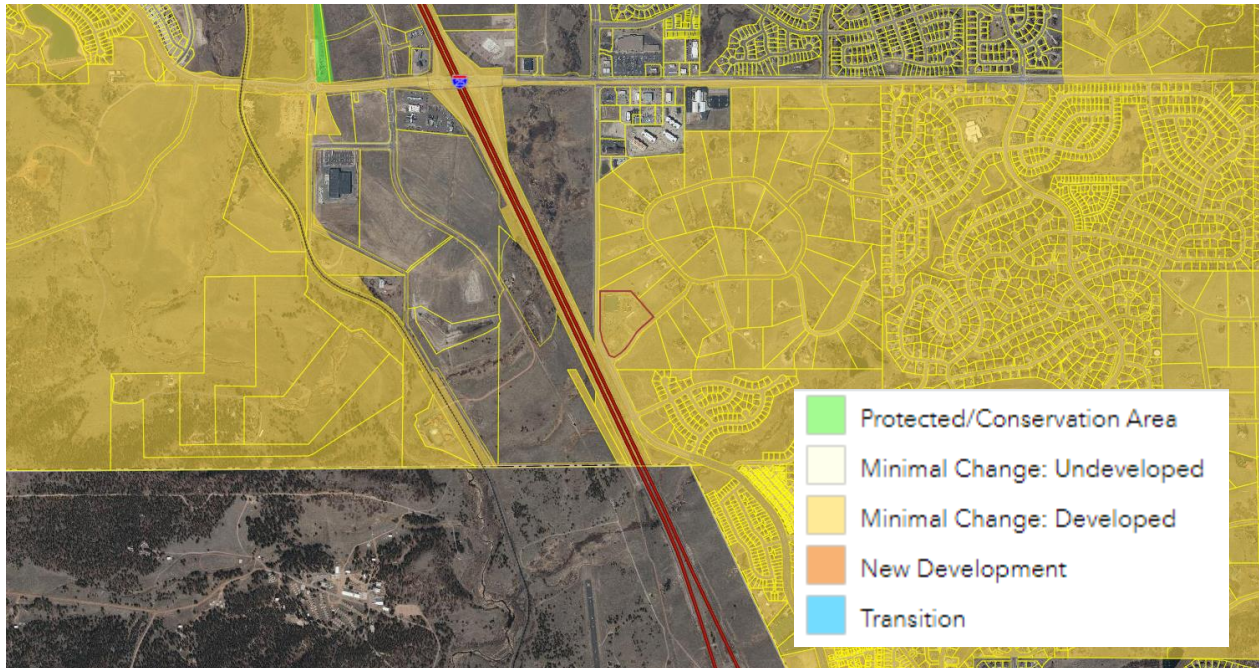


Figure F.2: Area of Change Map

### Analysis:

The subject property is currently utilized for commercial purposes. The proposed preliminary plan would allow two (2) additional commercial lots to be created. The subject area is located in an area which is not expected to significantly change in character. However, the Master Plan acknowledges the presence of pockets of underutilized land that may impact the character of the area upon development of these sites. The addition of two (2) additional commercial lots is not expected to significantly change the character of the surrounding area. A relevant specific strategy is as follows:

***Goal LU3 Specific Strategy*** – *The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.*

### c. Key Area Influences: Tri-Lakes Area

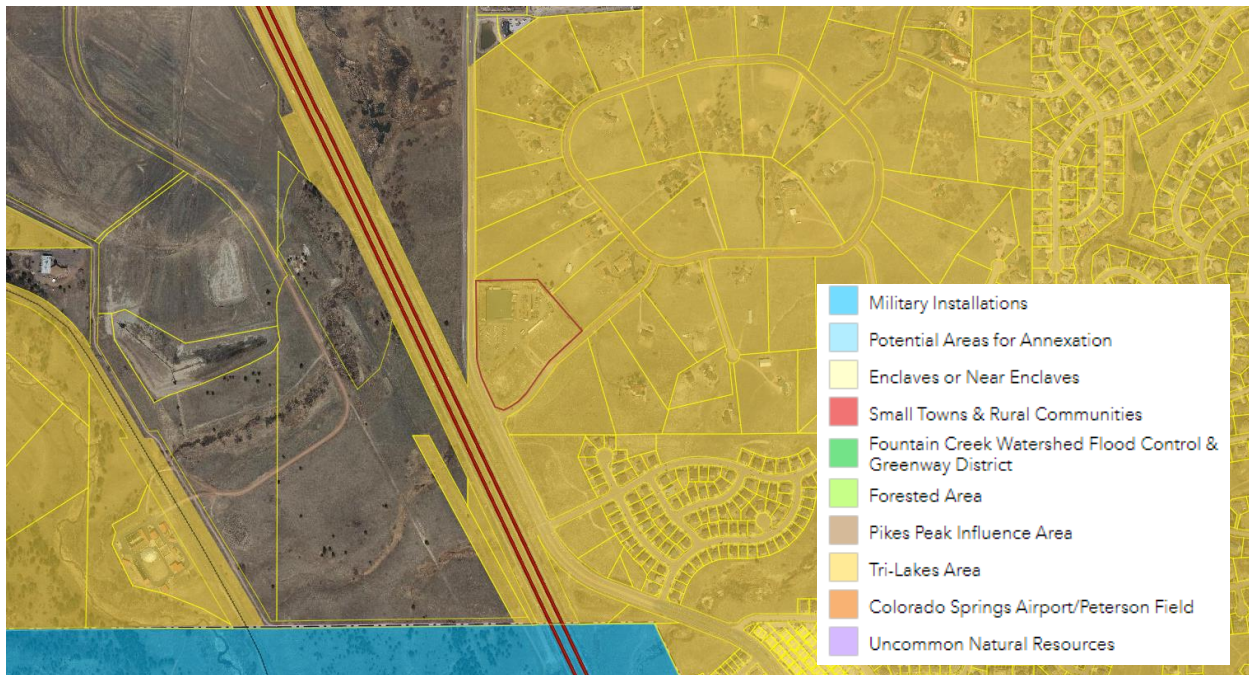
*Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy,*

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*and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*



**Figure F.3: Key Area Map**

### **Analysis:**

El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is located within the Tri-Lakes

Key Area. The proposed preliminary plan is anticipated to strengthen the commercial, employment, and entertainment opportunities in the surrounding area, which is consistent with the Tri-Lakes Key Area.

**d. Other Implications (Priority Development, Housing, etc.)**

The property is not located within a priority development area.

**2. 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.***

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

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Water sufficiency has been analyzed with the review of the proposed preliminary plan. The applicant is seeking a finding of water sufficiency with regards to quality, quantity, and dependability with the preliminary plan. The Donala Water & Sanitation District currently provides water and wastewater services to the existing Big R retail store and has committed to providing water to the proposed additional commercial lots as well.

The State Engineer and the County Attorney's Office have recommended that the proposed minor subdivision 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. Please see the Water section below for a summary of the water findings and recommendations for the proposed minor subdivision.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Community Services, Environmental Division and El Paso County Conservation District were each sent a referral and have no outstanding comments.

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

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No geologic hazards or constraints were noted during the review of the preliminary plan.

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## **2. Floodplain**

FEMA Flood Insurance Rate Map No. 08041C0287G which has an effective date of December 07, 2018, indicates the subdivision is located in Zone X, areas outside of the 500-yr floodplain.

## **3. Drainage and Erosion**

The development is located within Jackson Creek drainage basin (FOMO4400). Drainage fees will be required with the final plat for Cathedral Rock Commons with the concurrent project PCD File No. SF-2210.

## **4. Transportation**

The site obtains access from Spanish Bit Drive, which is owned and maintained by El Paso County. There are no planned improvements in the vicinity per the 2016 Major Transportation Corridor Plan.

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

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a recommendation for a finding of sufficiency regarding water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency regarding water quality.

### **2. Sanitation**

Wastewater is provided by Donala Water & Sanitation District. The District was sent a referral and has no outstanding comments.

### **3. Emergency Services**

The property is within the Donald Wescott Fire Protection District, Northern Subdistrict. The District was sent a referral and did not provide a response.

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#### **4. Utilities**

Mountain View Electrical Association (MVEA) currently provides electrical service and Black Hills Energy provides natural gas service to the property. MVEA and Black Hills Energy were each sent referrals; MVEA has no outstanding comments and Black Hills Energy did not provide a response.

#### **5. Metropolitan Districts**

The property is not located within a metropolitan district.

#### **6. Parks/Trails**

Community Services Department, Parks Division provided the following response to the request for preliminary plan approval:

*The El Paso County Parks Master Plan (2013) identifies the proposed Jackson Creek Primary Regional Trail to the west of the subject property. This route will be accommodated within the public right of way between I-25 and Struthers Road so it would not impact the subject property which is east of Struthers Road.*

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

#### **7. Schools**

The site is within the boundaries of the Academy School District No. 20. Fees in lieu of school land dedication are not applicable to commercial subdivisions.

### **I. APPLICABLE RESOLUTIONS**

See attached resolution.

### **J. STATUS OF MAJOR ISSUES**

There are currently 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 (2022) staff recommends the following conditions and notations:

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## **CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. 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.
3. 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 18-471), 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.
4. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

## **NOTATIONS**

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.
4. Park and school fees are not applicable to commercial subdivisions.



#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twenty-five (25) adjoining property owners on April 3, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

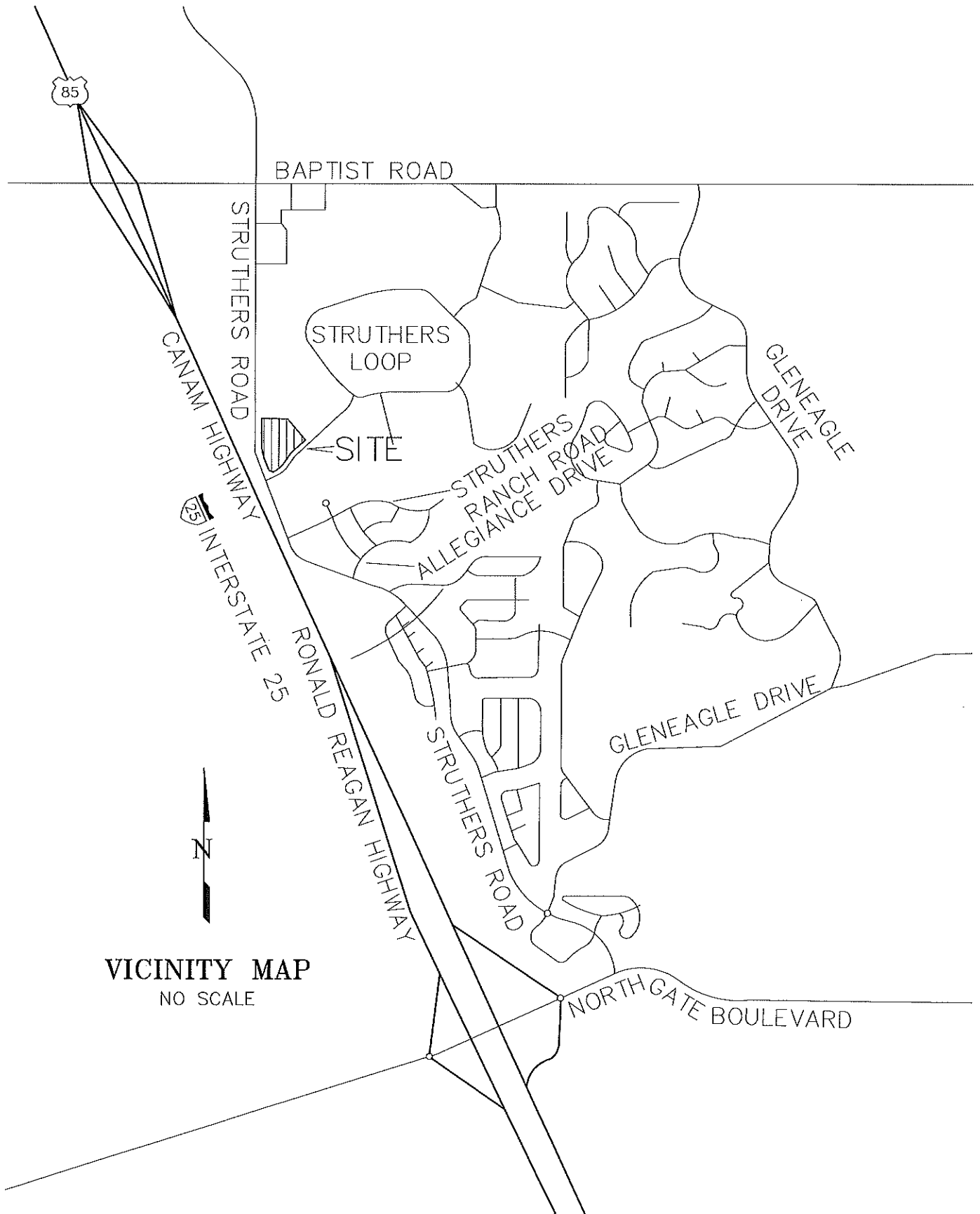
El Paso County Public Health Recommendation Letter

Draft Resolution



# CATHEDRAL ROCK COMMONS COMMERCIAL

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH,  
RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



Date: March 8, 2023

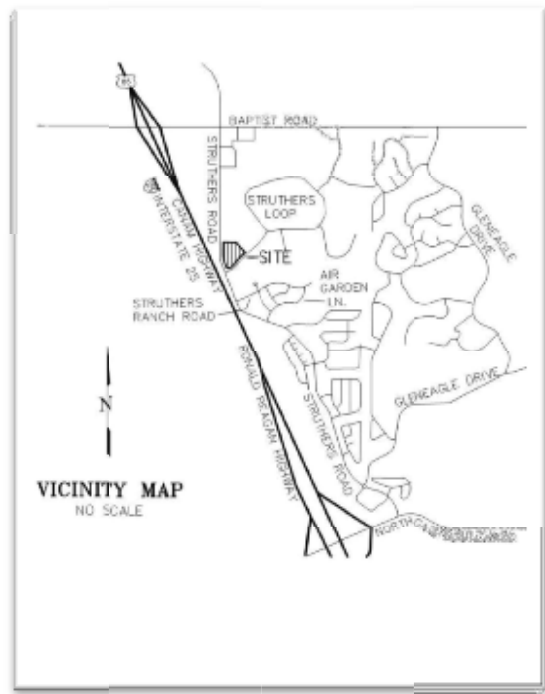
PCD File No.: SF2210, SP221

**RE: Cathedral Rock Commons Commercial – 840 Spanish Bit Drive**  
**Letter of Intent**  
**Preliminary Plan and Final Plat**

---

**Site Location Size and Zoning:**

*The proposed development to be known as Cathedral Rock Commons, A tract of land in the northeast quarter of the southwest quarter of section 36, township 11 south, range 67 west of the 6<sup>th</sup> p.m. southwesterly of Chaparral hills subdivision, northeasterly of Interstate 25, northwesterly of Spanish Bit Dr., except right of way conveyed to the county through Special Warranty Deed by reception number 207000187. The site is addressed as 840 Spanish Bit Drive. The 10.246 acre site has a tax number of 7136002035 and is currently zoned CC (Commercial Community District).*



**Project Description:**

*We intend to show the existing Big R store as Lot 1 and include two additional lots along Spanish Bit. These lots shall include three (3) commercial multi-tenant buildings. Lot 1 shall consist of 6.179 Acres for Big R, lot 2 shall consist of 1.803 Acres, Lot 3 shall be shown as 1.002 Acres, and Tract A shall consist of the existing detention area and make up 1.262 Acres.*

*We propose to show three (3) new retail buildings with a shared drive that connects back to the Big R store to the north. These buildings shall include tenants that are in harmony with the overall shopping experience of Big R. These tenants would be anticipated of housing businesses that cater to the rural aesthetic that support the existing Big R store.*

3/16/2023

*The first building to the east would house potentially three retail tenants. The middle building would be anticipate to be a mirror of the first building with the exception of a drive thru that would wrap around the north and west side of the middle building. The third building on the west side of the access drive is intended to house a possible wheat grass business along with a possible restaurant. This development is parked at a rate of 1 space per 250 square feet. This would require 93 spaces; we are providing 117 parking spaces along with a space for motorcycle parking as well. Access to the sites shall be from Spanish Bit Drive, there shall not be any driveway access allowed onto Struthers Ranch Road without approval from El Paso County.*

**Requests:**

*These applications shall request approval of a preliminary plan and Final Plat concurrently for the 10.246 Acre site. This property shall be named Cathedral Rock Commons Commercial.*

**Justification:**

*The preliminary plan is consistent with the requirements of the Commercial Community District with respect to the layout, land use, lot sizes, minimum building setbacks, water supply and wastewater disposal. The existing Big R store (Lot 1) has all of the required facilities needed in place.*

*The proposed project is compatible with the surrounding land uses and neighborhood. The surrounding lots are mainly rural residential RR 2.5 (Chaparral Hills). This project shall add businesses that serve the area with needed destinations and businesses for the residential neighborhood to the east.*

*This application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). Preliminary Plans are reviewed and approved in consideration of the Review Criteria found in the El Paso County Land Development Code Section 7.2.1.D.2.(e). Each criteria is listed below followed by the appropriate justification.*

**Master Plan Conformance:** *"The proposed project is in general conformance with the goals, objectives, and policies of the Master Plan."*

*The Master Plan indicates that this project is located in the Residential Suburban Placetype. This Placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. The character although primarily a residential area, the Placetype included limited retail and service uses, typically located at major intersections or along perimeter streets. This project intends to follow this precedent by filling in commercial uses at the intersection of Struthers Ranch Road and Spanish Bit Dr. Located in the Tri-Lakes area this area supports the commercial needs of many of the residents in northern El Paso County. This project shall provide commercial goods and services with easy access for many commuters from the surrounding area.*

**Code Purposes:** *"The project is consistent with the purposes of this code".*

*All of the aspects of the plan adhere to with the Land Development Code. All aspects of the design are in line with the code, to include building height, building setbacks, parking requirements, and ADA design standards.*

**Subdivision Design Standards:** *"The subdivision is in conformance with the subdivision design standards and any approved sketch plan.""*

*The proposed Preliminary Plan and Final plat are prepared in accordance with applicable subdivision design standards with the respect to lot size, setbacks, access and provision of utilities."*

3/16/2023

**Water Supply:** “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.”

*Water service shall be provided by Donala. A sufficient water supply commitment letter from Donala has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed. A water resources report was completed by JDS Hydro Respec and submitted with the application that shall show that adequate water supply is set aside for the project.*

**Wastewater Disposal:** “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.”

*A public sewage disposal system has been established with the Big R site and the system complies with state and local laws and regulations. A wastewater commitment letter has been provided with the submittal along with a wastewater disposal report prepared by JDS Hydro Respec, that report shall show that adequate wastewater facilities are set aside for the project.*

**Soil and Topographic Conditions:** “All areas of the proposed subdivision, which may involve soil or topographical condition presenting hazards or required special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. 30-28-133(6)(c)].”

*A subsurface soil investigation had been prepared by Entech Engineering for the project and the owner shall comply with the recommendations of the report. This report has also been sent to Colorado Geological Survey for review. Based on the findings of the report, the buildings proposed can be supported with standard shallow spread footings on site.*

**Drainage Requirements:** “Adequate drainage improvements complying with State law [C.R.S. 30-28-133(6)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design.”

*The proposed Preliminary Plan is consistent with the submitted Final Drainage Report. This report was completed by JPS Engineering and submitted with this application. The report shall show adequate capacity of the existing detention pond located within Tract A. The owner shall comply with the requirements of the drainage report. There shall be a maintenance agreement between Big R and the owner to show who is responsible for the maintenance of this pond.*

**Public Improvements:** “The location and design of the public improvements proposed in connection with this project are adequate to serve the needs and mitigate the effects of the development.”

*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 in compliance with this Code and the ECM.*

**Access:** “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 existing Big R access onto Spanish Bit shall be kept within lot 1. Lots 2 and 3 shall have access off that existing drive along with a secondary access for Lot 2 along Spanish Bit. No access or driveways shall be allowed onto Struthers Ranch Road without approval from El Paso County.*

3/16/2023

**Compatibility:** *"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."*

*The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; 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; incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and 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.*

**Services:** *"Necessary serviced, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision."*

*Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are available to serve this development. This development provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code. The compliance is shown in the included Wildfire Hazard Evaluation Report from Stephen Spaulding,*

**Fire Protection:** *"The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Coded."*

*Cathedral Rock Commons is located within the Westcott Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve the project. A fire protection report and wildfire hazard mitigation plan has been prepared and submitted for the proposed project. The owner shall observe and follow the recommendations of the reports and Fire Protection District. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.*

**Applicant:**

Marvin Boyd  
719-499-4411

**Owner:**

Cathedral Rocks Investments LLC  
6035 Erin Park Dr.  
Colorado Springs CO 80918

**Consultant:**

YOW Architects  
115 S. Weber St. Suite 200  
Colorado Springs CO 80903  
Brad Nichols

Cathedral Rock Commons

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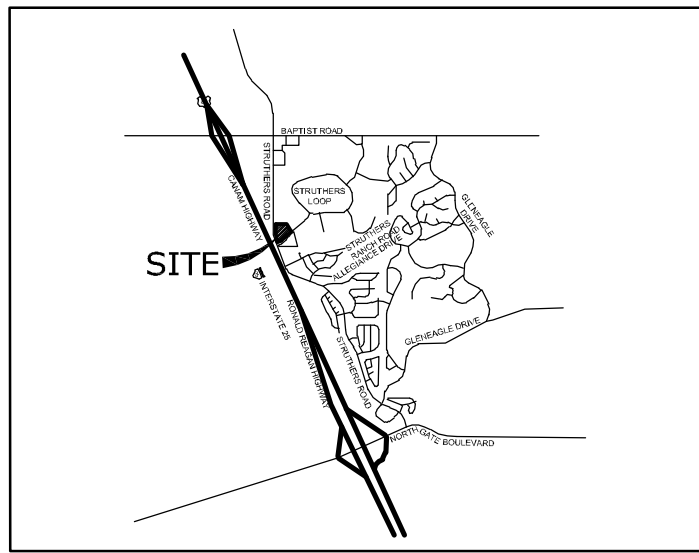
3/16/2023

719-475-8133

Should you require any additional information, please contact me at 719.475.8133.

# Cathedral Rock Commons Commercial

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36,  
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO  
840 Spanish Bit Drive  
MONUMENT, COLORADO 80921  
10.23 ACRES  
PRELIMINARY PLAN



Vicinity Map  
Not To Scale

NOTES:  
ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NUMBER 08041C0287 F (EFFECTIVE DATE MARCH 17, 1997), THE SUBJECT PROPERTY LIES WITHIN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN.

THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN STRUTHERS INCLUSION AGREEMENT WITH DONALA WATER AND SANITATION DISTRICT RECORDED SEPTEMBER 26, 2003 AT RECEPTION NO. 203226555.

THE PROPERTY IS SUBJECT TO RESERVATION, IN PATENTS FROM THE STATE OF COLORADO RECORDED IN BOOK 280 AT PAGES 175 AND 178, OF ALL COAL, OIL, MINERALS AND MINERAL RIGHTS, TOGETHER WITH THE RIGHT OF SURFACE ENTRY.

THE PROPERTY IS SUBJECT TO A RIGHT OF WAY AND/OR EASEMENT, GIVEN TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY, FOR COMMUNICATION PURPOSES, AS DESCRIBED IN INSTRUMENT, RECORDED SEPTEMBER 24, 1951 IN BOOK 1312 AT PAGE 266.

THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN STRUTHERS RANCH SUBDIVISION SKETCH PLAN - RESOLUTION NO. 01-27 RECORDED MARCH 25, 2002 AT RECEPTION NO. 202046725.

THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN AND CREATED BY DEVELOPMENT AGREEMENT RECORDED SEPTEMBER 2, 2003 AT RECEPTION NO. 203204477.

THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION NO. 03-302 AND RESOLUTION NO. 03-303 OF THE BOARD OF COUNTY COMMISSIONERS RECORDED NOVEMBER 20, 2003 AT RECEPTION NOS. 203272607 AND 203272608 RESPECTIVELY AND AS CONTAINED IN RESOLUTIONS NOS. 04-225, 04-226 AND 04-227 RECORDED JUNE 28, 2004 AT RECEPTION NOS. 204107113, 204107114 AND 204107115 RESPECTIVELY AND AS CONTAINED IN RESOLUTION NO. 04-216 RECORDED JULY 1, 2004 AT RECEPTION NO. 204109627 AND AS CONTAINED IN RESOLUTION 04-223 RECORDED FEBRUARY 1, 2005 AT RECEPTION NO. 205015818.

THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN STRUTHERS RANCH SUBDIVISION PUD DEVELOPMENT GUIDELINES RECORDED APRIL 19, 2004 AT RECEPTION NO. 204062716.

NO GRADING OR OTHER SITE WORK IS PERMITTED ON ANY LOT PRIOR TO APPROVAL OF A PLOT PLAN FOR THE LOT.

ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY REGISTERED IN THE STATE OF COLORADO.

THE WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY THE DONALA WATER AND SANITATION DISTRICT'S RULES, REGULATIONS AND SPECIFICATIONS. NATURAL GAS WILL BE PROVIDED BY AQUILA. ELECTRICITY WILL BE PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION.

DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS. IF ANY OF THE APPLICABLE AGENCIES, INCLUDING BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS, THE U.S. FISH AND WILDLIFE SERVICE AND/OR THE COLORADO DEPARTMENT OF WILDLIFE REGARDING THE ENDANGERED SPECIES ACT AS IT RELATES TO THE PREBLE'S JUMPING MOUSE AS A LISTED ENDANGERED SPECIES.

PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY ONTO A COUNTY ROAD, AN ACCESS PERMIT MUST BE GRANTED BY THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT.

A TWENTY-FIVE FOOT (25') BY TWENTY-FIVE FOOT (25') SIGHT TRIANGLE NO-BUILD AREA EXISTS FOR ALL CORNER LOTS EXCEPT AS NOTED. NO OBSTRUCTIONS GREATER THAN EIGHTEEN INCHES (18") ARE ALLOWED IN THIS AREA.

THERE SHALL BE NO DIRECT LOT ACCESS TO STRUTHERS ROAD.

ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY.

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

NOTICE: THIS PROPERTY MAY BE IMPACTED BY NOISE AND OTHER SIMILAR SENSORY EFFECTS OF FLIGHT BY AIRCRAFT USED IN THE UNITED STATES AIR FORCE ACADEMY'S AIRMANSHIP PROGRAM. THIS NOTICE SHALL REMAIN IN EFFECT UNTIL THE AIR FORCE ACADEMY SHALL CEASE TO BE ACTIVELY USED. THIS NOTICE SHALL RUN WITH THE LAND.

## Legal Description:

A portion of the Northeast Quarter of the Southeast Quarter of Section 36, Township 11 South, Range 67 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows: A tract of land in the Northeast quarter of the Southwest quarter in Section 36, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at a point of intersection with the West line of said Northeast quarter of the Southwest quarter and the northeasterly line of a tract described by Deed to the Department of Highways, State of Colorado, recorded August 12, 1963 in Book 1969 at Page 746 under Reception No. 301954 of the records of El Paso County, Colorado; thence N00°39'12"E on said West line, 745.58 feet to the most westerly corner of Lot 26, Chaparral Hills, as recorded in Plat Book T2 at Page 2 in the records of El Paso County, Colorado; thence S89°20'48"E, 455.53 feet to an angle point on the southerly line of said Lot 26; thence S40°33'06"E, 471.44 feet to a point of intersection with the northwesterly line of Spanish Bit Drive as platted in Chaparral Hills; thence along said northwesterly line of Spanish Bit Drive for the following five courses; S49°26'54"W, 227.19 feet to a point of curve; thence on a curve to the left, through a central angle of 14°19'10", having a radius of 530.00 feet, an arc distance of 132.46 feet; thence S35°07'44"W, 167.67 feet to a point of curve; thence on a curve to the right through a central angle of 29°52'41", having a radius of 470.00 feet, an arc distance of 245.09 feet; thence S65°00'25"W, 166.60 feet to a point of intersection with said recorded Department of Highways northeasterly line; thence N24°59'35"W, 250.13 feet to the point of beginning, except that portion conveyed by Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, County of El Paso, State of Colorado.

BEING THE SAME AS THAT PROPERTY ON ALTA/ACSM SURVEY BY DANIEL L. BOYD, FOR ALTA SURVEYS OF COLORADO INC., JOB NO. S15-64, SIGNED DECEMBER 2, 2015, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 36, Township 11 South, Range 67 West of the Sixth P.M. in El Paso County Colorado, more particularly described as follows:

Commencing from the southwest corner of Lot 27 Chaparral Hills, recorded in Plat Book T2 at Page 2, El Paso County records being the True Point of Beginning; S49°26'54"W along the northwesterly right of way line of Spanish Bit Drive as platted in said Chaparral Hills Subdivision, a distance of 227.19 feet to a point of curve; Thence continuing along said northerly right of way of said Spanish Bit Drive on a curve to the left having a central angle of 14°19'10", a radius of 530.00 feet and a length of 131.27 feet; Thence continuing along said right of way line S35°07'44"W, a distance of 167.67 feet to a point of curve; Thence continuing on the said right of way line through a curve to the right having a central angle of 29°52'41", a radius of 470.00 feet and a length of 242.19 feet; Thence continuing along said right of way of Spanish Bit Drive S65°00'25"W, a distance of 6.60 feet to a point on the northeasterly line of Suthers Road as described in a Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, El Paso County records; Thence along the easterly line of said Suthers right of way the following four courses:

- N69°59'25"W, a distance of 70.71 feet;
- Thence N24°59'27", a distance of 115.63 feet;
- Thence along a curve to the right having a central angle of 25°38'51", a radius of 880.00 feet and a length of 393.92 feet;
- Thence N00°39'12"E, a distance of 392.80 feet to a point on the south line of Lot 28 of said Chaparral Hills; Thence S89°20'48"E, a distance of 435.53 feet to an angle point on the southerly line of said Lot 26, Thence S40°33'06"E along the southwesterly lines of said lots 26 and 27 a distance of 471.44 feet to the True Point of Beginning.

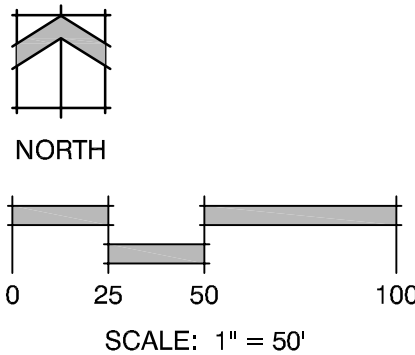
Containing 10.246 acres, more or less.

SITE DATA	tax schedule no.	7136002035
	address	840 Spanish Bit Drive
	area	10.23ACRES
	ex zone	CC (COMMERCIAL)
	ex use	VACANT
	proposed use	Commercial Community
	Building setbacks	25' minimum setback
	Landscape setbacks	10' Spanish Bit Drive
	Maximum Building Height	40'
	Development schedule	FALL2022
PARKING	use	Commercial Community
	bldg area ratio	23,217 sf
	ratio	1 parking space per 250 SF
	required	93 required (including 4 accessible spaces 1 being van accessible)
	provided	117 provided (6 accessible including 3 van accessible space)
OWNER INFO	company name	Store Master VIII LLC
	address city/state	100 Big R Street Pueblo, CO 881001
	phone no	

## ADA DESIGN PROFESSIONAL STANDARD NOTE:

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 the City of Colorado Springs does not assure compliance with the ADA or any other Federal or State accessibility laws or any regulations or guidelines enacted or promulgated under or with respect to such laws. Sole responsibility for compliance with Federal and State accessibility laws lies with the property owner.

LAND USE	AREA	%
BUILDING COVERAGE	23,217 SF	5
PAVING (IMPERVIOUS SURFACES)	329,039 SF	74
LANDSCAPING (NON-IMPERVIOUS)	93,363 SF	21
SUB-TOTAL	445,619 SF	100



YOW ARCHITECTS PC

ARCHITECTURE & PLANNING

115 S. Weber Colorado Springs, Colorado 475-8133

Structural: Electrical: Mechanical: Plumbing:

Cathedral Rock Commons Commercial

840 Spanish Bit Drive Monument, Colorado 80921

Job No. 20209  
Directory Planning  
File development plan  
Drawn By DBN  
Date 7.13.2021  
Revised

1 of 1  
Preliminary Plan



April 25, 2022

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

RE: Cathedral Rock Commons Commercial - Final Plat  
NE1/4 of the SW1/4, Sec. 36, Twp. 15S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water Districts 10  
CDWR Assigned Subdivision No. 29173

To Whom It May Concern:

We have received the above referenced proposal to subdivide an existing 10.23-acre parcel into three commercial lot and one tract. Lot 1 would be 6.2± acres, Lot 2 would be 1.8± acres, Lot 3 would be 1.0± acres and the Tract would be 1.3± acres in size. The proposed supply of water and wastewater disposal is to be served by the Donala Water & Sanitation District.

### Water Supply Demand

According to the Water Supply Information Summary provided in the referral, the estimated water demand for the three-lot development is calculated to be 14.1 acre-feet/year for all proposed uses on the commercial development.

### Source of Water Supply

According to the previous submittal, the proposed water supply for this development is to be served by the Donala Water and Sanitation District ("District"), and letter of commitment from the District dated March 3, 2022 was included with the referral documents. According to our records it appears the District has sufficient water resources to supply the proposed development at a rate of 14.1 acre-feet/year.

### 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 (<http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>)



f) 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 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".

Ivan Franco, P.E.  
Water Resources Engineer

cc: Bill Tyner, Division 2 Engineer  
Doug Hollister, District 10 Water Commissioner

HIF:hif

## County Attorney

**Kenneth R. Hodges, County Attorney**  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

April 6, 2023

SP-22-1 Cathedral Rock Commons Commercial  
Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney

### WATER SUPPLY REVIEW AND RECOMMENDATIONS

#### Project Description

1. This is a Preliminary Plan proposal by YOW Architects, PC ("Applicant"), to subdivide an approximately 10.246 +/- acre tract of land into 3 lots and one tract (the "Property"). The property is zoned CC (Commercial Community).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the annual subdivision demand is 3.854 annual acre-feet for commercial use along with irrigation at .118 annual acre-feet, which results in an annual water demand of 3.972 acre-feet for Cathedral Rock Commons Commercial. Based on these figures, the Applicant must provide a supply of 1,191.6 acre-feet of water (3.972 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement for the subdivision.

#### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Donala Water & Sanitation District ("District"). As detailed in the *Water Resources Report* revised December 2022 ("Report"), the demand for each of the 3 lots will be as follows: 0.258 annual acre-feet for Lot 1; 3.316 annual acre-feet for Lot 2; 0.280 annual acre-feet for Lot 3, and 0.118 annual acre-feet for landscaping for a total water demand of 3.972 acre-feet/year.

#### ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER

The Report states that the District currently owns a total water supply of 3216.3 acre-feet per year, consisting of both renewable (280 acre-feet/year) and non-renewable (2,936.3 acre-feet/year) sources. The Report estimates annual water usage in 2023 to be 1,922 acre-feet per year.

4. The District's Manager provided a letter of commitment for Cathedral Rock Commons Commercial dated December 20, 2022, in which the District committed to provide water service to the Property in the amount of 3.972 acre-feet per year. The commitment letter remains in effect for one year from its date of issuance.

#### State Engineer's Office Opinion

5. In a letter dated April 25, 2022, the State Engineer reviewed the proposal to subdivide the 10.23 +/- acre parcel into 3 lots. The State Engineer stated that the "...this development is to be served by the Donala Water and Sanitation District. . . According to our records it appears the District has sufficient water resources to supply the proposed development at a rate of 14.1 acre-feet/year.<sup>1</sup>

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Cathedral Rock Commons Commercial is 3.972 acre-feet per year to be supplied by the Donala Water and Sanitation District. **Based on the water demand of 3.972 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Cathedral Rock Commons Commercial.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided January 4, 2023, the *Water Resources Report* dated revised December 2022, the *Donala Water and Sanitation District letter* dated December 20, 2022, and the *State Engineer Office's Opinion* dated April 25, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

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<sup>1</sup> Applicant must upload an updated letter from the State Engineer's Office indicating the correct water demand for this minor subdivision. See requirement B.

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat, Applicant must upload an updated letter from the State Engineer's Office identifying the correct water demand for the subdivision. In the alternative, Applicant must upload written acknowledgement from the State Engineer's Office of the correct water demand figure.
- C. Prior to recording the final plat, Applicant must upload a corrected Water Resource Report correcting the number of lots in the introduction on p. 4 from 2 to 3 and the number of buildings from 3 to 4. The second and third paragraphs must also be deleted from Section 4.2 on p. 7 of the Report, as no waiver of El Paso County's 300-year water supply rule has been requested with this application.

cc. Ryan Howser, Planner III

**Cathedral Rock Commons Commercial, SP-22-1**

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

- There is a finding for sufficiency in terms of water quality for drinking water obtained from Donala Water and Sanitation District which is a Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The water system is assigned PWSID CO0121175 by the Colorado Department of Public Health and Environment. Donala Water and Sanitation District has submitted a 3March2022, Letter of Commitment to provide water and wastewater services to the development.
- There is sufficient wastewater treatment capacity at Donala Water and Sanitation District wastewater treatment facility to treat the projected wastewater flows from the proposed commercial site.
- Earthmoving activity more than one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.
- 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.
- El Paso County Public Health regulated facilities require interior finish plans to be submitted for review and approval prior to commencement of construction.
- 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](mailto:mikemccarthy@elpasoco.com)

RESOLUTION NO. 23-

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

APPROVAL OF A PRELIMINARY PLAN FOR  
CATHEDRAL ROCK COMMONS COMMERCIAL (SP-22-001)

WHEREAS, Store Master Funding VIII, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Cathedral Rock Commons Commercial 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 April 20, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 16, 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. That the subdivision is in conformance with the subdivision design standards and any approved sketch plan.
7. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. That 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 Land Development Code.
10. That 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)].
11. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. That 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.
13. That 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 the Land Development Code and the Engineering Criteria Manual.
14. That 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 encouraging 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.

15. That necessary services, including police and fire protection, recreation, utilities, open space, and transportation system are or will be available to serve the proposed subdivision.
16. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
17. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
18. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the preliminary plan application for the Cathedral Rock Commons Commercial Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS:

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. 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.
3. 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 19-471), 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.
4. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations (see attached letter) as provided by the County Attorney's Office.

NOTATIONS:

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.
4. Park and school fees are not applicable to commercial subdivisions.

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

DONE THIS 16th day of May 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

"CATHEDRAL ROCK COMMONS COMMERCIAL"

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION: A portion of the Northeast Quarter of the Southeast Quarter of Section 36, Township 11 South, Range 67 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

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BEING THE SAME AS THAT PROPERTY ON ALTA/ACSM SURVEY BY DANIEL L. BOYD, FOR ALTA SURVEYS OF COLORADO INC., JOB NO. S15-64, SIGNED DECEMBER 2, 2015, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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1. N69°59'25"W, a distance of 70.71 feet;

Resolution No. 23-

Page 6

2. Thence N24°59'27", a distance of 115.63 feet;
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Containing 10.246 acres, more or less.