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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

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

**FROM: Kari Parsons, Senior Planner**  
**Daniel Torres, PE Engineer III**  
**Kevin Mastin, Interim Executive Director**

**RE: Project File #: SF-22-006**  
**Project Name: Citizen on Constitution**  
**Parcel Nos.: 54051-04-074 and 54051-04-075**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Feathergrass Investments, LLC 4715 North Chestnut Street Colorado Springs, CO 80907	The Garrett Companies 1051 Greenwood Springs Boulevard Greenwood, IN 46143

**Commissioner District: 2**

Planning Commission Hearing Date:	11/17/2022
Board of County Commissioners Hearing Date:	12/6/2022

**EXECUTIVE SUMMARY**

A request by Feathergrass Investments, LLC, for approval of a final plat to create one (1) multi-dwelling residential lot, two tracts and right-of-way totaling 12.26-acres. A 10.54-acre portion of the property is zoned RM-30 (Residential, Multi-Dwelling) and a 1.72-acre portion of the property is zoned CS (Commercial Service), and is subject to the CAD-O (Commercial Airport District Overlay). The parcels are located at the southwestern corner of the Constitution Avenue and Marksheffel Road intersection, and are within Section 5, Township 14 South, Range 65 West of the 6th P.M.

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by Feathergrass Investments, LLC, for approval of a final plat to create one (1) 9.0-acre multi-dwelling residential lot, and two tracts totaling 1.64 acres to be utilized

for detention and ingress/egress. Applicant is also proposing to dedicate 1.62-acres of public right-of-way for Akers Drive.

**Deviation(s):** The following deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the ECM Administrator:

1. A deviation request of Section 2.2.5.B.1 of the ECM to allow an intersection spacing along Constitution Avenue that is less than the ½ mile (2,640 ft) spacing prescribed in the ECM. The proposed south leg of Akers Drive is located approximately 825 feet east of Hannah Ridge Drive and 1,050 feet west of Marksheffel Road. The ECM administrator has approved the deviation as the proposed south leg of Akers Drive will align with the existing north leg of Akers Drive.
2. A deviation request of Section 2.2.5.D of the ECM to allow an intersection spacing along Akers Drive that is less than the 330-foot spacing prescribed in the ECM. The proposed access to the development is located approximately 300 feet south of Constitution Avenue. The ECM Administrator has approved the deviation as the site is constrained by an existing box culvert at the southwest boundary of the property that limits the location of the proposed roundabout along Akers Drive and this proposed access to the roundabout.
3. A deviation request of Section 2.3.7 of the ECM to allow a shortened northbound left turn lane along Akers Drive at Constitution Avenue. The proposed northbound left turn lane will be 105 feet with a 50-foot taper where the ECM identifies a 205-foot lane with a 160-foot taper for a design speed of 40 mph. The ECM administrator has approved the deviation as the proposed turn lane is the maximum possible length due to the proximity of the proposed roundabout and the intersection of Akers Drive and Constitution Avenue. Additionally, the submitted traffic study provided a queuing analysis that indicated that the project queues at this intersection could be accommodated with the proposed configuration.

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

## **B. Planning Commission Summary**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:** N/A

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:** N/A

### **C. APPROVAL CRITERIA**

In approving a final plat the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1, Subdivisions, of the El Paso County Land Development Code (2022):

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

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

**D. LOCATION**

North:	RM-30 (Residential Multi-Dwelling)	Multi-family residential
South:	M (Industrial)	Industrial uses/ vacant
East:	CR (Commercial Regional)	Commercial
West:	PUD (Planned Unit Development)	Single-family attached

**E. BACKGROUND**

The 12.26-acre property was zoned A-2 (Agricultural) at the time of initial zoning for this portion of El Paso County on September 21, 1965. It was then subsequently rezoned to M-1 (Industrial) in 1975. Due to changes in the nomenclature of the Land Development Code, the M-1 zoning district is now known as the CS (Commercial Services) zoning district. The property was platted as Tracts M and N of Urban Collection at Palmer Village on October 8, 2021 (Plat no. 14832). Approval of a map amendment (rezoning) from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) on Tract M of 10.54-acres was approved by the Board of County Commissioners on June 7, 2022. Tract N remains CS zoning and is proposed to serve is an access and drainage tract within the proposed final plat.

A site development plan is in concurrent review for a 226-unit multi-family residential development, an outdoor pool, and detached garages for use by the residents of the complex. The final plat must be approved and recorded prior to approval of the site development plan by the Planning and Community Development Director.

**F. ANALYSIS**

**1. Land Development Code Analysis**

The subject property is adjacent to existing multi-family, single-family attached, commercial and industrially zoned properties. Immediately to the west is the Urban Collection at Palmer Village Planned Unit Development which includes attached single family lots as small as 2,100 square feet in size. The Cherokee Park Townhomes as well as the Northcrest multi-family development is located approximately one-fourth of a mile west of the subject property and is developed within the RM-30 zoning district.

Additionally, to the north of the subject property the Uplands at Watermark multi-family development within the RM-30 zoning district is being constructed. The parcel located

south of the subject property is zoned M and is developed with the Waste Connection's storage facility. The property to the east is developed as a commercial center.

The proposed final plat is consistent with the RM-30 zoning district and the current densities and scale of development in the immediate neighborhood surrounding the subject property. The proposed multi-family development will be supported by the existing commercial shopping center located east of the property at the intersection of Marksheffel Road and Constitution Avenue, which contains a large grocery store, restaurants, convenience store, and offices.

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for a Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

This area of unincorporated El Paso County has experienced, and will likely continue to experience, significant growth and development along the Constitution Avenue and Marksheffel Road corridor. The Hannah Ridge at Feathergrass and Midtown at Hannah Ridge developments are located to the northwest of the proposed development area and are zoned PUD (Planned Unit Development). The developments include both single-family detached and single-family attached residential lots.

The property is also within the CAD-O (Commercial Airport Overlay District) zoning overlay. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property.

Section 4.3.1 CAD-O, Commercial Airport Overlay District of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat, but does not require provision of an avigation easement. More specifically, Section 4.3.1 of the Code states:

"The following are required prior to approval of any rezoning or subdivision plat:

- The request shall be referred to Airport Advisory Commission for review and comment.
- Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval."

A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that they did not have concerns with the proposed residential uses allowed within the existing RM-30 (Residential Multi-Dwelling) zoning district and requested an avigation easement at the time of plat recordation. The applicant has agreed to the requested avigation easement in addition to recording an Airport Activity Notice and Disclosure against the title of the property at the time of the final plat recordation. Please see the attached CSAAC comments as well as a map depicting the airport overlay.

Should the request for a map final plat be approved, the applicant will need to complete a site development plan prior to initiation of any multi-family use on the subject parcel. The site development plan will need to demonstrate compliance with the dimensional standards of the RM-30 zoning district as well as the development standards included in Chapter 6 of the Land Development Code.

## **2. Zoning Compliance**

The RM-30 (Residential Multi-Dwelling) zoning district is intended to accommodate high density multi-family residential developments. The density and dimensional standards for the RM-30 (Residential Multi-Dwelling) zoning district are as follows:

- Minimum lot size: 5000 square feet\* \*\*
- Minimum width at the front setback line: 75 feet
- Minimum setback requirement: front 25 feet, side 15 feet, rear 15 feet \*\*\*
- Maximum lot coverage: 60 percent
- Maximum Height: 40 feet

\*The minimum lot area of 5,000 square feet applies to single-family detached dwellings, two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required for each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.

\*\*If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of the Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. A 25-foot perimeter boundary setback shall be maintained around the entire development, but a zero-foot setback is allowed along any internal lot line within the development.

\*\*\*The minimum distance between buildings shall be 10 feet.

The area included in the final plat request is comprised of 12.26 acres, which exceeds the 5,000 square-foot minimum lot size requirement of the RM-30 zoning district. A site development plan will be required prior to initiation of any multi-family use prior to building permit authorization to ensure that the development complies with the dimensional standards of the RM-30 zoning district as well as the General Development Standards in Chapter 6 of the Code and the requirements of the Engineering Criteria Manual.

### **3. Your El Paso County Master Plan Analysis**

#### **Placetype: Urban Residential**

“The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.

The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walk-able internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.”

#### **Land Uses**

##### Primary

- Single-family Detached Residential (5 units /acre or more)
- Single-family Attached Residential
- Multifamily Residential

##### Supporting

- Mixed Use
- Restaurant
- Commercial Retail
- Commercial Service

- Institutional
- Parks
- Office



Figure 1: Placetype Map

**Analysis:**

The property is located within the Urban Residential placetype. The Urban Residential placetype comprises the County’s established neighborhoods served by central utility providers. Relevant goals and objectives are as follows:

*Goal 1.3 - Encourage a range of development types to support a variety of land uses.*

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

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

*Objective HC1-4 – In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.*

*Objective HC4-1 – Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.*



*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.*

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

*Objective CFI3-5 – Continue to improve coordination with fire districts, developers, and other groups to ensure that new development provides appropriate fire suppression water supplies and infrastructure.*

The proposed final plat proposes an urban density multifamily attached residential development which is consistent with the recommended density and supporting land use within the Urban Residential placetype.

#### **4. 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 1.2** – *Integrate water and land use planning.*

**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.*

**Policy 6.0.4** – *Encourage development that incentivizes and incorporates water efficient landscaping principles.*

**Policy 6.1.3.3** – *Encourage sustainable landscaping that is tailored to the variations of climate zones across the County.*

The subject parcel is in Region 5 of the El Paso County Water Master Plan and is within the Cherokee Metropolitan District service area. Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396 -acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected demand is 6,468-acre feet. The 2060 water supply is projected to be 10,131-acre feet per year,

whereas the demand is anticipated to be 9,608-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

## **5. Other Master Plan Elements**

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

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geotechnical investigation and geologic hazard evaluation prepared by CTL Thompson Inc., dated April 24, 2020, was submitted in support of this application which states:

“Expansive soils and bedrock, potentially shallow groundwater, and existing undocumented fill could impact development at the site. These constraints can be mitigated by commonly employed construction methods. Because of the lack of documentation regarding the placement and compaction of the existing fill, along with the high measured swell potential, we must consider this material to be of suspect quality and unsuitable to support the proposed structures, in its current condition. The existing fill should be excavated to expose the underlying natural soils and if free of deleterious materials, reused as new, densely compacted fill to achieve desired building pad elevations and site grades. Deeper sub-excavation may be required for the eastern quarter of the site where expansive, claystone bedrock was encountered at shallow depths.”

Recommended Condition No. 15 requires a revised geotechnical investigation and geologic hazard evaluation addressing the Colorado Geological Surveys recommendations, the criteria used by the engineer to estimate differential movement at the site shall be sent to Colorado Geological Surveys for review. This may include the rationale for the estimate but must be of sufficient detail (i.e., calculations, methodology, etc.) for others to be able to reach the same conclusion as the engineer on the amount of differential movement expected at the site. If calculations on heave from expansive material and settlement of the fill are comingled to estimate ultimate differential movement, this shall be clearly indicated in the criteria to be reviewed shall be provided prior to the approval of site development plan for any development.

Recommended Condition No. 16 requires a plat notice disclosure to be depicted on the face of the plat prior to plat recordation in regard that the “site is underlain by undocumented fill, that the total differential movement at this site may exceed the engineer’s estimates, and that it is unknown when in the future differential movement of the undocumented fill will occur.”

## **2. Wildlife**

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

## **3. Floodplain**

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0756G, dated December 7, 2018.

## **4. Drainage and Erosion**

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied drainage basin with drainage and bridge fees. The subdivision is subject to the Drainage Basin Fee program which requires fees to be paid at the time of final plat recordation. Drainage fees in the amount of \$157,278.94 and bridge fees in the amount of \$64,334.83 shall be paid by the developer.

Runoff from the development will be collected via a storm sewer system that is conveyed to a proposed full spectrum detention pond that will provide water quality and flood control storage for the development. The pond will be privately owned and maintained.

The applicant has submitted a grading and erosion control plan with this application. The grading and erosion control plan identifies construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before and during grading activities.

## **5. Transportation**

The property is located at the southwest corner of the Constitution Avenue and Marksheffel Road intersection. Ownership and maintenance of Marksheffel Road along the property frontage has recently been conveyed to the City of Colorado Springs (Resolution No. 22-320). The City will have authority over any proposed or required improvements along this roadway due to the site’s development. The City of Colorado Springs has allowed a right-only access from the development to Marksheffel Road.

The traffic study submitted identifies that access to the site will be provided off the new south leg of Akers Drive at the Constitution Avenue intersection. One full-movement access is proposed along Akers Drive as well as a right-out only access along Marksheffel Road. Improvements consisting of auxiliary lanes at the intersection of Akers Drive and Constitution Avenue as well as a roundabout on Akers Drive are proposed in the traffic study.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development. The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Central water service is provided by Cherokee Metropolitan District. The District has provided a commitment letter to serve the anticipated development. The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

### **2. Sanitation**

Central wastewater service will be provided by Cherokee Metropolitan District. The District has provided a commitment letter to serve the anticipated development.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

### **4. Utilities**

Natural Gas service will be provided by Colorado Springs Utilities and electrical service will be provided by Mountain View Electric Association.

## **5. Metropolitan Districts**

The subject parcel is included within the boundaries of Cherokee Metropolitan District. The Cherokee Metropolitan District provides centralized water and sanitation services to residents of the District. Additionally, the subject property is part of the Constitution Heights Metropolitan District, which was formed in 2004.

## **6. Parks/Trails**

The 2013 El Paso County Parks Master Plan shows the proposed Marksheffel Road Bicycle Route along the east side of the subject property. The bicycle route will be located within Marksheffel Road right of way and would not be impacted by the anticipated development of the property. Fees in lieu of park land dedication are required at the time of final plat recordation.

## **7. Schools**

The subject property is within the School District 49. Fees in lieu of school land dedication are required to be paid at the time of final plat recordation.

## **I. RESOLUTIONS**

See Attached.

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

There are no major outstanding issues.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivision) of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations.

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicants shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure completion of the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would disclose the fee obligation before sale of the property.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Regional park fees (Region 2) in lieu of land dedication in the amount of \$ 103,960 and urban park fees (Urban Area 3) in lieu of land dedication in the amount of \$ 65,540.00 shall be paid at the time of final plat recordation. A park lands agreement shall be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.

12. School fees in lieu of land dedication in the amount of \$29,832.00 to benefit the Falcon School District No. 49 shall be paid at the time of final plat recordation.
13. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
14. Drainage fees in the amount of \$157,278.94 and bridge fees in the amount of \$64,334.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.
15. A revised geotechnical investigation and geologic hazard evaluation addressing the Colorado Geological Surveys recommendations, the criteria used by the engineer to estimate differential movement at the site shall be sent to Colorado Geological Surveys for review. This may include the rationale for the estimate but must be of sufficient detail (i.e., calculations, methodology, etc.) for others to be able to reach the same conclusion as the engineer on the amount of differential movement expected at the site. If calculations on heave from expansive material and settlement of the fill are comingled to estimate ultimate differential movement, this shall be clearly indicated in the criteria to be reviewed shall be provided prior to the approval of site development plan for any development.
16. A plat disclosure notice shall be depicted on the face of the plat prior to plat recordation stating, "The site is underlain by undocumented fill, that the total differential movement at this site may exceed the engineer's estimates, and that it is unknown when in the future differential movement of the undocumented fill will occur."

## **NOTATIONS**

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.
2. Final plat requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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

The Planning and Community Development Department notified ten (10) adjoining property owners on October 28, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Health Department Letter

CSAAC Comments

PC Resolution



# El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



Please report any parcel discrepancies to:  
El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
(719) 520-6600



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# CITIZEN ON CONSTITUTION FINAL PLAT

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LETTER OF INTENT



AUGUST 9, 2022  
KIMLEY-HORN AND ASSOCIATES

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    1)The subdivision is in substantial conformance with the approved preliminary plan; ..... 6

    2)The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials; ..... 6

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

    4)A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;..... 6

    5)All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)]; ..... 6

    6)Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM; ..... 6

    7)Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;..... 7

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

    a. Infrastructure Capacity (Utilities and Urban Services) ..... 8

        9) The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; ..... 9

10) Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;..... 9

a. NOISE IMPACTS & COMPLIANCE ..... 9

11) Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;..... 10

12) The subdivision meets other applicable sections of Chapter 6 and 8; and..... 10

13) The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.] ..... 10

14) No extraction of any known commercial mining deposits will be impeded..... 10

YOUR EL PASO MASTER PLAN CONFORMANCE ..... 10

    Master Plan Conformity (Land Use & Housing) ..... 11

WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS ..... 19

## APPLICANT-OWNER/CONSULTANT INFORMATION:

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### APPLICANT

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### TRANSPORTATION ENGINEERING

KIMLEY-HORN & ASSOCIATES  
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### SOUND ENGINEERING (NOISE ANALYSIS)

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### SURVEYING

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## REQUEST

Approval of 12.26-acre the 'Citizen on Constitution Final Plat (hereafter, "Plat")', a one (1) lot replat of Tract M and Tract N, Urban Collection at Palmer Village Filing No. 2 Final Plat (Plat No. 14832) in the RM-30 Zone (Approved by the PC and BOCC – PCD File No. P218)

The applicant also requests findings of:

- water sufficiency with respect to water quantity, quality, and dependability
- adequate method of wastewater disposal
- general conformance with the Your El Paso Master Plan
- general conformance with the County Water Master Plan

## PROJECT DESCRIPTION

Creation of create a single lot (8.927 AC) and tracts for a 226-unit multifamily development in the RM-30 District, 1.352 AC of Right-of-Way dedication, a 0.800 AC tract for stormwater detention, and a 1.185 AC tract for open space. Final development plans will include 2 – three (3) story buildings with tuck under, detached garages, and uncovered surface parking, indoor/outdoor recreation amenities, and open spaces.

## PROPERTY LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The properties included in the final plat are located at the southwest corner of Marksheffel Road and Constitution Avenue at 7640 and 7750 Constitution Avenue. The Plat includes Parcel No. 5405000051 (±10.54 AC) and Parcel No. 5405000035 (±1.72 AC), which are legally described as Tracts M and N, Urban Collection at Palmer Ridge, respectively. The 12.26-acre parcels are currently zoned CR with Commercial Aviation Development Overlay (CAD-O), subject to approval of a map amendment (rezoning) to the RM-30 CAD-O zone (PCD File No. P-21-8). See vicinity map for location/site details.

## RM-30 ZONING COMPLIANCE:

Development of the site shall be in conformance with the zoning requirements of the RM-30 zone, including landscape buffering/screening requirements of the Code summarized below:

- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
  - Front 25-feet
  - Side/Rear: 15-feet
  - The minimum distance between buildings shall be 10 feet.
- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:

- Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet of Constitution Ave/Marksheffel Rd frontages)
- Non-Arterial: 10 feet (1 tree/30 feet of future Akers Drive frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
  - 15-feet along frontages adjacent to single-family residential uses
  - 15-feet along residential boundary where compatibility is a concern
  - 1 tree/25-feet of common property line
  - A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
  - A minimum of 15% of the lot or parcel shall be landscaped.
  - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

## FINAL PLAT DESCRIPTION

The final plat includes platted boundary descriptions, ROW dedications for:

- 80' ROW an Akers Drive extension from Constitution to the southern property line of the site
- 20' ROW from northern boundary for future widening of Constitution
- Pedestrian sidewalk improvements along public frontages pedestrian access and circulation easements, utilities, landscape buffers and setbacks, and tract(s) for stormwater and water quality facilities.
- Vacate unneeded or otherwise obsolete easements to be identified on the plat graphics and cover sheet notes section.

The site development plan application for the proposed platted site will include: two (2) mid-rise, three (3) story multifamily unit buildings, attached and detached garages, uncovered surface parking, office, club house, swimming pool, landscaping, open spaces, active and passive recreational amenities. The development plan will also depict required on and off-site public and private transportation and circulation, stormwater, and/or utility improvements, buffering and screening, final grading and erosion control, and construction plans for on- and off-site improvements.

The developer intends to pay the traffic impact fee in full at or prior to the time of building permit issuance.

**REVIEW/APPROVAL CRITERIA**

- 1. The subdivision is in substantial conformance with the approved preliminary plan;**  
 The subdivision boundaries are consistent with existing for the Tracts M and N of the approved Urban Collection at Palmer Village (PUDSP-19-11) Preliminary Plan. The property is being platted at a different density from the current CR zone. The property is currently a platted tract and not eligible for development under existing zoning conditions.
- 2. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;**  
 The required reports and plans have been submitted for review against County Subdivision requirements including compliance with applicable LDC, ECM, DCM, and other applicable County, State, and/or federal regulatory requirements.
- 3. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**  
 Cherokee Metropolitan District has committed to provide a sufficient water supply in terms of quantify, quality, and dependability needed to meet the domestic and irrigation demand of the proposed development.
- 4. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;**  
 Cherokee Metropolitan District has committed to provide wastewater disposal service that is adequate to meet the wastewater disposal and treatment demands of the proposed development.
- 5. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];**  
 No areas have been identified as a hazardous soils or topographical concern. The site conditions do support the intended Multi-family use.
- 6. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;**



Proposed drainage improvements follow state statute and the requirements of County Land Use Code and ECM.

The Site will disturb more than 1 acre and will require a Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharge Associated with Construction Activities from the Colorado Department of Public Health and Environment (CDPHE).

The required fees for the Sand Creek Drainage Basin based upon the 2022 fee schedule, are listed below. Fees will be paid prior to plat recordation.

- Drainage Fee/Impervious Acre = \$21,814 x 7.21 acres = \$157,278.94
  - Bridge Fee/Impervious Acre = \$8,923 x 7.21 acres = \$64,334.83
- Total = \$221,613.77

**7. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

The proposed access points have been designed per EPC standards and documented in the included traffic report.

The purpose of this traffic study is to identify project traffic generation characteristics to determine potential project traffic related impacts on the local street system and to develop the necessary mitigation measures required for the identified traffic impacts. The following intersections were incorporated into this traffic study in accordance with the El Paso County standards and requirements:

- Constitution Avenue and Akers Drive
- Constitution Avenue and Marksheffel Road

In addition, the proposed full movement access along the future extension of Akers Drive and a right-out access along Marksheffel Road were evaluated.

Regional access to the Citizen at Constitution project will be provided by US Highway 24 (US-24), Powers Boulevard (SH-21), and State Highway 94 (SH-94). Primary access will be provided by Constitution Avenue and Marksheffel Road. Direct access will be provided by a full movement access along Akers Drive located approximately 300 feet south of Constitution Avenue (measured edge line to centerline) and a right-out access along Marksheffel Road approximately 400 feet south of Constitution Avenue (measured edge line to center).

Citizen at Constitution is expected to generate approximately 1,230 weekday daily trips, with 76 of these trips occurring during the morning peak hour and 97 of these trips occurring during the afternoon peak hour.

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

Police protection is provided by the EL Paso County Sheriff. Fire protection and EMS emergency services are provided by Falcon Fire Protection District. Electric services are provided by Mountain View Electric and gas services are provided by CSU.

**Infrastructure Capacity (Utilities and Urban Services)**

Necessary urban services to meet the multifamily demands are available and currently serving adjacent and nearby residential, commercial, industrial land uses and densities. Specific services include water/wastewater, fire protection, emergency ambulatory/medical service (EMS), police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and associated infrastructure. Akers Drive will be extended southerly from Constitution Avenue to provide public access to the planned development as well as a secondary emergency access for the Urban Collection at Hannah Ridge residential development.

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

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

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

**9. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;**

The plans comply with applicable provisions of Chapter 6 for fire protection and access. Water supply demands for fire suppression will be coordinated with the Falcon Fire Protection District.

**10. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

Offsite impacts and required mitigation have been evaluated and found to be roughly proportionate to impacts generated by the proposed development.

**NOISE IMPACTS & COMPLIANCE**

A noise analysis was provided to evaluate noise levels surrounding the development, a brief summary is included below.

According to Chapter 4 of the U.S. Department of Housing and Urban Development's (HUD) Noise Guidebook, noise can be intercepted as it passes through walls, windows, doors, floors, and ceilings of a building. Therefore, the implementation of noise reducing materials and construction techniques into a building can be a good way to reduce interior noise levels.

Volume 44, Number 235, Part 51 of the Federal Register outlines Environmental Criteria and Standards for HUD. Section 51.101.a.9. states "it is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels." Predicted interior noise levels for the proposed development are less than 45 dB(A) during the peak traffic hour. Interior noise levels, shown on Figure 6 in said noise study.

Additionally, the anticipated interior noise levels described in the noise study are lower than the likely ambient interior noise levels that occupants would be exposed to on a normal basis. Noise from mechanical equipment in each apartment unit (i.e., refrigerators, HVAC units, washing machines, dryers, dishwashers, etc.) are likely to emit noise levels ranging from 45 dB(A) to 50 dB(A), at a minimum. Therefore, it is anticipated that noise generated from normal, everyday activity within each apartment unit would be more noticeable than interior noise from the adjacent roadways.

In regards to exterior noise levels, the development has been designed to minimize the number of units that would be exposed to exterior noise levels greater than 67 dB(A). As shown in Figure 5 in the noise study, the proposed buildings on-site provide noise mitigation for noise receptors in the middle of the site. Additionally, the site was designed to locate the common recreation space (e.g. swimming pool) as far as possible from Constitution Avenue and Marksheffel Road to provide an area of reduced noise levels for all residents.

Per the findings of the analysis, although future exterior noise levels are anticipated to impact some residences, interior noise levels are within HUD requirements. **Noise levels will be reduced in part by the standard construction techniques used, as well as by the proposed site layout (site layout minimizes the number of units that would be exposed to exterior noise levels greater than 67 dB(A) as well as locates the common recreation space as far as possible from Constitution Avenue and Marksheffel Road). Additional noise abatement measures (i.e., noise walls) are not recommended for this development.**

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

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

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

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

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

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

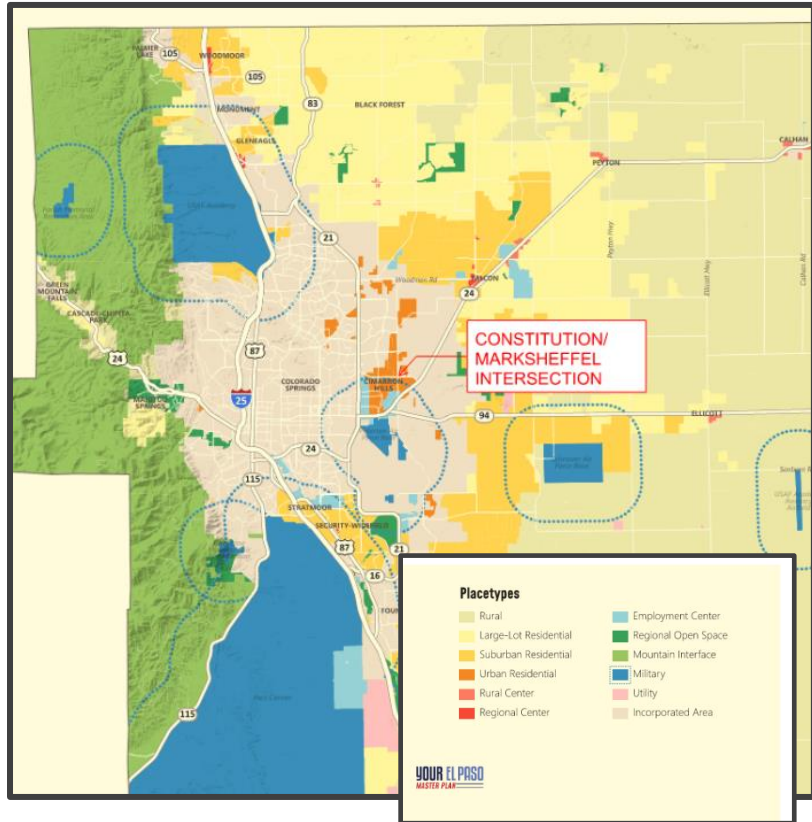
## **YOUR EL PASO MASTER PLAN CONFORMANCE**

The proposed final plat is in general conformance with the EL Paso County Master Plan as discussed in detail below. The Plat implements the proposed RM-30 zone (**PCD File No. P-21-8**) to create a legal zoning lot for proposed multifamily development. Findings of Master Plan conformance are pending with the rezone application. The Plat is also consistent with Master Plan to implement the multifamily land use. Increased market demand for housing is reflected in the recent residential infill developments on property previously zoned or planned for commercial, light industrial, and manufacturing uses.

There has also been a substantial ongoing change in the character of the area's development and land use patterns creating a mixed land use character that incorporates commercial, industrial, single & multifamily densities centered at Marksheffel/Constitution intersection and adjacent corridor segments. This development pattern is consistent with the location and primary and supporting land uses of the Urban Residential Placetype shown on the Placetypes Map in the Master Plan.

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

The proposed RM-30 zoning and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.



**MASTER PLAN CONFORMITY (LAND USE & HOUSING)**

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

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

Land Use

The Your El Paso Master Plan locates this property within an urban residential placetype where higher density and multifamily residential uses are identified as a primary land use in this area designation.

PLACETYPES	LAND USES																				
	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism Commercial	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○																	●	○
Large-Lot	○			●					○	○										○	
Suburban				●	○	○			○	○										○	○
Urban Residential	○	○	○	●	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Rural Center				●	○	○		●	●	●										●	
Regional Center					○	●	○	●	●	●		●	○							○	
Employment Center								○	○	○			●	●	●						
Regional Open Space																			●	●	
Mountain Interface				○				○	○	○	○								●	●	○
Military				○	○	●		○	○	○		○	●	●	●				○	○	
Utility																				○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype  
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

Many of the Regional and Employment Center Placetype land uses are located adjacent to or in proximity to the Project which include commercial retail, restaurant, commercial service, and light industrial in the surrounding CR (Commercial Retail), CS (Commercial Service), M (Industrial), I-3 (Heavy Industrial), and City of Colorado Springs PBC (Planned Business Center) zone districts.

The proposed multifamily uses and densities are compatible with the existing and approved residential, commercial, and industrial land use patterns and densities along the Constitution Avenue corridor in both easterly and westerly directions as well as the Marksheffel Rd Corridor in both northerly and southerly directions. Plat and Site Development Plan approval will implement development consistent with the intent and goals of the Master Plan.

**Infrastructure Capacity (Utilities and Urban Services)**

Necessary urban services to meet the multifamily demands are available and currently serving adjacent and nearby residential, commercial, industrial land uses and densities. Specific services include water/wastewater, fire protection, emergency ambulatory/medical service (EMS), police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and associated infrastructure. Akers Drive will be extended southerly from Constitution Avenue to provide public access to the planned development as well as a secondary emergency access for the Urban Collection at Hannah Ridge residential development.

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

- Water & Wastewater Services: Cherokee Metropolitan District (CMD)
- Natural Gas: Colorado Springs Utilities
- Electric Service: Mountain View Electric Association
- Fire Protection: Falcon Fire Protection District
- Public Schools: Colorado Springs District #11
- Library Services: Pikes Peak Library District:
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff’s Department
- Special District Services: Constitution Heights Metro District
- Parks, Trails, Open Spaces: El Paso County, City of Colorado Springs, CMD

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

Infrastructure Capacity (Transportation and Access – Summarized from TIS)

The project is expected to generate approximately 1,230 weekday daily trips, with 76 of these trips occurring during the morning peak hour and 97 of these trips occurring during the afternoon peak hour.

Regional access to the project will be provided by US Highway 24 (US-24), Powers Boulevard (SH-21), and State Highway 94 (SH-94). Primary access will be provided by Constitution Avenue and Marksheffel Road. Direct access will be provided by a full movement access from the extension of Akers Drive southerly from Constitution Avenue. Constitution Avenue extends eastbound and westbound with two through lanes in each direction with a posted speed limit of 50 miles per hour. Marksheffel Road extends in the north-south direction with two through lanes in each direction and has a posted speed limit of 50 miles per hour.

The access along the new south leg of Akers Drive will be approximately 300 feet south of Constitution Avenue (measured edge line to center). Per the ECM, spacing of intersections along urban local roadways (Akers) from an arterial roadway should be 330 feet from the right-of-way line of the arterial to the centerline of the access roadway. Therefore, the proposed access along the new south leg of Akers Drive does not meet ECM standards. The access along Akers Drive is expected to meet operational, vehicle queue, and sight distance standards.

The following deviations will be provided at the subdivision stage (i.e. preliminary plan/final plat) for the ECM administrators consideration:

- A deviation will be provided to request full movement access from a future south leg of Akers Drive at Constitution Avenue. The future south leg of Akers Drive along Constitution Avenue will be located approximately 1,050 feet west of Marksheffel Road (measured edge line to center), and approximately 825 feet east of Hannah Ridge Drive. According to the El Paso Engineering Criteria Manual (ECM) section 2.2.5.B, spacing of roads accessing an urban principal arterial that will result in a full movement intersection shall be planned at one-half mile. However, as stated in the ECM, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems. The intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that a south leg of Akers Drive at Constitution Avenue should be granted to allow for one full movement access to the existing lot.
- A deviation will be provided in support of allowing a right-out only access along Marksheffel Road. The proposed right-out access along Marksheffel Road will be located approximately 400 feet south of Constitution Avenue (measured edge line to center). The proposed right-out only access along Marksheffel Road is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that this access should be granted to only allow right-turn exiting movements.
- The access along the new south leg of Akers Drive will be approximately 300 feet south of Constitution Avenue (measured edge line to center). According to the El Paso County Engineering Criteria Manual section 2.2.5.D, spacing of intersections along urban collector roadways from an arterial roadway should be 330 feet from the right-of-way line of the arterial to the centerline of the access roadway. Therefore, the proposed access along the new south leg of Akers Drive does not meet ECM standards. The access along Akers Drive is expected to meet operational, vehicle queue, and sight distance standards. A deviation will need to be provided to request for this proposed access to remain at the proposed location.
- A northbound left turn lane is warranted at the Constitution Avenue and Akers Drive intersection and based on an El Paso County ECM design speed of 40 miles per hour for an Urban Non-Residential Collector, the deceleration lane length required is 155 feet plus a 160-foot taper. Additionally, 50 feet of storage is required by El Paso County due to the peak hour volume. Therefore, this left turn lane is recommended to provide a length of 205 feet plus a 160-foot taper. The proposed spacing between Constitution Avenue and the access intersection is not sufficient to allow for a 205-foot northbound left turn lane plus 160-foot taper at the Constitution Avenue and Akers Drive intersection. It should be noted a 165-foot northbound left turn lane plus a 120-foot taper based on a design speed of 30 mph is expected to be accommodated with the proposed location of the project access along Akers Drive. A deviation will be requested to allow for the northbound left turn lane at the Constitution Avenue and Akers Drive intersection be constructed with a design speed of 30 miles per hour.



A traffic signal is warranted with 2045 traffic volume projections at the intersection of Constitution Avenue and Akers Drive. It is recommended that El Paso County monitor traffic volumes at this intersection in the future to determine if signalization is the appropriate control. It should be noted the north leg of this intersection is the controlling approach that triggers the need for signal control and project traffic is only expected to utilize the south leg of this intersection.

The project access intersections are anticipated to have all movements operating with acceptable LOS C or better during the peak hours in both the buildout year 2023 and the 2045 long term horizons. It should be noted that the access along Akers Drive will not have any conflicting movements in the short-term; therefore, vehicle delays are not reported at this access intersection.

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

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

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

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

The housing type in the area is characterized by higher urban residential densities including but not limited to single family detached & attached, townhome, and apartment densities and supporting commercial retail uses surrounding the Marksheffel/Constitution intersection. (e.g., Claremont Ranch 9, The Sands, Midtown Collection at Hannah Ridge, Urban Collection at Hannah Ridge, various Hannah Ridge Filings, Upland Flats by Watermark).

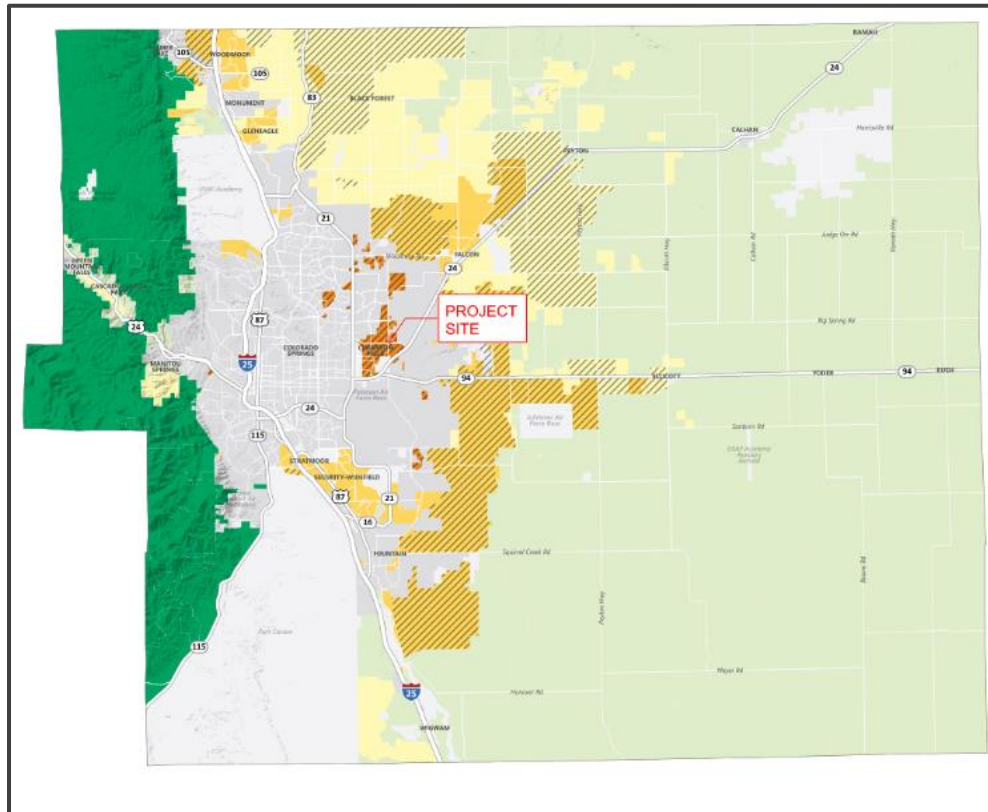
The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along and adjacent to the Constitution Corridor from Peterson Road to the west to the easternmost terminus of Constitution Avenue to the east at State Highway 24, along the Marksheffel Corridor from North Carefree to the north southerly to the intersection of Marksheffel Road and State Highway 94 to the south (see surrounding land use map exhibit/not vicinity map).







The proposed multifamily housing development will provide an additional 226 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near conveniently located to major transportation thoroughfares (Marksheffel Rd, Constitution Ave, Powers Blvd, SH 24, & SH 94) which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region. The increased residential densities provide additional

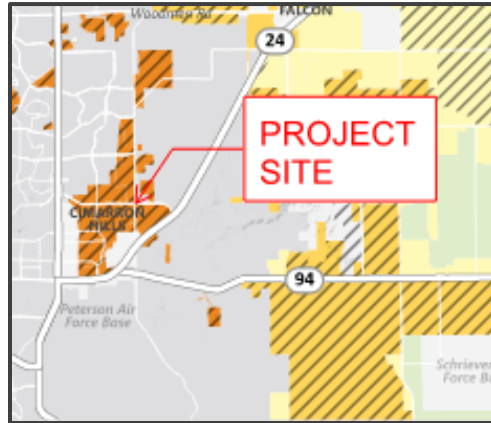
customer base in support of existing and planned commercial at the Constitution/Marksheffel intersection, Powers Blvd corridor, and at the SH 24/SH 94 commercial node (pending Crossroads North and Crossroads at Meadowbrook developments, See PCD File Nos SP-20-7 & SP-21-29, respectively).

The proposed rezone and development of multi-family housing will provide additional housing choices to meet the current regional demand for workforce, affordable, and attainable housing. The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. Rental/leasing prices will be market rate which are comparable to rent rates for similarly aged communities in El Paso County that provide comparable unit and community amenities. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses and workforce housing demands.

According to the Priority Development Areas Map in the Master Plan, the site is located within an Urban Residential Priority Development Area where “new residential development should be prioritized first for new residential development to accommodate growth” in the County.



Housing and Communities Framework	
 Mountain Interface	 Suburban Residential
 Rural	 Urban Residential
 Large-Lot Residential	 Priority Development Areas



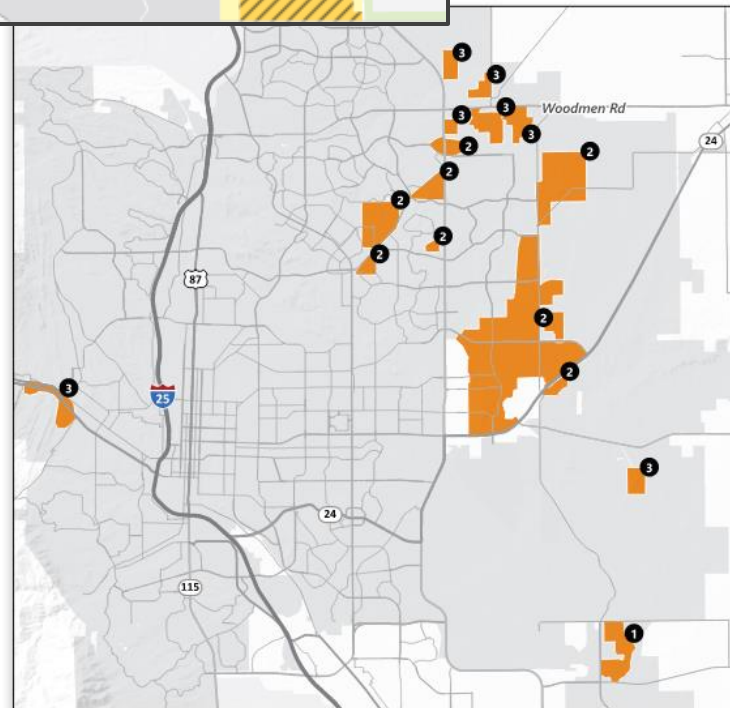
Urban

Larger Plan, types

**Residential Priority Development (Areas Enclaves)** According to the Your El Paso Master “Larger enclaves, including Cimarron Hills, currently exhibit the Urban Residential place-characteristics. They have denser housing clustered together with a wide variety of commercial and employment businesses to create a complete community. However, some have only one or two uses due to their size. All of them have been designated as transition areas within the Areas of Change because all or part of them could be redeveloped to better support the establishment of complete communities.”

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

The proposed multifamily densities are an appropriate transition at the Constitution Ave/Marksheffel Rd intersection which has an existing/approved land use mix of retail and service oriented commercial, light to heavy industrial, light manufacturing, single-family detached, medium to high density multifamily uses.



Urban Residential Priority Development Areas

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

## WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

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

The development area is located in Region 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5.

Cherokee Metro District has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits.

CMD currently serves approximately 7,500 residential and 500 commercial taps. CMD also provides services outside District boundaries to Schriever AFB and the Woodmen Hills Development. System/infrastructure interconnections exist between CMD, CSU, Meridian Service MD, and Woodmen Hills MD. CMD is developing owned water supplies to increase available water and improve flexibility in provision of summer flows. By the end of 2021, these new wells will contribute 458 AFY of capacity to the CMD system (Table 2) for a total of 4,443.0 AFY. Since 2011, actual demand from CMD customers has fallen 30-35% below commitments, partially due to some committed developments being incomplete but largely due to water saving measures undertaken by CMD customers.

CMD water supplies are drawn entirely from groundwater supplies from 21 wells (Well Nos. 1-21) in the eastern portion of the County and from two (2) wells in the “Sundance Ranch” property located in the northern portion of the County. According to the District, water from Well Nos. 1-8 provide a maximum of 653 AFY to a fixed

customer base. This water is unavailable to other users and is tracked separately from CMD's general exportable supply portfolio. Water supplies from the remaining wells (Well Nos 9-21) in the amount of 3,985 AFY is available for export outside the Basin. See Water Providers Report for Proposed Watermark at Constitution Apartments, dated January 29, 2021 for specific details provided by the District in support of this application and to address Water Master Plan Criteria.

According to the Water Resources Report, the CMD has 4,443.0 AFY of exportable supply and 4,130.4 AFY of commitments, CMD has a water balance of 312.6 AFY remaining for additional commitments.

CMD has provided a water and sewer service commitment Letter whereby the District has committed to allocate **50.6 AF/YR** for the proposed development out of its current supplies. Anticipated Residential demand includes 45.2 AF/YR for Residential Domestic use and 5.4 AF/YR for irrigation within the multifamily use.

FINAL PLAT

CITIZEN ON CONSTITUTION FILING No. 1
A REPLAT OF TRACTS M & N, URBAN COLLECTION AT PALMER VILLAGE
A PORTION OF THE NORTHEAST QUARTER OF
SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL BY THESE PRESENTS:

That The Citizen on Constitution, LLC, being the owner of the following described tract of land to wit:

LEGAL DESCRIPTION:

Tracts M and N, Urban Collection at Palmer Village, County of El Paso, State of Colorado.
Containing a calculated area of 534,215 square feet (12.264 acres) of land, more or less.

DEDICATION

The above owner has caused said parcel of land to be platted into a lot, tracts and easements as shown hereon. The undersigned does hereby grant and convey to the County of El Paso all right-of-way dedications and easements for public use. The tract of land herein platted shall be known as CITIZEN ON CONSTITUTION FILING No. 1 in the County of El Paso, State of Colorado.

OWNERSHIP AND ACKNOWLEDGMENT STATEMENT:

The aforementioned, The Citizen on Constitution, LLC, has executed this instrument this \_\_\_ day of \_\_\_, 20\_\_\_, A.D.
By: Garrett Partners XXXVII, LLC, its Manager

Eric Garrett, Manager

OWNERS CERTIFICATE

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into a lot, tracts, a street and easements, as shown hereon under the name and subdivision of CITIZEN ON CONSTITUTION FILING No. 1. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated within the public right-of-way will become matters of maintenance by El Paso County, Colorado. However, El Paso County shall NOT maintain the easements, private access into Lot 1 or any improvements within Tracts A and B. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

By: Eric Garrett, Manager of Garrett Partners XXXVII, LLC, the Manager of The Citizen on Constitution, LLC, its successors and assigns.

By:
Title:

ATTEST: (if corporation)

Secretary/Treasurer

STATE OF
COUNTY OF } SS

The above and aforementioned instrument was acknowledged before me this \_\_\_ day of \_\_\_, 20\_\_\_, A.D.

By: Eric Garrett, Manager of Garrett Partners XXXVII, LLC, its Manager

Witness my hand and seal:

My Commission expires

Notary Public

EASEMENT VACATION ACKNOWLEDGMENT:

The undersigned, being the beneficiary of the Non-exclusive Permanent Easement as recorded under Reception No. 221188151, records of El Paso County, does hereby vacate said easement.

COMPANY: Richmond American Homes of Colorado, Inc., A Delaware corporation

ADDRESS: 4350 S. Monaco St. Denver, CO 80237

Executed this \_\_\_ day of \_\_\_, 20\_\_\_.

Authorized agent:

Name: Title:

for and on behalf of Richmond American Homes of Colorado, Inc., A Delaware corporation.

NOTARIAL:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

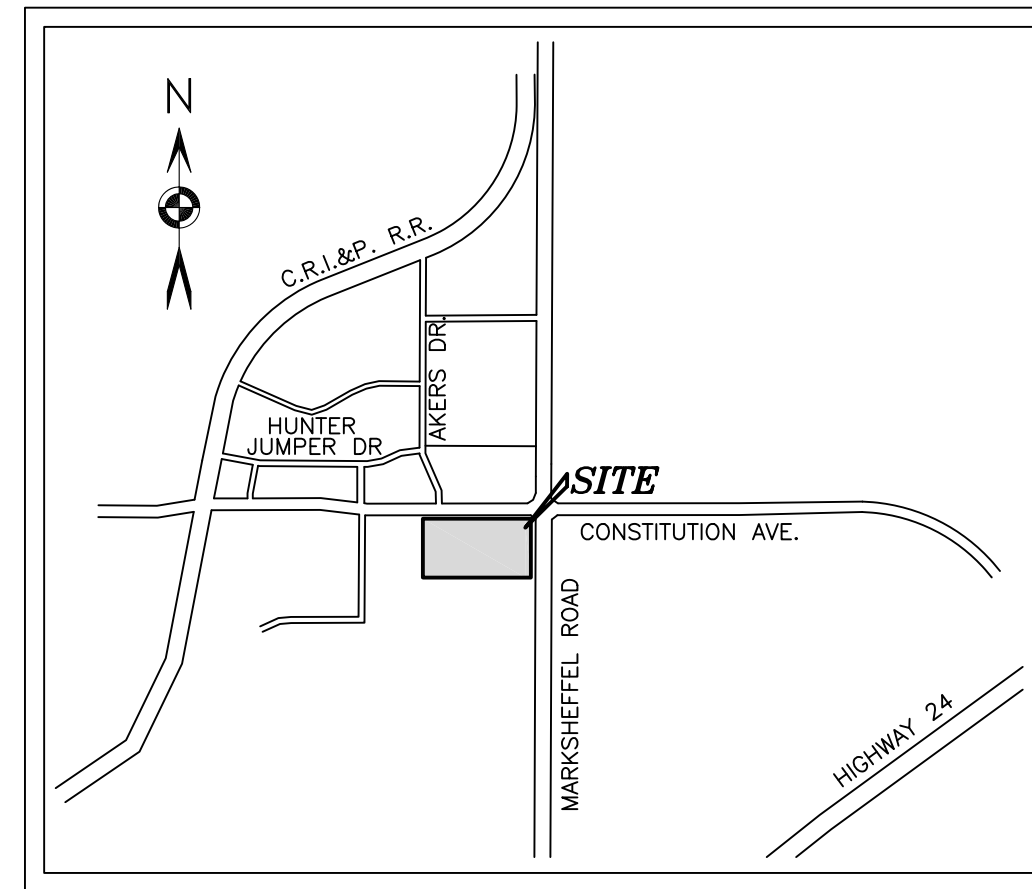
The above and aforementioned instrument was acknowledged before me this \_\_\_ day of \_\_\_, 20\_\_\_, A.D.

By: , Authorized agent

Witness my hand and seal:

My Commission expires

Notary Public



VICINITY MAP
(NOT TO SCALE)

EASEMENT STATEMENT:

Unless otherwise indicated, all side, front and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the property owner.

All easements shown or dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception No. 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

EASEMENT AND TRACT MAINTENANCE NOTES:

Tract A shall be utilized as an open space. Ownership and maintenance of Tract A shall be vested to The Citizen on Constitution, LLC, and/or successors.

Tract B shall be utilized as a drainage tract. Ownership and maintenance of Tract B shall be vested to The Citizen on Constitution, LLC, and/or successors. Tract B is subject to a Private Detention Basin/Stormwater Quality BMP Maintenance Agreement and Easement as recorded at Reception No. of the records of El Paso County. The Citizen on Constitution, LLC, and/or successors will be responsible for maintenance of the subject drainage facilities.

SUMMARY:

Table with 3 columns: Item, Area (Acres), and Percentage. Rows include 1 LOT (8.994 ACRES, 73.34%), 2 TRACTS (1.640 ACRES, 13.37%), DEDICATED RIGHT-OF-WAY (1.630 ACRES, 13.29%), and TOTAL (12.264 ACRES, 100.00%).

FLOOD PLAIN CERTIFICATION:

The Federal Emergency Management Agency, Flood Insurance Rate Map No. 08041C0756G, effective date December 7, 2018, indicates this parcel of land to be located in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).

SURVEYOR'S CERTIFICATE:

I Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on October 6, 2021, by me or under my direct supervision and that the monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code.

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

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

COUNTY APPROVAL

This plat for CITIZEN ON CONSTITUTION FILING No. 1 was approved for filing by the El Paso County, Colorado Planning

and Community Development Department this \_\_\_ day of \_\_\_, 20\_\_\_

Planning and Community Development Director Date

This plat for CITIZEN ON CONSTITUTION FILING No. 1 was approved for filing by the El Paso County, Colorado Board of

County Commissioners on the \_\_\_ day of \_\_\_, 20\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (right-of-way, street, tracts and easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Urban Collection at Palmer Village is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception #221714832.

Chair, Board of County Commissioners Date

RECORDING

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record at my office at \_\_\_ O'clock \_\_M., this day of \_\_\_, 2022 A.D., and is duly recorded under Reception Number

of the records of El Paso County, Colorado.

Fee: \_\_\_\_\_

Surcharge: \_\_\_\_\_

Chuck Broerman, Recorder

By: Deputy

FEES:

- School Fee (School District 49):
Bridge Fee (Sand Creek Drainage Basin): \$64,334.83
Urban Park Fee:
Regional Park Fee:
Drainage Fee (Sand Creek Drainage Basin): \$157,278.94

PCD File No. SF-22-06

SHEET INDEX

- SHEET 1 - COVER, LEGAL DESCRIPTION, VICINITY MAP
SHEET 2 - GENERAL NOTES
SHEET 3 - AS PLATTED BOUNDARY
SHEET 4 - AS RE-PLATTED BOUNDARY

Table with 4 columns: No., Remarks, Date, By. Rows show revisions for address comments on 9/09/22, 10/19/22, and 10/26/22, and cover sheet revisions on 10/27/22.

BARRON LAND logo and contact information: 2790 N. Academy Blvd, Suite 311, Colorado Springs, CO 80917. P: 719.360.6827, F: 719.466.6527. PROJECT No.: 21-048 SHEET 1 OF 4

FINAL PLAT

CITIZEN ON CONSTITUTION FILING No. 1  
 A REPLAT OF TRACTS M & N, URBAN COLLECTION AT PALMER VILLAGE  
 A PORTION OF THE NORTHEAST QUARTER OF  
 SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 COUNTY OF EL PASO, STATE OF COLORADO

**SURVEYOR'S NOTES**

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. The approval of this Replat vacates all prior plats for the area described by this plat.
3. The lineal units used in this drawing are U.S. Survey Feet. A U.S. Survey Foot is defined as 1200/3937 meters.
4. This survey does not constitute a title search by Barron Land, LLC to determine ownership, rights-of-way, or easements of record. For information regarding ownership, rights-of-way, and easements of record, Barron Land, LLC relied upon Title Commitment No. NCS-1074278-INDY, with an effective date of January 19, 2022 as provided by First American Title Insurance Company.
5. This survey was performed in the field on October 6, 2021.
6. The overall subject parcel contains a calculated area of 534,215 square feet (12.264 acres) of land, more or less.
7. BASIS OF BEARINGS: Bearings are based upon the South Right-of-Way line of Constitution Avenue, as described in "Parcel B" within the Warranty Deed recorded under Reception No. 210085356, monumented on the West with a #4 rebar with yellow plastic cap stamped "PLS 4842" and on the East with a #5 rebar with yellow plastic cap stamped "Aztec PLS 36567" and is assumed to bear N 89°53'50" E, a distance of 1691.84 feet.
8. The subject property shown herein lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Federal Emergency Management Agency flood insurance rate map number 08041C0756G, effective December 7, 2018.
9. This site is not within a designated F.E.M.A. floodplain as determined by the flood insurance rate map number 08041C0756G, effective December 7, 2018.
10. There shall be no direct lot access to Constitution Avenue. Access to Marksheffel Road will be via Lot 1. This access point is limited to right out access only.
11. Geologic hazard note:  
 Per the geotechnical investigation report prepared by CTL Thompson, Inc., dated May 27, 2022, (CTL Thompson Project No. CS19460-125) the subject Lot and tracts were not identified as having geologic hazards at the time of the report. The report (PCD File No. SF226) is on file at the El Paso County Planning and Community Development Department.
12. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice, approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guideline enacted or promulgated under or with respect to such laws.
13. Snow storage shall be accommodated on site at the ends of the Private drive aisles, not in the Public Right-of-Way.
14. Emergency access gates are to be designed by the Developer and must include the Diablo Control Proximity Auto Opening System ([www.diablocontrols.com](http://www.diablocontrols.com)) and override to provide emergency and Fire Department ingress and egress.
15. Any person who knowingly removes or knowingly causes to be removed any Public land survey monument, as defined by Section 38-53-103 (18), C.R.S., or control corner, as defined in Section 38-53-103 (6), C.R.S., or a restoration of any such monument or who knowingly removes or knowingly causes to be removed any bearing tree knowing such is a bearing tree or other accessory, as defined by Section 38-53-103(1), C.R.S., even if said person has Title to the land on which said monument or accessory is located, commits a class 2 misdemeanor unless, prior to such removal, said person has caused a Colorado professional land surveyor to establish at least two witness corners or reference marks for each such monument or accessory removed and has filed or caused to be filed a monument record pursuant to Article 53 of Title 38, C.R.S.
16. A standard Avigation Easement conveyed to the City of Colorado Springs, appurtenant to the Colorado Springs Airport recorded April 19, 1988 in Book 5497 at Page 502 covers the subject Property but is not shown herein.
17. A standard Avigation Easement conveyed to the City of Colorado Springs, appurtenant to the Colorado Springs Airport recorded March 14, 1989 in Book 5612 at Page 726 covers the subject Property but is not shown herein.
18. A standard Avigation Easement recorded March 20, 2014 at Reception No. 214022685 covers the subject Property but is not shown herein.
19. No Lots shall be sold, conveyed, or transferred to a Party other than one that purchases the entire Subdivision, whether by Deed or by Contract, unless and until the required Public and Common development improvements for the Subdivision have been constructed and completed in accordance with the Subdivision Improvements Agreement recorded at Reception No. 221188154 and Reception No. \_\_\_\_\_, the approved construction plans and preliminary acceptance of said improvements has been received from El Paso county. Should a Party purchase the entire Subdivision, Lots within the Subdivision may be sold, conveyed, or transferred and have building permits issued upon receipt of collateral acceptable to the County which is sufficient to guarantee construction of the improvements in the approved financial assurance estimate. If subdivider or a purchaser posts collateral more than ninety (90) days following plat recording, an updated financial assurance estimate may be required. This Plat restriction may be removed or rescinded by the Board of County Commissioners or, if permitted by the Subdivision improvements agreement, by the planning and community development department director upon either approval of an alternative form of collateral or completion and preliminary acceptance by the El Paso board of county commissioners of all improvements required to be constructed and completed in accordance with said subdivision improvements agreement. The partial release of Lots for sale, conveyance or transfer may only be granted in accordance with any planned partial release of Lots authorized by the Subdivision improvements agreement.

**SURVEYOR'S NOTES (CONTINUED)**

20. 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 El Paso County road impact fee program resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittal. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on Plat notes to ensure that a title search would find the fee obligation before sale of the Property.
21. Notice of potential aircraft overflight and noise impact associated with airport: this serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.
22. All property owners are responsible for maintaining proper storm water drainage in and through their Property. Public drainage easements as specifically noted on the Plat shall be maintained by the individual Lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage Easements.
23. No driveway shall be established unless an access permit has been granted by the City of Colorado Springs.
24. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
25. The following reports have been submitted in association with the preliminary plan or Final Plat for this Subdivision and are on file at the County Planning and Community Development Department: transportation impact study; drainage report; water resources report; wastewater disposal report; geology and soils report; fire protection report; noise report.
26. Developer shall comply with Federal and State laws, regulations, ordinances, review and permit requirements, and other Agency requirements, if any, of applicable Agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife service regarding the endangered species act, particularly as it relates to the listed species (e.g., Preble's Meadow jumping mouse).
27. The addresses exhibited on this Plat are for informational purposes only. They are not the legal description and are subject to change.
28. The property shown hereon is located within the Constitution Heights Metropolitan District per the document recorded at Reception No. 210099703 of the El Paso County Clerk and Recorder.
29. At the time of post construction (when proposed improvements have been installed/constructed) the paved areas within Lot 1 that are intended for vehicular travel shall be encumbered with a blanket-in-nature easement for ingress and egress.
30. Noise mitigation techniques shall be completed by the developer in accordance with the Noise Analysis Report by Kimley-Horn and Associates, Inc., dated April 5, 2022, and shall be incorporated into the multifamily development.
31. The public utility easement that is shown throughout Lot 1 is to be utilized for all necessary utilities. It is not exclusive to the Cherokee Metropolitan District utilities.
32. Utility Providers:  
 Sanitary Sewer: Cherokee Metropolitan District  
 Water: Cherokee Metropolitan District  
 Electric: Colorado Springs Utilities  
 Gas: Colorado Springs Utilities

PCD File No. SF-22-06

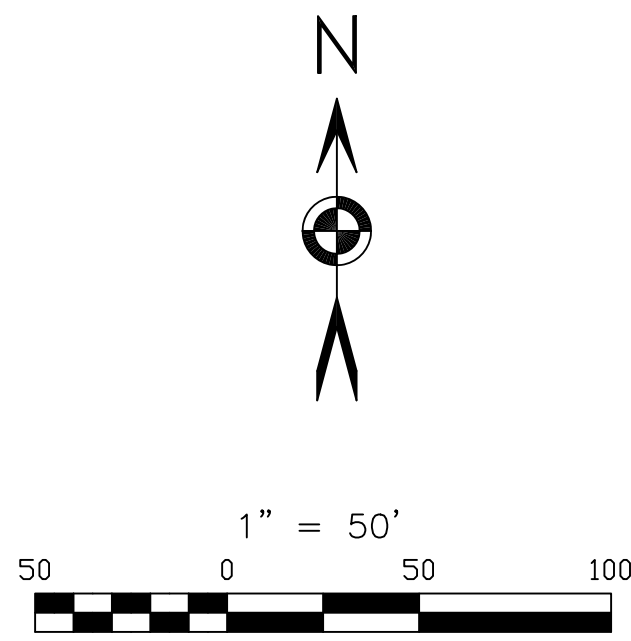
DATE: 04/04/2022 REVISIONS			
No.	Remarks	Date	By
3	ADDRESS COMMENTS	9/09/22	KPB
4	ADDRESS COMMENTS	10/19/22	KPB
5	ADDRESS COMMENTS	10/26/22	KPB
6	COVER SHEET REVISIONS	10/27/22	KPB

**BARRON LAND**  
 BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION  
 2790 N. Academy Blvd. Suite 311 P: 719.360.6827  
 Colorado Springs, CO 80917 F: 719.466.6527  
[www.BARRONLAND.com](http://www.BARRONLAND.com)  
 PROJECT No.: 21-048 SHEET 2 OF 4

FINAL PLAT

CITIZEN ON CONSTITUTION FILING No. 1

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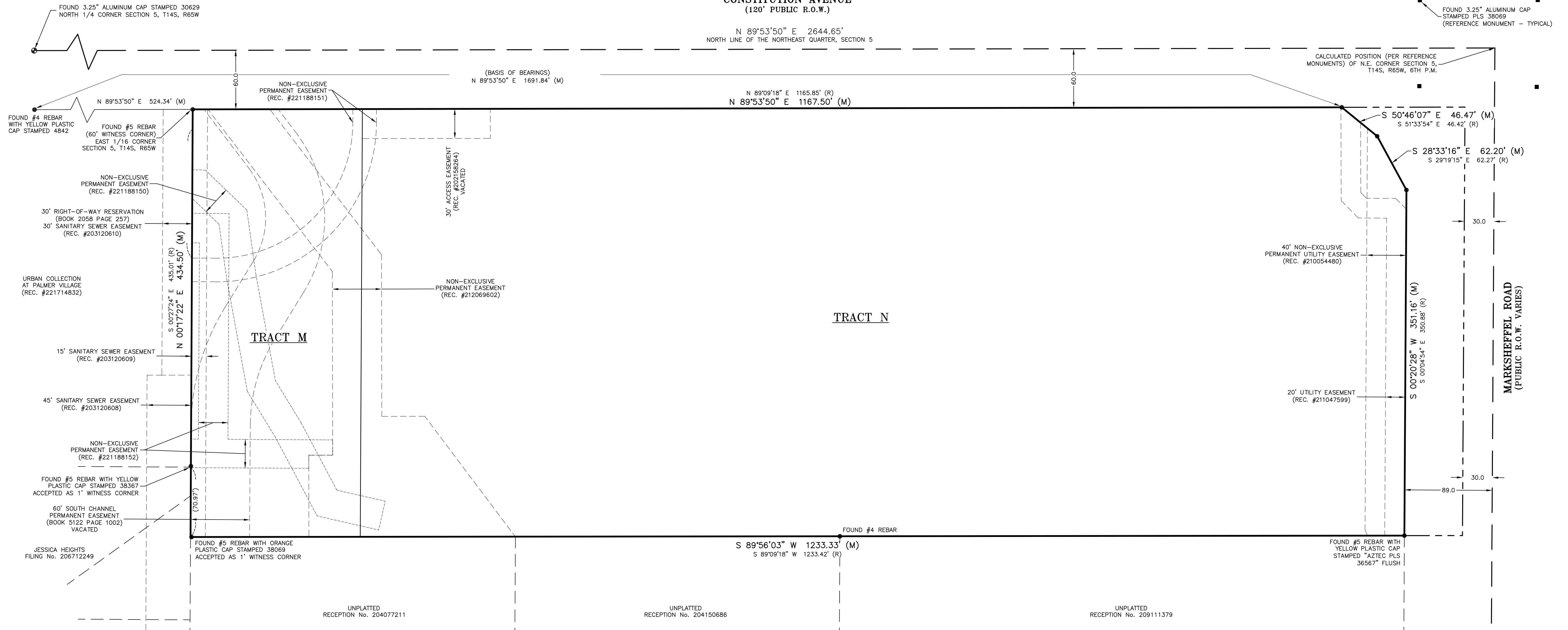
LEGEND:

- FOUND SECTION MONUMENT AS NOTED
- FOUND #5 REBAR WITH YELLOW PLASTIC CAP STAMPED "AZTEC PLS 36567" UNLESS NOTED OTHERWISE
- FOUND REFERENCE MONUMENT AS NOTED
- (M) FIELD-MEASURED DIMENSIONS
- (R) RECORD DIMENSIONS
- (C) CALCULATED DIMENSIONS
- R.O.W. RIGHT-OF-WAY
- (XXXX) LOT ADDRESS
- SUBDIVISION BOUNDARY LINES
- - - ADJACENT PARCEL LINES
- SECTION LINES
- - - EASEMENT LINES

AS PLATTED

CONSTITUTION AVENUE  
 (120' PUBLIC R.O.W.)

N 89°53'50" E 2644.65'  
 NORTH LINE OF THE NORTHEAST QUARTER, SECTION 5



PCD File No. SF-22-06

DATE: 04/04/2022		REVISIONS	
No.	Remarks	Date	By
3	ADDRESS COMMENTS	9/09/22	KPB
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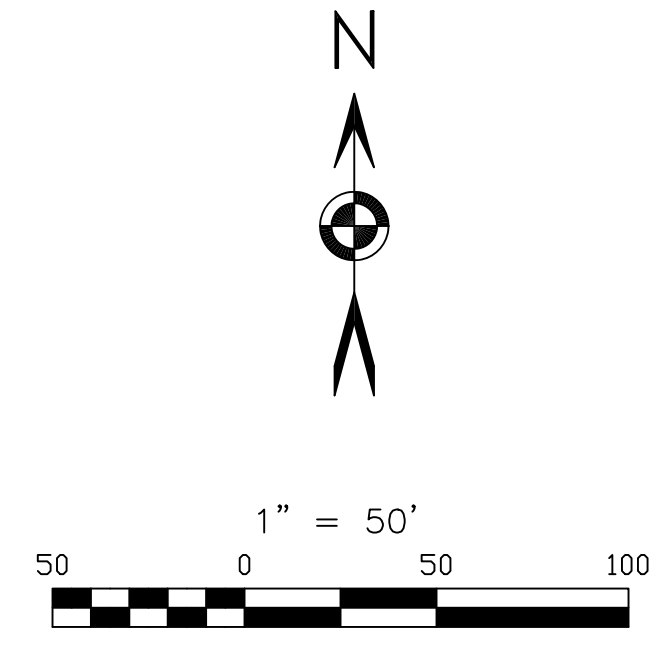
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PROJECT No.: 21-048 SHEET 3 OF 4



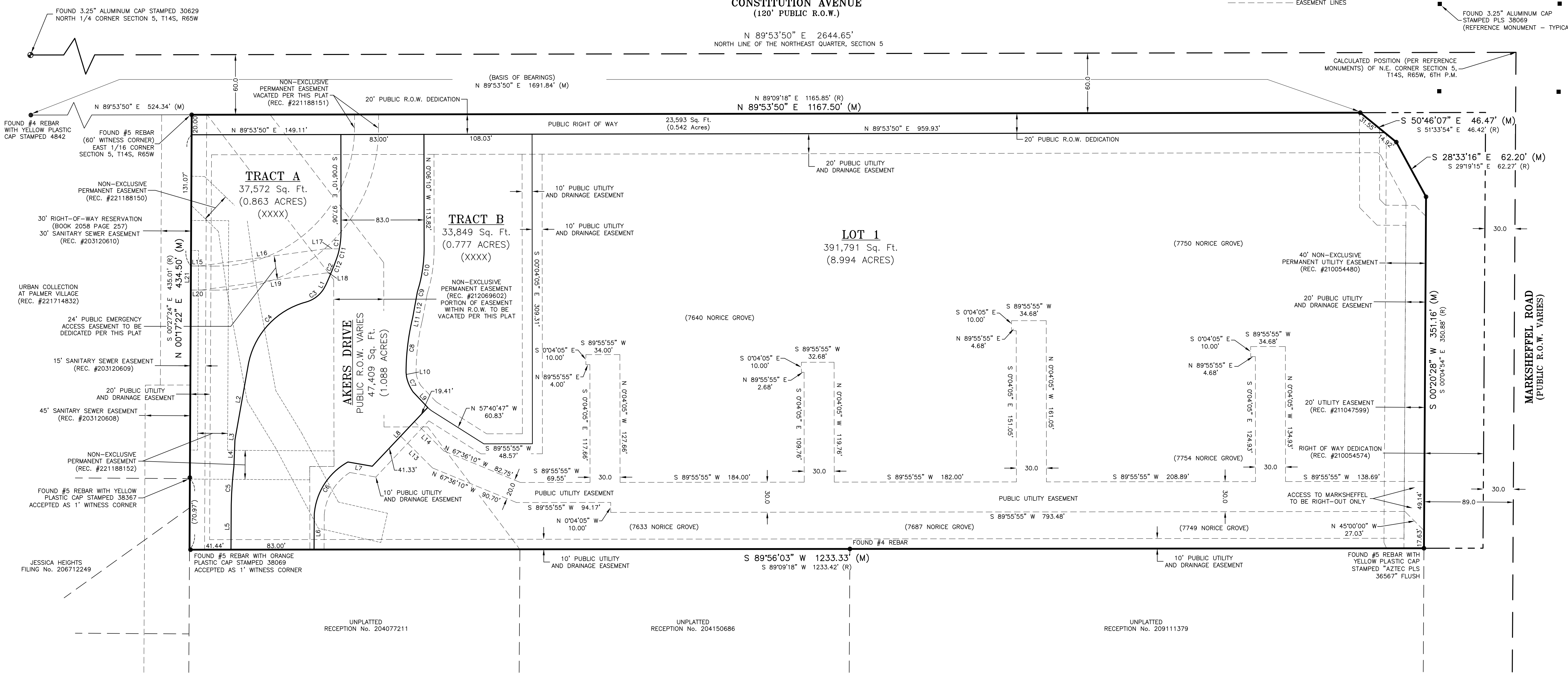
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- LEGEND:**
- FOUND SECTION MONUMENT AS NOTED
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  - (C) CALCULATED DIMENSIONS
  - R.O.W. RIGHT-OF-WAY
  - (XXXX) LOT ADDRESS
  - SUBDIVISION BOUNDARY LINES
  - LOT/TRACT LINES
  - DEDICATION LINES
  - - - ADJACENT PARCEL LINES
  - SECTION LINES
  - - - EASEMENT LINES

**AS RE-PLATTED**

**CONSTITUTION AVENUE**  
 (120' PUBLIC R.O.W.)



LINE BEARING	DISTANCE	CURVE RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
L1	N 27°45'20" E 14.35'	85.58'	24.15'	S 07°59'06" W 24.07'	16°09'58"	
L2	N 10°03'02" E 70.86'	299.43'	31.68'	S 22°02'00" W 31.66'	6°03'40"	
L3	S 09°56'25" W 51.14'	30.50'	22.90'	S 53°21'45" W 22.37'	43°01'39"	
L4	S 02°14'18" W 26.61'	79.50'	83.93'	S 42°27'48" W 85.23'	64°49'53"	
L5	S 00°17'22" W 39.22'	385.52'	43.87'	S 03°32'43" W 43.84'	6°31'11"	
L6	S 00°17'22" W 35.25'	65.50'	64.71'	N 32°48'17" E 62.11'	56°36'28"	
L7	S 80°04'43" E 24.69'	40.73'	16.90'	S 23°08'03" E 16.78'	23°46'52"	
L8	S 43°19'47" W 80.74'	230.50'	50.70'	S 06°19'59" W 50.60'	17°36'09"	
L9	S 43°19'23" E 21.36'	24.00'	2.91'	S 13°42'11" W 2.91'	6°56'49"	
L10	S 05°35'34" E 4.01'	141.50'	42.67'	S 08°32'13" W 42.51'	17°16'46"	
L11	S 13°13'19" W 4.96'	85.38'	16.87'	S 13°48'05" W 6.87'	4°36'02"	
L12	S 10°13'47" W 24.45'	299.43'	18.55'	S 20°46'40" W 18.55'	3°32'59"	
L13	S 45°06'10" E 44.97'					
L14	S 45°06'10" E 41.54'					
L15	N 89°53'50" E 19.11'					
L16	N 82°12'24" E 125.93'					
L17	N 89°53'50" E 14.36'					
L18	S 89°53'50" W 4.49'					
L19	S 82°12'24" W 125.93'					
L20	S 89°53'50" W 10.89'					
L21	N 00°17'22" E 24.00'					

DATE: 04/04/2022		REVISIONS	
No.	Remarks	Date	By
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PCD File No. SF-22-06

**BARRON LAND**

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 Colorado Springs, CO 80917 F: 719.466.6527  
 www.BARRONLAND.com

PROJECT No.: 21-048 SHEET 4 OF 4



February 24, 2022

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

RE: Citizen on Constitution  
Final Plat  
NE1/4 Sec. 5, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 29102

To Whom It May Concern:

We have received information concerning the above-referenced proposal to develop a 12.26-acre lot and construct a multifamily development consisting of two three-story buildings containing 226 single-family residences. The lot in question was created as an undeveloped tract in the Shops at Feathergrass. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

### Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 50.6 acre-feet/year for all combined uses in the new multifamily development. This breaks down to 45.2 acre-feet/year for drinking and sanitary uses and 5.4 acre-feet/year for irrigation of lawn and gardens.

### Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee dated November 29, 2021 was included with the submittal. According to the letter, they have committed to supply 50.6 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 50.6 acre-feet/year for the proposed development.

### Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available online at: [https://dnrweblink.state.co.us/dwr/0/edoc/3576581/DWR\\_3576581.pdf?searchid=978a5a](https://dnrweblink.state.co.us/dwr/0/edoc/3576581/DWR_3576581.pdf?searchid=978a5a)



31-ddf9-4e09-b58c-a96f372c943d, 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". The signature is written in a cursive, flowing style.

Ivan Franco, P.E.  
Water Resource Engineer

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



**OFFICE OF THE COUNTY ATTORNEY**  
CIVIL DIVISION

**Diana K. May, County Attorney**

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April 21, 2022

SF-22-6                      Citizen on Constitution  
Final Plat

Reviewed by:            Lori L. Seago, Senior Assistant County Attorney  
Edi Anderson, Paralegal, ACP

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a final plat proposal by Feathergrass Investments, LLC and Garrett Companies (“Applicant”) for a subdivision of 1 lot for 226 multi-family units and 2 tracts for drainage and open space (the “property”). There is a concurrent zoning application to rezone the property to RM-30 CAD-O (Residential Multi-Dwelling – Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand is 45.2 acre-feet/per year, which reflects 0.20 acre-feet/unit for in-house use, plus 5.4 acre-feet for irrigation, for a total subdivision water demand of 50.6 acre-feet/year. Based on the total demand, Applicant must provide a supply of 15,180 acre-feet of water (50.6 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District (“District”, “Cherokee” or “CMD”), as detailed in the *Final Water Resources Report for The Citizen on Constitution* dated January 25, 2022 (“*Report*”). The *Report* indicates that “[w]ith 4,411.5 AFY of exportable supply and 4,238.9 AFY of commitments, CMD has a water balance of 176.6 AFY before the subject development. After commitment of 50.6 AFY to this development, the District will have 126.0 AFY remaining for additional commitments.”

4. The District's General Manager provided a letter of commitment for the Citizen on Constitution development dated November 29, 2021, in which the District committed to providing water service to the apartment development in the amount of 45.2 acre-feet/year, plus irrigation in the amount of 5.4 acre-feet/year, for an annual water requirement of 50.6 acre-feet/year.

The District's commitment is only a conditional commitment as noted in their letter, which stated: "[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment."

#### State Engineer's Office Opinion

5. In a letter dated February 24, 2022, the State Engineer reviewed the proposal to subdivide the 12.26 +/- acre parcel into a multi-family development consisting of 226 apartment units, plus irrigated green space. The State Engineer stated that the water demand for the proposed development is 50.6 acre-feet and is to be served by Cherokee Metropolitan District. A letter of commitment dated November 29, 2021 from Cherokee was provided with the materials and indicated 50.6 acre-feet are committed to the proposed subdivision. The State Engineer stated that "[a]ccording to this office's records, it appears that Cherokee has adequate water resources to serve 50.6 acre-feet/year for the proposed development." Finally, "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Citizen at Constitution development is 50.6 acre-feet per year to be supplied by the Cherokee Metropolitan District.

**Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 50.6 acre-feet/year and a commitment from the District in the amount of 50.6 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set below, the County Attorney's Office recommends a finding of conditional sufficiency as to water quantity and dependability for the Citizen at Constitution development.**

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 April 11, 2022, the *Final Water Resources Report* dated January 25, 2022, the Cherokee Metropolitan District letter dated November 29, 2021, and the State Engineer Office's Opinion dated February 24, 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.***

**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 shall upload to EDARP a corrected letter of commitment from Cherokee Metro District that states in the body that the commitment is for "Citizen on Constitution" rather than "Caliber on Constitution."
- C. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated November 29, 2021 (approval must be provided by November 29, 2022) to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid.**

cc. Kari Parsons, Senior Planner



Prevent • Promote • Protect

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

### **Citizen on Constitution, SF-22-6**

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 Cherokee Metropolitan 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# CO-0121125 by the Colorado Department of Public Health and Environment. Cherokee Metropolitan District has submitted a 22Nov2022, Letter of Commitment to provide water and wastewater services to the development.
- There is sufficient wastewater treatment capacity at Cherokee Metropolitan 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 basin 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)  
03June2022

**Colorado Springs Airport Advisory Commission Meeting  
To Be Heard February 23, 2022  
Land Use Review Item #13**

<b>EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S):</b> SF226 <i>RESIDENTIAL FINAL PLAT</i>		<b>PARCEL #(S):</b> 5405104074, 5405104075
<b>DESCRIPTION:</b> Request by Kimley-Horn on behalf of Feathergrass Investments, LLC for approval of the Citizen on Constitution Final Plat. The plat creates a single lot and tract for a 300-unit multifamily development. The site is zoned CR/CAD-O (Commercial Regional and Commercial Airport District Overlay) and is subject to a rezone amendment to RM-30/CAD-O (Residential Multi-Dwelling and Commercial Airport District Overlay) and consists of 12.26 acres. The property is located at the southwest corner of Constitution Avenue and Marksheffel Road.		
<b>CONSTRUCTION/ALTERATION OF MORE THAN 200 FEET ABOVE GROUND LEVEL?</b> No	<b>DISTANCE/DIRECTION FROM COS:</b> 3.3 miles northeast of Rwy 17R	
<b>TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:</b> 40 feet above ground level; 6,480 feet above mean sea level	<b>COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:</b> None	
<b>ATTACHMENTS:</b> <a href="http://epcdevplanreview.com">Project Details - EDARP (epcdevplanreview.com)</a> CLICK ON FINAL PLAT DRAWINGS UNDER DOCUMENTS LIST		

**STAFF RECOMMENDATION/CONDITIONS OF APPROVAL**

***Subject to Airport Advisory Commission Action***

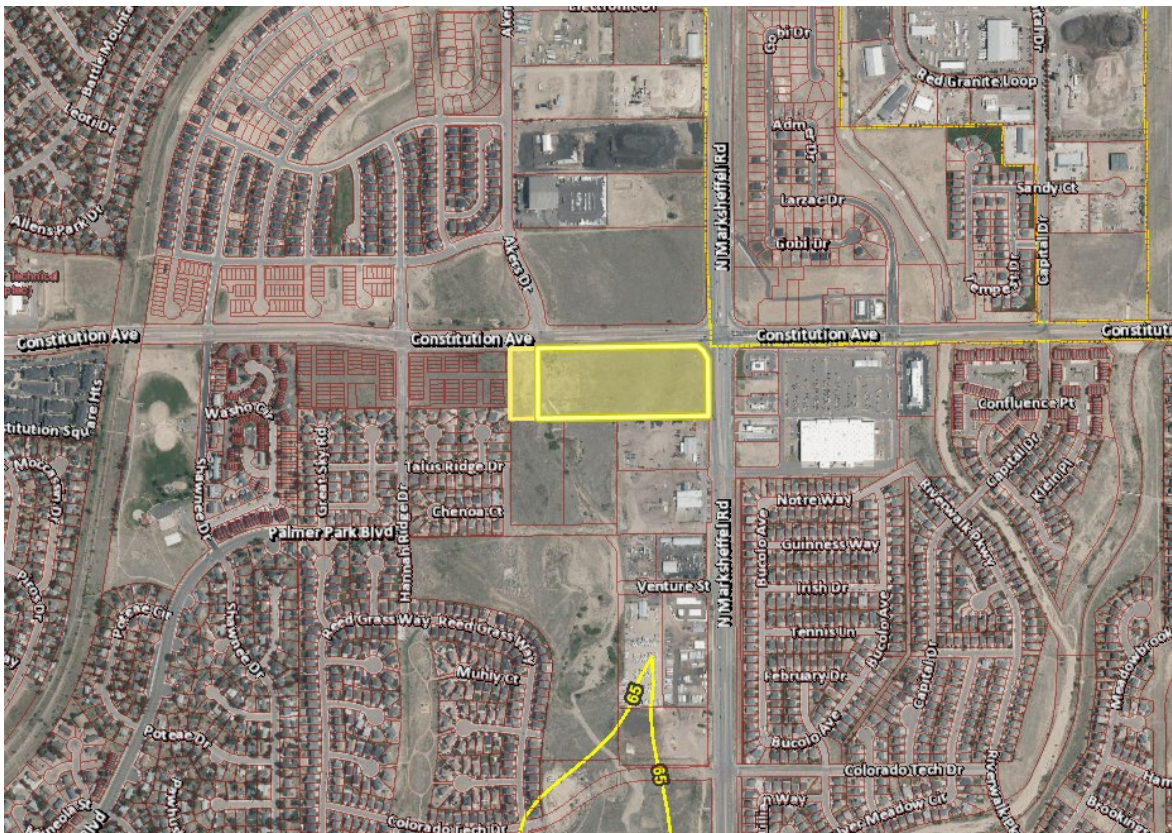
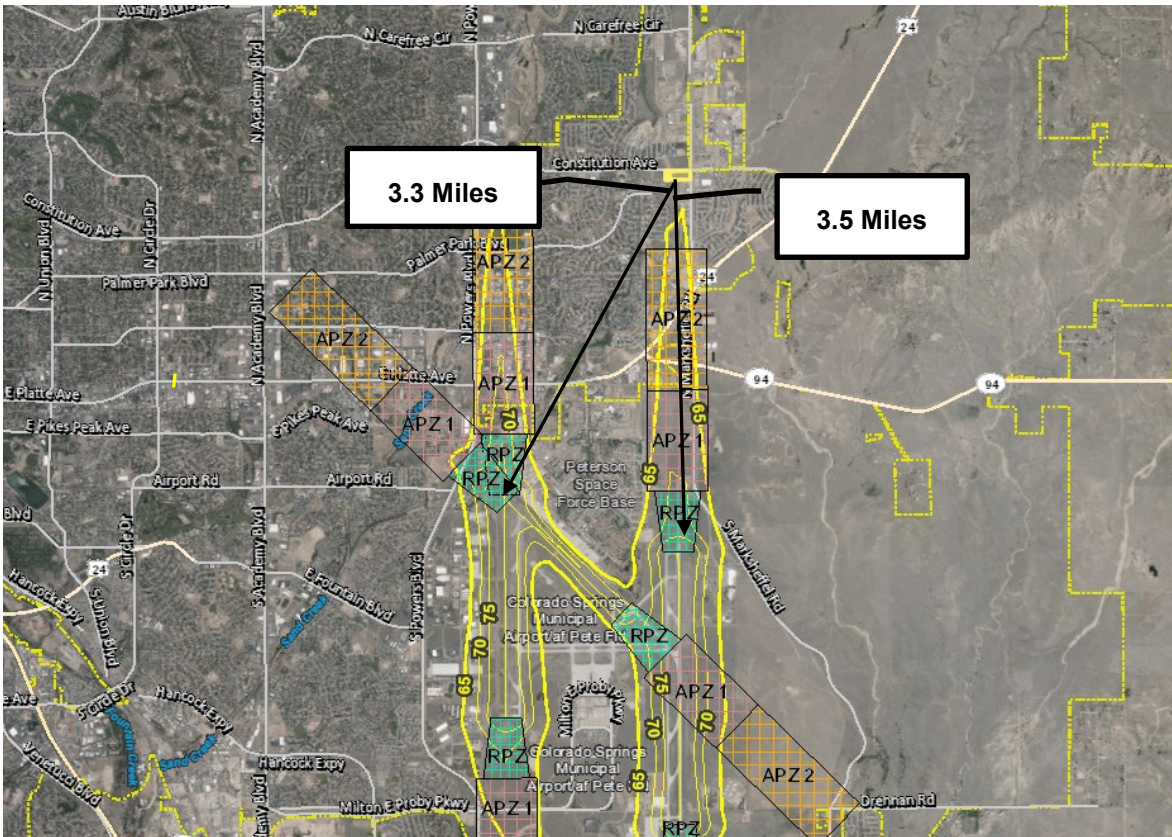
*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** Proof of previous Avigation Easement filing is provided on plat (Recorded March 14, 1989 in Book 5612, Page 726 and March 20, 2014 at Reception No. 214022685); no further action is required.
- **Airport Acknowledgement:** Upon accepting residency within Citizen on Constitution Filing No. 1, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Citizen on Constitution Filing No. 1 lies within an Airport Overlay Zone and is located less than 4 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.
- **Noise:** Although it appears that the proposed development will be located outside of the 65 DNL noise contour, the developer is encouraged to work with the airport for noise mitigation measures and procedures. The developer should notify tenants of potential noise impacts in their lease agreement, or wherever appropriate, to ensure all future tenants are made aware of noise impacts associated with aircraft overflight.
- **FAA Form 7460-1:** Based on elevation data, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities: FAA's website (<https://oaaaa.faa.gov/oaaaa/external/nortal.isn>)



# Colorado Springs Airport Advisory Commission Meeting To Be Heard February 23, 2022 Land Use Review Item #13

- Project location exhibit:



FINAL PLAT (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF-22-006  
CITIZEN ON CONSTITUTION SUBDIVISION

WHEREAS, Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Citizen on Constitution Subdivision for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on November 17, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

WHEREAS, in approving a final plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1, Subdivisions, of the El Paso County Land Development Code (2022):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

13. The subdivision meets other applicable sections of Chapter 6 and 8; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]
15. 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, Sufficiency: 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 Feathergrass Investments LLC for a final plat of Citizen on Constitution Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicants shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure completion of the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would disclose the fee obligation before sale of the property.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Regional park fees (Region 2) in lieu of land dedication in the amount of \$ 103,960 and urban park fees (Urban Area 3) in lieu of land dedication in the amount of \$ 65,540.00 shall be paid at the time of final plat recordation. A park lands agreement shall be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.
12. School fees in lieu of land dedication in the amount of \$29,832.00 to benefit the Falcon School District No. 49 shall be paid at the time of final plat recordation.
13. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
14. Drainage fees in the amount of \$157,278.94 and bridge fees in the amount of \$64,334.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

15. A revised geotechnical investigation and geologic hazard evaluation addressing the Colorado Geological Surveys recommendations, the criteria used by the engineer to estimate differential movement at the site shall be sent to Colorado Geological Surveys for review. This may include the rationale for the estimate but must be of sufficient detail (i.e., calculations, methodology, etc.) for others to be able to reach the same conclusion as the engineer on the amount of differential movement expected at the site. If calculations on heave from expansive material and settlement of the fill are comingled to estimate ultimate differential movement, this shall be clearly indicated in the criteria to be reviewed shall be provided prior to the approval of site development plan for any development.

16. A plat disclosure notice shall be depicted on the face of the plat prior to plat recordation stating, "The site is underlain by undocumented fill, that the total differential movement at this site may exceed the engineer's estimates, and that it is unknown when in the future differential movement of the undocumented fill will occur."

#### NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.
2. Final plat requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent

Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	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 17th day of November 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Brian Risley, Chair

DATED: November 17, 2022

## EXHIBIT A

Tract M and N, Urban Collection at Palmer Village, County of El Paso, State of Colorado.

Area of proposed Lot 1: 391,791 Sq. Ft. (8.994 Acres)

Area of proposed Tract A: 37,572 Sq. Ft. (0.863 Acres)

Area of proposed Tract B: 33,849 Sq. Ft. (0.777 Acres)

Area of 20' Public Right-of-Way dedication along Constitution Avenue: 23,593 Sq. Ft. (0.542 Acres)

Area of proposed Akers Drive Right-of-Way: 47,409 Sq. Ft. (1.088 Acres)

Total Area of proposed subdivision: 534,214 Sq. Ft. (12.264 Acres)