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## 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;



- 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:





*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**



*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*



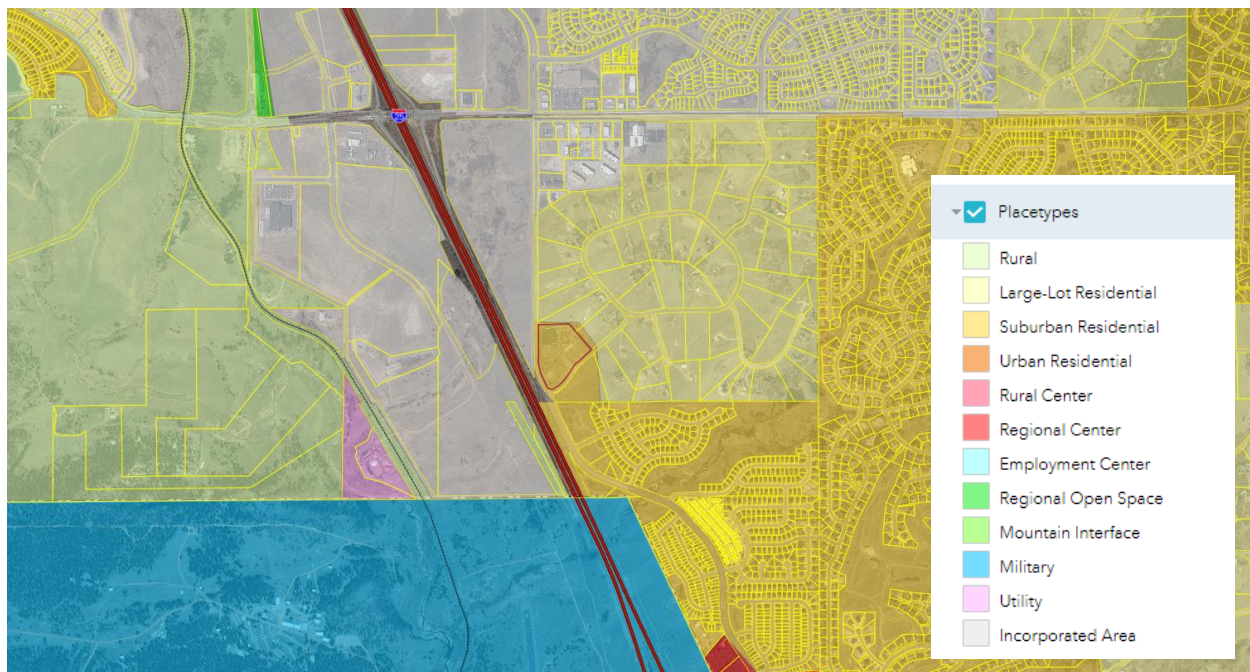


Figure F.1: Placetype Map

### 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.*

**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.*





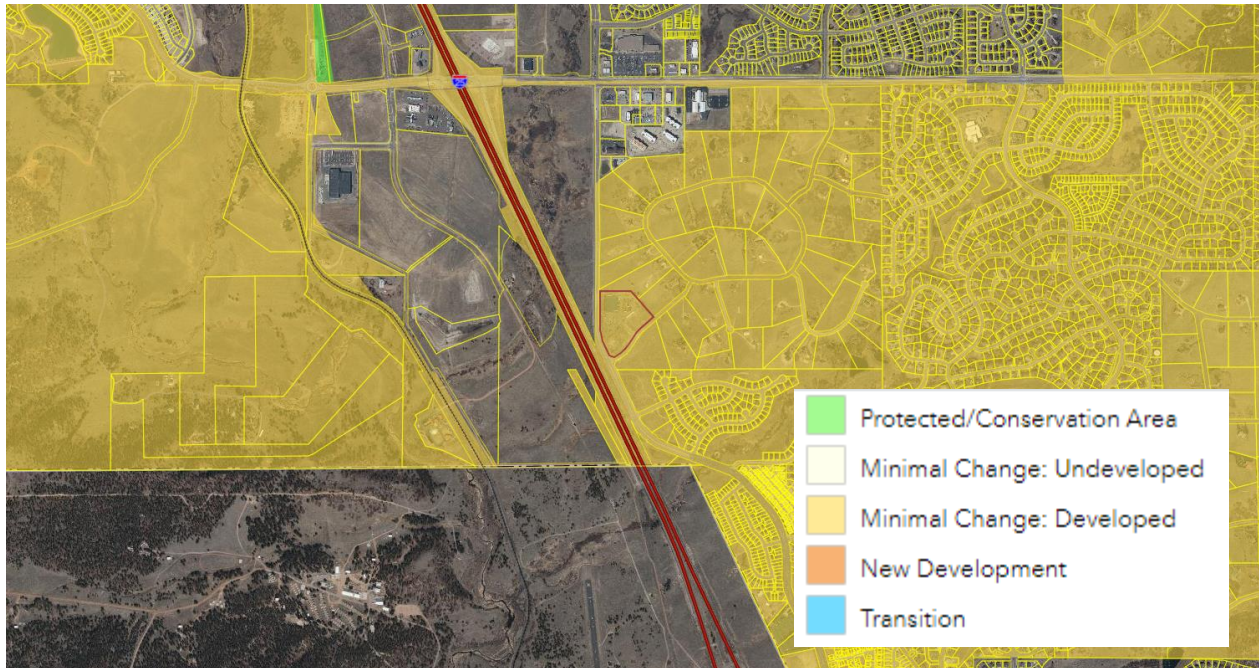


Figure F.2: Area of Change Map

### Analysis:

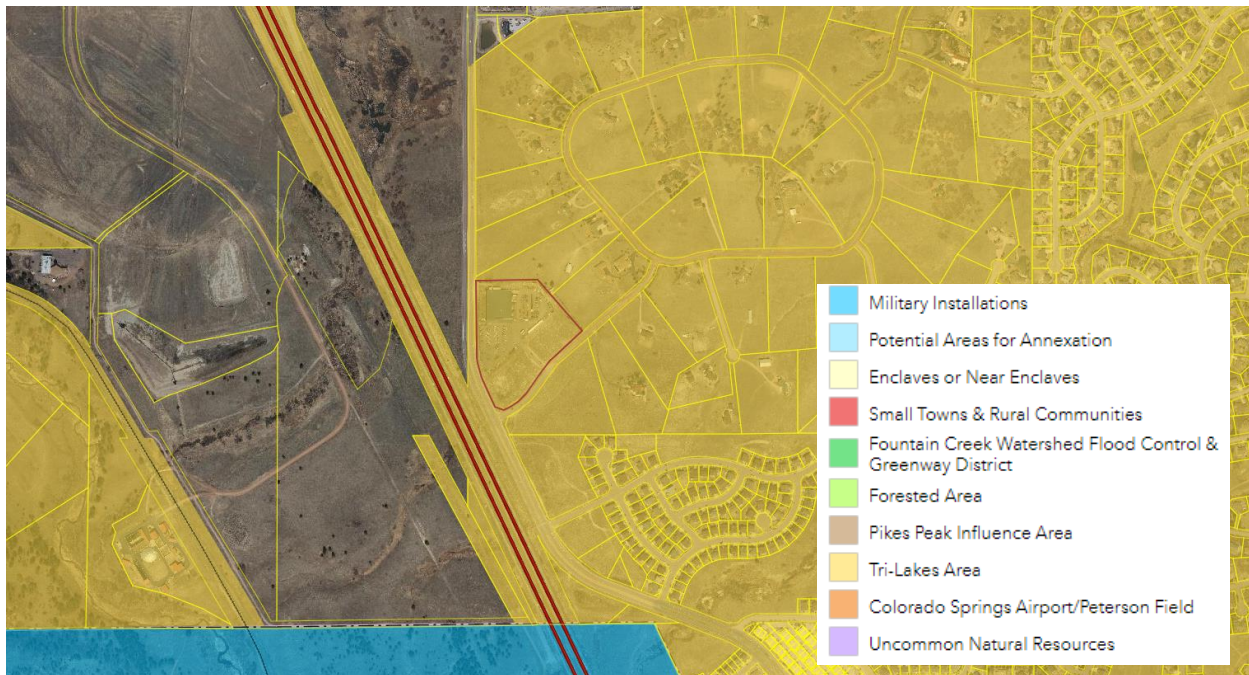
The subject property is currently utilized for commercial purposes. The proposed preliminary plan would allow two (2) additional commercial lots to be created. The subject area is located in an area which is not expected to significantly change in character. However, the Master Plan acknowledges the 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,*

*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.



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.



## **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:



## **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

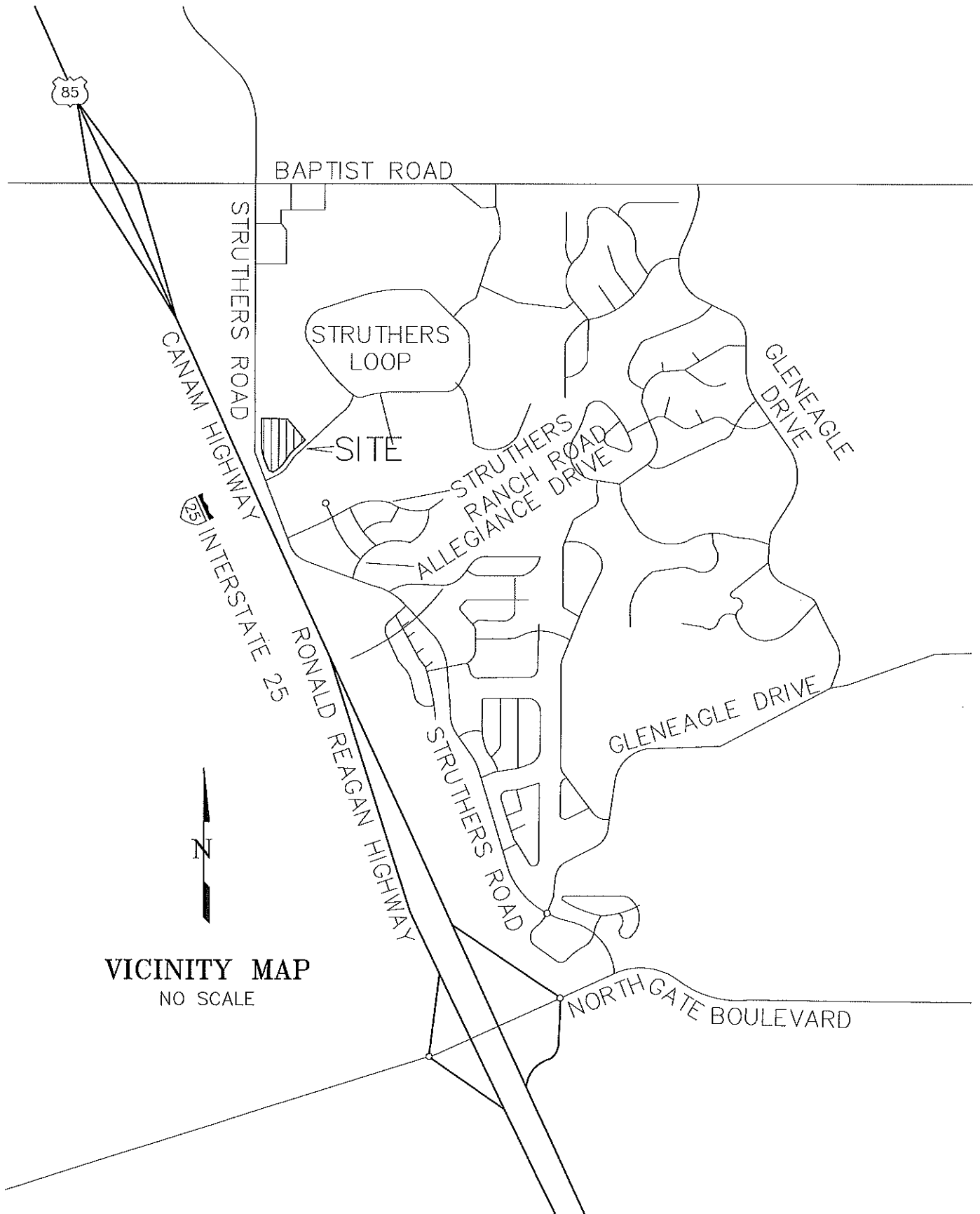
El Paso County Public Health Recommendation Letter

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



# Y|O|W ARCHITECTS

115 S Weber St., Ste 200 | COS | CO  
(719) 475-8133 | [www.yowarch.com](http://www.yowarch.com)

Date: March 8, 2023

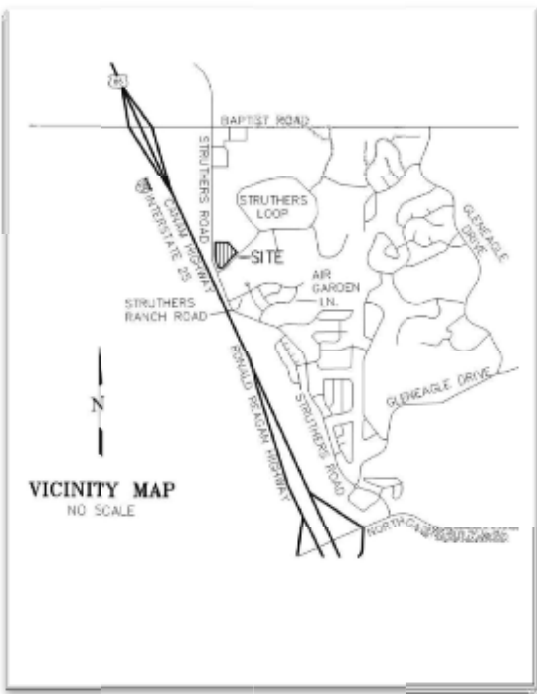
PCD File No.: SF2210, SP221

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

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***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

Page **5** of **5**

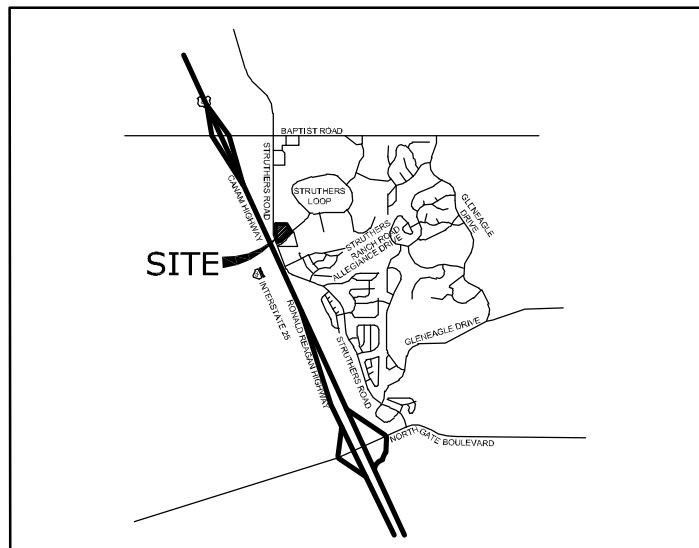
3/16/2023

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 268.

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. 204108627 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 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, 455.53 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 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 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.

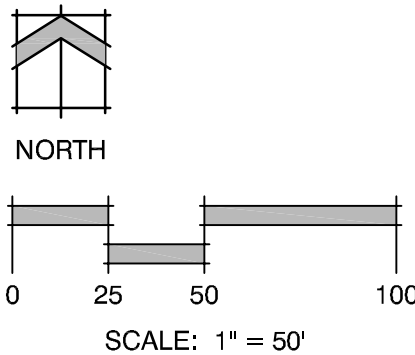
Containing 10.246 acres, more or less.

SITE DATA	tax schedule no.	7136002035
	address	840 Spanish Bit Drive
PARKING	area	10.23ACRES
	ex zone	CC (COMMERCIAL)
OWNER INFO	ex use	VACANT
	proposed use	Commercial Community
	Building setbacks	25' minimum setback
	Landscape setbacks	10' Spanish Bit Drive
	Maximum Building Height	40'
DEVELOPMENT SCHEDULE	Development schedule	FALL2022
	use	Commercial Community
	bldg area	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)
	company name	Store Master VIII LLC
	address	100 Big R Street
	city/state	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

file no: SP-221





**COLORADO**  
Division of Water Resources  
Department of Natural Resources

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.***

---

<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



Prevent • Promote • Protect

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

### **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)  
14May2022

PRELIMINARY PLAN (RECOMMEND APPROVAL)

\_\_\_\_\_ 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.

\_\_\_\_\_ 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 Schuettpelz	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent

The Resolution was adopted by a vote of \_\_\_\_to\_\_\_\_ 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: \_\_\_\_\_  
\_\_\_\_\_, 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  $N00^{\circ}39'12''E$  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  $S89^{\circ}20'48''E$ , 485.53 feet to an angle point on the southerly line of said Lot 28; thence  $S40^{\circ}33'06''E$ , 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;  $S49^{\circ}26'54''W$ , 227.19 feet to a point of curve; thence on a curve to the left, through a central angle of  $14^{\circ}19'10''$ , having a radius of 530.00 feet, an arc distance of 132.46 feet; thence  $S35^{\circ}07'44''W$ , 167.67 feet to a point of curve; thence on a curve to the right through a central angle of  $29^{\circ}52'41''$ , having a radius of 470.00 feet, an arc distance of 245.09 feet; thence  $S65^{\circ}00'25''W$ , 166.60 feet to a point of intersection with said recorded Department of Highways northeasterly line; thence  $N24^{\circ}59'35''W$ , 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;  $S49^{\circ}26'54''W$  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  $14^{\circ}19'10''$ , a radius of 530.00 feet and a length of 131.27 feet; Thence continuing along said right of way line  $S35^{\circ}07'44''W$ , 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  $29^{\circ}52'41''$ , a radius of 470.00 feet and a length of 242.19 feet; Thence continuing along said right of way of Spanish Bit Drive  $S65^{\circ}00'25''W$ , 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.  $N69^{\circ}59'25''W$ , 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.