

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

# PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Ryan Howser, Planner II

Daniel Torres, PE Engineer II Craig Dossey, Executive Director

RE: Project File #: SF-20-025

Project Name: Space Village Apartments Filing No. 1

Parcel No.: 54170-00-019

OWNER:	REPRESENTATIVE:
Bridle Dale, LLC	Kimley-Horn & Associates
4356 Montebello Drive	2 N. Nevada Avenue, Suite 300
Colorado Springs, CO, 80936	Colorado Springs, CO, 80903

Commissioner District: 4

Planning Commission Hearing Date:	10/7/2021
Board of County Commissioners Hearing Date	10/26/2021

#### **EXECUTIVE SUMMARY**

A request by Bridle Dale, LLC, for approval of a final plat to create one (1) 0.63-acre commercial lot. The 0.63-acre property is zoned CC (Commercial Community) and is located on the south side of Space Village Avenue, approximately 785 feet east of the Space Village Avenue and Peterson Boulevard intersection and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a Small Area Plan.



#### A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

**Request:** A request by Bridle Dale, LLC for approval of a final plat to create one (1) commercial lot.

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

**Authorization to Sign:** Final Plat 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:

Vote:

Vote Rationale:

**Summary of Hearing:** 

**Legal Notice:** 

#### C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- 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;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods
  of sewage disposal are proposed, the system complies with State and local
  laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of
  Chapter 8 of this Code;

- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and 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: C-1 (Commercial) Multi-family/Restaurant

South: CC (Commercial Community) Hotel

East: CS (Commercial Service) Institutional

West: CC (Commercial Community) Hotel

#### E. BACKGROUND

The parcel was zoned A-3 (Airport Farm) on May 11, 1942 (BoCC Resolution No. 669212). A portion of the property was rezoned from A-3 to C-1 (Commercial) on July 30, 1956. The remainder of the parcel was rezoned from A-3 to M-1 (Industrial) on November 5, 1959. The portion of the property that was rezoned to M-1 was then rezoned to PHID (Planned Heavy Industrial) on July 31, 1980. The property was rezoned in its entirety from PHID and C-1 to the PBP (Planned Business Park) zoning district on February 24, 1983 (PCD File No. PBP-83-017). Due to changes in

the nomenclature of the El Paso County Land Development Code, the PBP zoning district was renamed as the CC (Commercial Community) zoning district.

The existing structure was constructed in 1983 and permitted as a hotel, which was a permitted principal use in the PBP zoning district, now known as the CC zoning district, at the time of construction. On May 1, 1991, changes to the <a href="Land">Land</a>
<a href="Development Code">Development Code</a>
re-designated the hotel/motel use as a special use within the PBP zoning district. On December 23, 2002, the applicant received approval of a special use permit to operate the hotel as a conforming use rather than as a nonconforming use (PCD File No. AL-02-022). According to the applicant's letter of intent, the current owner purchased the property in 2013 and has since used it as a multi-family dwelling.

The 0.63-acre parcel was illegally created outside of the El Paso County subdivision process on November 19, 1986 by quit claim deed (El Paso County Public Records, Book 5273, Page 127). To be considered a legal lot, the parcel would have needed to have been created prior to July 17, 1972 or have been created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. Therefore, the parcel does not meet the definition of a "Legal Lot" as discussed in detail in the Code Analysis section below. On August 20, 1990, the Board of County Commissioners approved the Highway 94 Preliminary Plan, which included the subject parcel (PCD File No. SP-90-001). The associated final plat was never submitted for review; therefore, the parcel remains an illegal division of land. Pursuant to Section 1.13.3 of the Code, no building permits may be authorized for a parcel of land that has not been included within a final plat action or otherwise exempted by the Code.

A complaint was received on May 6, 2018, regarding the use of the property as a multi-family dwelling. A Notice of Violation was sent to the property owner regarding illegally converting the structure from a hotel to a multi-family dwelling on May 17, 2018. The applicant participated in an Early Assistance meeting with County staff on June 19, 2018, to discuss submittal of a formal application. The variance of use application was ultimately submitted by the applicant to the County approximately a year and a half later on March 2, 2020 and was approved by the Board of County Commissioners on March 9, 2021 (PCD File No. VA-20-001).

Condition of Approval No. 2 associated with the variance of use requires the applicant to legalize the illegal division of land through the El Paso County subdivision process within six (6) months of the date of approval of the variance of

use. The initial deadline to legalize the illegal division of land was September 9, 2021. On September 13, 2021, the Planning and Community Development Director approved an extension of three (3) months, extending the deadline to legalize the illegal division of land to December 9, 2021.

If the request for subdivision is approved, the applicant will be required to also submit and receive approval of a site development plan to legalize conversion of the structure from a hotel to the existing multi-family dwelling. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

#### F. ANALYSIS

#### 1. Land Development Code Compliance

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

#### 2. Zoning Compliance

The CC (Commercial Community) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 1 acre
- Minimum front, side, and rear yard setback: 25 feet from perimeter boundary of zoning district, 0 feet internal to zoning district
- Maximum height: 40 feet

On July 11, 1983, the Board of Adjustment approved a dimensional variance to allow for a side yard setback of ten (10) feet where twenty-five (25) feet is required. The existing structure is setback 20 feet from the east property line adjacent to the CS zoning district. The existing structure is in compliance with all other dimensional standards.

#### 3. Policy Plan Analysis

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

**Policy 6.1.1** – Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

**Policy 6.1.7** – Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.

**Policy 6.1.16** – Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

**Goal 13.1** – Encourage an adequate supply of housing types to meet the needs of county residents.

**Policy 13.1.1** – Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

**Policy 13.1.2** – Support the provision of land use availability to meet the housing needs of county residents.

**Policy 13.4.1** – Consider the impact of housing density on the transportation system.

The parcel is bounded on the west and south sides by property which is currently being utilized for a hotel within the CC (Commercial Community) zoning district. The Colorado Military Academy, a charter school, is located to the south. To the east is vacant property zoned CS (Commercial Service). Property to the north is utilized for multi-family residential and commercial retail. Peterson Air Force Base is located immediately to the south of the Colorado Military Academy, which borders the subject property. By legalizing the subdivision, the use of the property for multi-family residential purposes may be allowed to continue.

Allowing the multi-family residential use to continue may help support and provide a unique combination of employment and residential opportunities in close proximity to each other. The applicant has provided an analysis of off-site impacts in their letter of intent and has suggested that any off-site impacts may be negligible.

#### 4. Small Area Plan Analysis

The property is not located within the boundaries of a small area plan.

#### 5. Water Master Plan Analysis

The <u>El Paso County Water Master Plan</u> (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

**Policy 1.1.1** – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 - Integrate water and land use planning.

**Goal 3.6** – Develop and maintain partnerships with water providers.

The property is located within Planning Region 5 (Cherokee Metropolitan District Service Area) of the <u>Plan</u> and is not located within an estimated area of development. The <u>Plan</u> identifies the current central water demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with the projected need in 2040 at 6,468 AFY (Figure 5.2) and at build-out in 2060 at 9,608 AFY (Figure 5.3). Region 5 currently has 4,849 AFY in supplies, and by 2060 Region 5 is expected to have 10,131 AFY in supplies, resulting in an anticipated surplus of 523 AFY (Table 5-2). Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060 due to the area being mostly built out.

Water and wastewater services for the parcel are provided by Cherokee Metropolitan District. Coordination with the water service provider and an understanding of available facilities is a necessary step in analyzing water sufficiency and ensuring there are adequate resources to support proposed use. The District was sent a referral and does not have any outstanding comments. The District has indicated adequate water supplies are available to serve the proposed subdivision.

The applicant's water resources information was reviewed by the State Engineer, El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments. The State Engineer has also made a finding of water sufficiency.

#### 6. 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, and Colorado Parks & Wildlife were each sent referrals with the concurrently reviewed final plat and have no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies sand and gravel with silt and clay deposited by water in one or a series of stream valleys and coal 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.

The El Paso County Parks Master Plan (2013) does not show any parks or trails within the vicinity of the project.

Please see the Transportation section below for information regarding the <u>El Paso County 2016 Major Transportation Corridors Plan Update</u> (MTCP).

#### G. PHYSICAL SITE CHARACTERISTICS

#### 1. Hazards

No hazards were identified during the review of the final plat application which would restrict or impact the existing development.

#### 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 08041C0754G, dated December 7, 2018.

#### 4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied basin with drainage and bridge fees. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 shall be paid at the time of plat recordation. Per the submitted drainage report, the site will not adversely affect the surrounding or downstream developments. No land disturbance is proposed within the site with the exception of the need to construct a sidewalk along Space Village Avenue, therefore, a grading and erosion control plan is not required. No public drainage improvements are anticipated to be required in association with the final plat.

#### 5. Transportation

The site is accessed by two existing driveways off of Space Village Avenue, which is a public roadway. There are existing auxiliary turn lanes at the two driveways. The associated traffic study does not recommend any alterations or improvements to these auxiliary turn lanes. The traffic study indicates that the existing driveways will remain appropriate access locations with adequate sight distance. According to the traffic study the site will generate an estimated 161 average daily trips, which is 23 daily trips less than the anticipated traffic generation for the previously approved hotel use.

The Colorado Department of Transportation (CDOT) indicated in their January 5, 2021, letter to El Paso County that they had no comments on the submitted traffic study, there is no impact to CDOT infrastructure, and the final plat is acceptable.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not depict roadway improvement projects in the immediate vicinity of the site.

The El Paso County Colorado Road Impact Fee Implementation Document (2019) identifies that property in the unincorporated area of the County that receives a Land Use Approval is subject to the road impact fee. Land Use Approval is defined as "an approval or permit issued for a new use or structure on a parcel of property in unincorporated El Paso County that generates new trips for such parcel". As the traffic study identifies less daily trips than the previously approved use, the El Paso County Road Impact Fee does not apply to this request.

#### H. SERVICES

#### 1. Water

Water is provided by Cherokee Metropolitan District.

Sufficiency:

Quality: Sufficient
Quantity: Sufficient
Dependability: Sufficient

Attorney's summary: 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

Wastewater is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments. The District provided a letter indicating that they currently provide service to the site and will continue to do so.

#### 3. Emergency Services

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

#### 4. Utilities

Electrical and gas services are provided by Colorado Springs Utilities (CSU). CSU was sent a referral and has no outstanding comments.

#### 5. Metropolitan Districts

The property is located within Cherokee Metropolitan District. The District does not collect a mill levy, but instead charges fees based upon the water and wastewater service rates.

#### 6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$10,274.00 for regional fees (Area 4) and \$6,490.00 for urban park fees (Area 5) will be due at the time of recording the final plat.

#### 7. Schools

Fees in lieu of school land dedication in the amount of \$2,244.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording

#### I. APPLICABLE RESOLUTIONS

Approval Page 19 Disapproval Page 20

#### J. STATUS OF MAJOR ISSUES

There are no major issues.

#### K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

#### CONDITIONS

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

- particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
- 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 Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 8. The developer shall construct a sidewalk along Space Village Avenue north of the property. The sidewalk shall be depicted on the associated site development plan and shall be constructed within 90 days of administrative approval of the site development plan. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to construct the improvements.
- 9. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$10,274.00 and urban park (Area 5) fees in the amount of \$6,490.00 shall be paid at the time of plat recordation.
- 10. Fees in lieu of school land dedication in the amount of \$2,244.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.
- 11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- 12. Drainage fees in the amount of \$9,067.46 and bridge fees in the amount of \$3,708.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

#### **NOTATIONS**

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

2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

#### L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on September 17, 2021, 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 Public Health Recommendation Letter

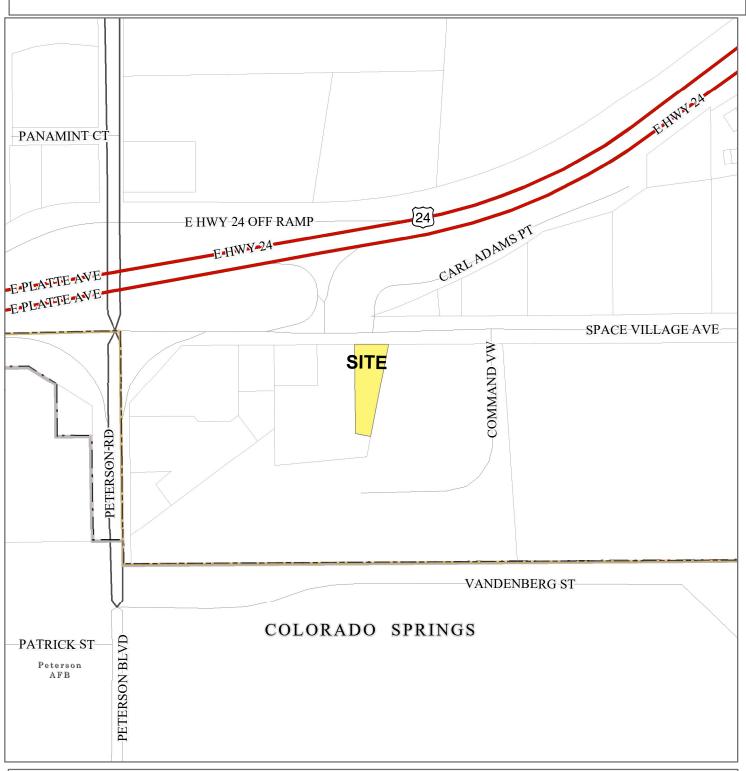
### **El Paso County Parcel Information**

PARCE NAME 5417000 BRIDLE DALE LLC

SF-20-025 File Name:

Zone Map No. --

Date: | September 16, 2021







#### 02/08/21

LETTER OF INTENT: SPACE VILLAGE APARTMENTS FINAL PLAT

OWNER: Elite Property Group, LLC
ADDRESS: 6895 Space Village Drive

Colorado Springs, CO 80936

PARCEL ID #: 54170-000-019

**ZONING:** CC (Commercial Community) District

ACREAGE: 0.628 acres (survey performed by Drexel, Barrell & Co.)

#### **PLANNERS:**

Kimley-Horn 2 N. Nevada Avenue Colorado Springs, CO 80903

PH: (719)-453-0180

#### CIVIL ENGINEERING:

Drexel, Barrell & Co 3 South 7th Street Colorado Springs, CO 80905 (719) 260-0887

#### **REQUEST:**

Elite Property Group, LLC requests approval of a final plat application to create a legal lot to remedy long standing subdivision violations. Approval of the final plat will facilitate approval of a variance of use permit (PCD File No. VA-20-001) to authorize the continue the reuse of an existing motel structure for multifamily residential apartments in the CC zoning district. The variance of use application is currently under review by the Planning and Community Development Department.

#### **BACKGROUND:**

Since the time of the initial mixed-use commercial, multifamily, and retail development of the site in 1983, subsequent changes in ownership, configuration of the property, and amendments to county land use regulations have resulted in nonconformities, including land use, and subdivision violations. Elite Property Group, LLC has been working with County staff to identify land use deficiencies and to obtain necessary approvals to operate and manage multifamily housing on the property in conformance with County land use and subdivision regulations.

The final plat application is one step in the process to bring the property into conformance with applicable land use, subdivision, and zoning requirements of the Code.

A variance of use permit (VA 20-1) to authorize the continuation of the multifamily residential use in the CC zone. A site development plan to document conformance with the physical development standards of the Code will be submitted for review prior to plat approval and recordation.

The property was included in the 4 lot Highway 94 Commercial Plan (PCD File # SP-90-001) preliminary plan. From the preliminary plan, the one (1) lot final plat Mientka Subdivision (PCD File # SF-90-001) from this preliminary plan was approved. The subject property was not included in the final plat boundary. At the time of the preliminary plan and final plat, the subject property was fully developed and in operation as a hotel/motel within the existing structures.



The applicant has provided all required reports and plans required for the one-lot subdivision. Subdivision exactions will be subject to applicable BOCC and/or respective fee resolutions, including, but not limited to bridge, drainage, school, park, and traffic impact fees.

#### JUSTIFICATION/APPROVAL CRITERIA

The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

Findings of conformance with the Master Plan were made with the preliminary plan approval. The final plat remains in conformance with the preliminary plan. Conformance with the County Water Master Plan and general Policy Plan requirements are discussed below:

• Water Master Plan Compliance: The property and use have been served by Cherokee water since 1985. The district issued a "Recommitment Letter #01", dated February 3, 2020 as a formal Letter of Recommitment from the CMD to provide municipal water and sewer services to the site in order to comply with County subdivision submittal requirements. According to the Letter, "Cherokee Metro District staff, along with the developer, have determined that 2.3 AF/yr, the highest water use in the preceding 5 years, will be sufficient for this development. There is no irrigation planned on the property."

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. The District issued a "recommitment letter of service since the property is currently served by Cherokee

District water resources consist primarily on of alluvial groundwater supplies and wells located in the Upper Black Squirrel Basin. The District has undertaken long term efforts to diversify its water supply portfolio and reduce reliance on delivery of water from Colorado Springs Utilities.

These efforts include the development of a groundwater well field in the Black Forest area to access Denver Basin water owned by CMD, a new Water Reclamation Facility for use in recharge of the Upper Black Squirrel Creek aquifer, and development of non-potable wells for irrigation of its golf course.

The District recharges the Upper Black Squirrel Creek aquifer with treated wastewater returns provided by the District and Meridian Service Metropolitan District via intergovernmental agreement. The District has additional renewable supplies through inclusion in the Pikes Peak Regional Water Authority (PPRWA) whose purpose is to provide water providers with additional new sources of water which can be transported throughout the region.

Required analysis, reports, and documentation of service commitments, including available water supply information has been provided in support of the objectives, goals and policies of the El Paso County Water Master Plan. Relevant policies include:



Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.

A water supply plan (resources report) including water supply information summary that documents the planned and committed water supply from Cherokee Metropolitan District is adequate to meet the needs of the development.

Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.

Water (and wastewater) service is currently provided by Cherokee Metropolitan District. Adequate water resources in terms of quality, quantity, and sustainability are available to serve the continued multifamily use of the property.

The subdivision is in substantial conformance with the approved preliminary plan; The final plat conforms with the approved preliminary plan (PCD File # SP-90-001).

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 application meets subdivision design standards and requirements for reports plans, maps, and other documents necessary for the review and approval of the final plat application.

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

Water service has been provided to the site and use(s) conducted thereon continuously since 1985. Findings of sufficiency for the existing water supply were made with the preliminary plan approval (cir1990). The district has indicated that the change in use and subdivision of the property will not change the water demand over the previous use. New findings of sufficiency for the current subdivision process are pending final action by the BOCC with recommendations pending final review by the EPC Public Health, EPC County Attorney, and EPC Planning Commission. The State Engineer's Office has issued a letter of opinion that Cherokee has sufficient water resources to continue to serve the use and such service can be provided without injury to decreed water rights.

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;

Wastewater service will continue to be provided by Cherokee Metropolitan District. The existing wastewater service was found to be acceptable at the time of the 1990 preliminary plan approval. Per comments from El Paso County Public Health, the District maintains adequate capacity to meet the wastewater demands of the existing land use. The BOCC will incorporate these findings in their own approval findings and resolution.



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 area within the subdivision involves soils or other geologic hazards which would require additional mitigation or impact the continued use of the property as proposed. A soils and geology report was prepared for the developed site to demonstrate compliance with statutory requirements regarding soils analysis and identification of potential hazards. No existing conditions have been identified from the current reporting which would negatively impact or preclude the continued use of the site as a multifamily apartment building.

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;

No new drainage or stormwater improvements are proposed. A drainage report was prepared in support of the development. No adverse impacts were identified, and no additional drainage improvements are planned.

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;

Public access to the site is from Space Village Avenue via existing shared access easements with adjoining properties which provide additional access to Space village Avenue and Peterson Road. Although located within unincorporated El Paso County, the property is not adjacent to county-controlled rights of way. Space Village Ave is a State controlled access road and Peterson Drive is controlled by city of Colorado Springs.

Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; The above referenced services have been available and delivered by the entities since 1985. Service providers have given letters of commitment to continue providing the required services.

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

The property is under the Cimarron Hills Fire Protection District. No additional or special fire mitigation practices or improvements have been required by the fire district.

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;

Off-site impacts have been evaluated at the time of development of the site for compliance with County requirements. Drainage and traffic reports have not identified any off-site improvements necessary to support the site.

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;

Required school, park, and bridge and drainage fees in-lieu-of land dedication will be required at the time of plat recordation. No public improvements have been required for this plat.

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



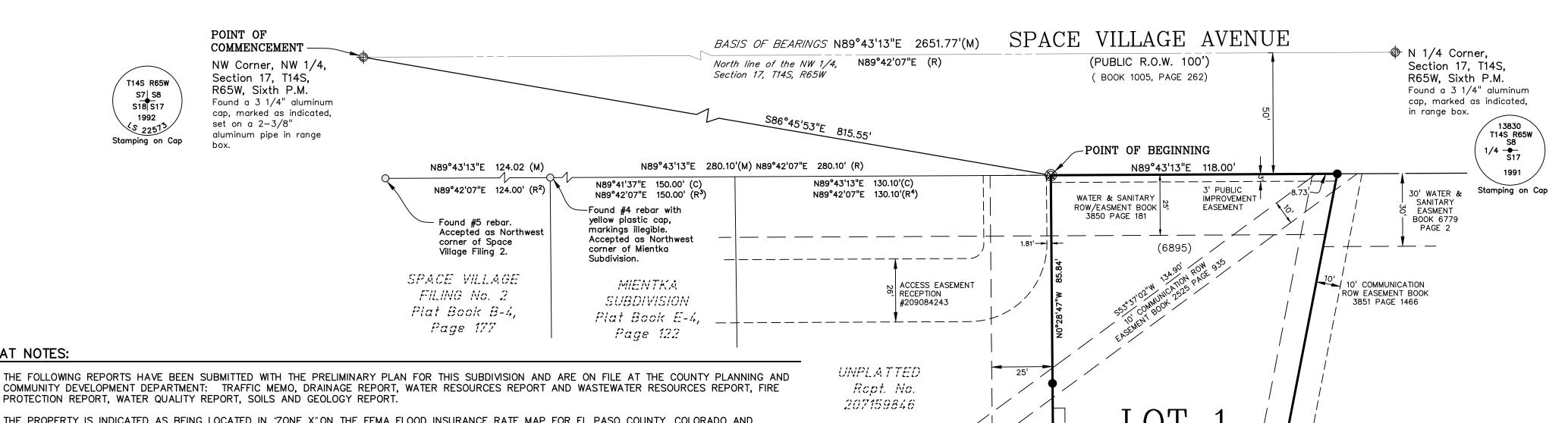
The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

The extraction of any known commercial mining deposit will not be impeded by this platting action.

# SPACE VILLAGE APARTMENTS FILING No. 1

A SUBDIVISION OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

TOTAL PLATTED AREA = 0.628 ACRES ±



#### **PLAT NOTES:**

- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRAFFIC MEMO, DRAINAGE REPORT, WATER RESOURCES REPORT AND WASTEWATER RESOURCES REPORT, FIRE
- 2. THE PROPERTY IS INDICATED AS BEING LOCATED IN "ZONE X" ON THE FEMA FLOOD INSURANCE RATE MAP FOR EL PASO COUNTY, COLORADO AND INCORPORATED AREAS: PANEL NUMBER 0754G OF 1300, MAP NUMBER 080059 0754 G, EFFECTIVE DATE DECEMBER 7, 2018. ZONE "X" IS DESCRIBED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- 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 NOTED. STRUCTURES, FENCES. MATERIALS. OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- 4. ALL PROPERTY WITHIN THIS SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF THE CHEROKEE METROPOLITAN DISTRICT AND, AS SUCH, IS SUBJECT TO A MILL LEVY, PLATTING FEES AND BUILDING PERMIT FEES FOR THE PURPOSE OF FINANCING CONSTRUCTION OF SPECIFIED IMPROVEMENTS TO SPACE VILLAGE AVE.
- 5. NO PUBLIC IMPROVEMENTS WILL BE DEDICATED WITH THIS FILING.
- 6. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO
- 7. THE NUMBER OF LOTS HEREBY PLATTED ARE 1
- 8. 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. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED ON BOOK 5746, PAGE 447 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- 9. THIS SUBDIVISION IS NOT SUBJECT TO A DECLARATION OF COVENANTS
- 10. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, IF ANY, OF APPLICABLE 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).
- 11. RECIPROCAL ACCESS AGREEMENT: ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A RECIPROCAL ACCESS AGREEMENT AS RECORDED AT RECEPTION No. 213131920, OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- 12. UTILITY PROVIDERS ARE: CHEROKEE METROPOLITAN DISTRICT—WATER/WASTEWATER, COLORADO SPRINGS UTILITIES—GAS/ELECTRIC.
- 13. 14. ALL EASEMENTS THAT ARE DEDICATED HEREON FOR PUBLIC UTILITY PURPOSES SHALL BE SUBJECT TO THOSE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED AT RECEPTION NUMBER 212112548 OF THE RECORDS OF EL PASO COUNTY, COLORADO. ALL OTHER EASEMENTS OR INTEREST OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND
- 14. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- 15. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- 16. THE SUBDIVIDER(S) AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION No. 16-454), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION. IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.

#### Legend Set #5 rebar & 1.5" aluminum cap stamped "DBCO PLS 29413" Set nail with 1.5" steel disk stamped "DBCO PLS 29413" Set #5 rebar & 1.5" aluminum cap Witness Corner stamped as shown Found monument as shown Measured -Set witness corner. #5 Calculated rebar with 1.5" aluminum car Record per Reception No. 220035988 stamped "DBCO WC Record per Book 3679, Page 489 15.00 PLS 29413", N10°55'58"E, 15.00' Record per Space Village Filing No. 2 from Subdivision ACCESS EASEMENT Record per Meintka Subdivision #213131920 Record per Reception No. 207159846 Right of Way R.O.W. -Set witness corner, #5 more or less rebar with 1.5" square feet UNPLATTED aluminum cap easement stamped "DBCO WC Ropt. No. 15.00 PLS 29413", Reception Number N79°04'02"W, 7.50' 207159846 (6895)from Subdivision Property Address corner. \_\_\_\_\_

AREA=0.628

Acres +/-

LOT 1

COWPERWOOD

SAIC

Reception No.

205122346

## SURVEYOR'S STATEMENT:

I, JOHN C. DAY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE RESULTS OF A SURVEY MADE ON AUGUST 14, 2020 BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH THE REQUIREMENTS PERTAINING TO LAND SURVEYING OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, THIS PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR

JOHN C. DAY PLS NUMBER 29413 FOR AND BEHALF OF DREXEL BARRELL & CO.

### SURVEY 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".

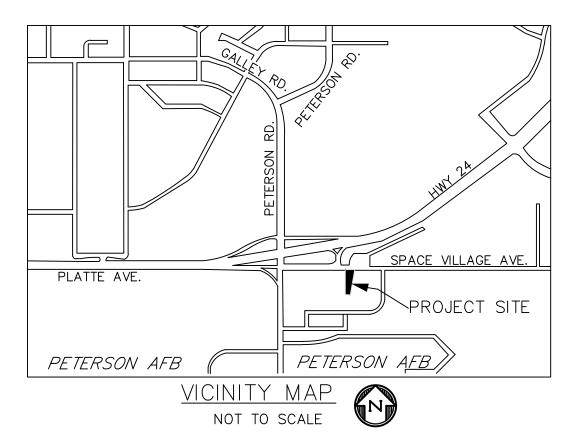
2. THE BEARINGS AS SHOWN HEREON ARE BASED UPON THE CONSIDERATION THAT THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS NORTH 89°43'13" EAST, SAID LINE IS MONUMENTED AS SHOWN HEREON. THE BEARINGS ARE GRID BEARINGS DERIVED FROM STATIC GPS OBSERVATIONS, BASED IN THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. THE RECORD BASIS OF BEARINGS FOR THIS LINE IS NORTH 89°42'07" EAST PER THAT DOCUMENT RECORDED AT RECEPTION NO. 220035988.

3. THE LEGAL DESCRIPTION SHOWN HEREON WAS WRITTEN BY JOHN C. DAY, PROFESSIONAL LAND SURVEYOR (PLS), LICENSED IN THE STATE OF COLORADO, PLS 29413. THIS DESCRIPTION IS BASED ON MEASUREMENTS BETWEEN FOUND AND SET MONUMENTS.

4. THE LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT. ALL MONUMENTS FOUND OR SET ARE WITHIN 0.1'+/ OF THE GROUND SURFACE, UNLESS NOTED OTHERWISE.

5. THE UNDERSIGNED HAS RELIED UPON OLD REPUBLIC TITLE INSURANCE COMPANY, COMMITMENT FOR TITLE INSURANCE, ORDER NUMBER SC55079722-5 HAVING AN EFFECTIVE DATE OF 01/23/2020 AT 5:00 P.M., FOR OWNERSHIP AND FOR THE PURPOSE OF SHOWING RECORDED EASEMENTS AND RIGHTS-OF-WAY ACROSS SAID PREMISES. THE SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP AND EASEMENTS OF RECORD.

6. SURVEY FIELD WORK COMPLETED IN AUGUST 2020.



### KNOW ALL MEN BY THESE PRESENTS:

THAT ELITE PROPERTY GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND: **LEGAL DESCRIPTION** (See Survey Note 3)

A PARCEL OF LAND BEING A PART OF THOSE TRACTS OF LAND AS DESCRIBED IN BOOK 3630, PAGE 188 AND BOOK 3679, PAGE 489 OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 TO BEAR SOUTH 89°43'13" EAST, SAID LINE BEING MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "T14S R65W S7 S8 S18 S17 1992 LS 22573" IN A RANGE BOX AND MONUMENTED AT THE EASTERLY TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "13830 T14S R65W S8 1/4 S17 1991" IN A RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE SOUTH 86°45'53" EAST, 815.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SPACE VILLAGE AVENUE AS DESCRIBED IN THAT DOCUMENT RECORDED AT BOOK 1005, PAGE 262 OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER. SAID POINT BEING THE POINT OF BEGINNING:

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 89°43'13" EAST, 118.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3630, PAGE 188;

THENCE S10°55'58"W, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3679, PAGE 489; THENCE N79°04'02"W, 53.77 FEET; THENCE N00°28'47"W, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3679, PAGE 489;

THENCE CONTINUING NO0°28'47"W, 85.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SPACE VILLAGE AVENUE TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 0.628 ACRES MORE OR LESS.

### OWNERS CERTIFICATE:

THE UNDERSIGNED. BEING ALL THE OWNERS, MORTGAGES. BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO A LOT AND EASEMENTS FOR PUBLIC UTILITIES AND PUBLIC IMPROVEMENT PURPOSES AS SHOWN OR NOTED HEREON UNDER THE NAME AND SUBDIVISION OF "SPACE VILLAGE APARTMENTS FILING No. 1". 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.

I WITNESS THEREOF.	
<b>I WITNESS THEREOF:</b> LITE PROPERTY GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS	S TO BE
KECUTED THISDAY OF, 2021.	
Y: SCOTT BERKMAN, AS MEMBER OF ELITE PROPERTY GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY  CKNOWLEDGMENT  TATE OF	ITED LIABILITY COMPANY,
MY COMMISSION EXPIRES:	
	FEES:
OARD OF COUNTY COMMISSIONERS CERTIFICATE	FEE3:
S PLAT FOR SPACE VILLAGE FILING PLAT No. 1 WAS APPROVED FOR FILING BY THE EL PASO UNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE DAY OF,	DRAINAGE FEE:
21, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE SOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (EASEMENTS) ARE	BRIDGE FEE:
CEPTED.	SCHOOL FEE:
	PARK FEE:
HAIR, BOARD OF COUNTY COMMISSIONERS DATE	
HAIR, BOARD OF COUNTY COMMISSIONERS DATE	

DATE

STATE OF COLORADO COUNTY OF EL PASO ) I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_\_O'CLOCK M., THIS\_\_\_\_\_\_DAY OF\_\_\_\_\_, 2021 AND IS DULY RECORDED UNDER RECEPTION NUMBER\_ PCD FILE No. SF2025 THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN, RECORDER SURCHARGE: DEPUTY

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

CLERK AND RECORDER'S CERTIFICATE:





February 18, 2021

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

RE: Space Village Apartments (Lot 1, Filling No. 1) Final Plat NW1/4 Sec. 17, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M. Water Division 2, Water District 10 CDWR Assigned Subdivision No. 27473

#### To Whom It May Concern:

We have received additional information concerning the above-referenced proposal to repurpose an existing hotel into 22 apartment units on a 0.63 +/- acre tract of land. This office previously provided written comments on January 4, 2021; the comments provided herein shall supersede that previous letter. 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 2.3 acre-feet/year for all combined uses in the new apartment units. Cherokee has determined that the highest water use in the last five years was 2.3 acre-feet/year and has committed to continue to provide that amount to this building. The supplemental information claims that 22 units exist, and will operate as single unit/studio apartments with a lower overall water use than normal apartment units.

#### 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 February 3, 2020 was included with the submittal. According to the letter, they have committed to supply 2.3 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 2.3 acre-feet/year for the proposed development.

#### State Engineer's Office Opinion

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



Space Village Apartments February 18, 2021 Page 2 of 2

Sincerely,

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

**Assistant County Attorneys** 

Lori L. Seago Steven A. Klaffky Mary Ritchie Bryan E. Schmid Nathan J. Whitney Michael J. Desmond Christopher M. Strider Terry A. Sample Dorey L. Spotts

September 1, 2021

SF-20-25

Space Village Apartments

Final Plat

Reviewed by:

Lori L. Seago, Senior Assistant County Attorney

Edi Anderson, Paralegal, ACP

12

#### FINDINGS AND CONCLUSIONS:

- 1. This is a final plat proposal by Elite Property Group, LLC ("Applicant") to create one legal lot which comprises 22 multi-family residential housing units on .63 +/-acres at the address known as 6895 Space Village Avenue (the "Property"). The proposal will create a legal lot which will be an initial step toward a variance request to authorize the use of an existing motel structure for multifamily residential apartments in a CC (Commercial Community) zoning district.
- 2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "Cherokee"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 2.3 acre-feet per year, equating to 0.105 AF/year per unit. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 690 acre-feet of water (2.3 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.
- 3. The General Manager of the District provided a letter committing to provide water service for the development located at 6895 Space Village Avenue which is located within the District's boundaries. The District's commitment is delineated as follows:

<sup>&</sup>lt;sup>1</sup> The El Paso County Land Development Code establishes a minimum presumptive household use value of 0.20 AF/year per multifamily unit. The Applicant provided a Water Provider's Supplementary Report for proposed Redevelopment of 6895 Space Village Avenue dated August 16<sup>th</sup>, 2021 ("Supplement"), which Supplement provided actual annual water demand data for the Property from 2015-2019. Based on the data provided, the County Attorney's Office is satisfied that estimated household water demand is supported by adequate evidence.



Type of Use	Demand (AF/yr)
Domestic	2.3
Irrigation	0
Total	2.3

The District Manager stated that this development has received District water service since 1985. Specifically, the "building is being renovated and the district understands this will not change water demand over previous use. As such, a new commitment of water and wastewater [is] not being made. Cherokee Metropolitan District staff, along with the developer, have determined that 2.3 AF/yr, the highest water use in the preceding five years, will be sufficient for this development. There is no irrigation planned on the property."

Finally, the District's commitment is only a conditional commitment, as noted in the District's letter: "[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. If the plans are altered from what has been provided to the District, you must submit a new commitment request prior to submitting the plans to El Paso County, which may result in a recalculation of the water demand for the project."

- 4. The Applicant also provided a *Water Resources Report for Lot 1, Space Village Subdivision Filing No. 1* dated September 2020, as prepared by Drexel, Barrell & Co. (the *"Report"*). The *Report* describes the project site as an "existing 2 story motel with associated parking and landscaping. The proposed improvement includes converting the building into an apartment building. ... Cherokee Metropolitan District understands the renovation will not change the water supply from that of previous use ...." The *Report* identifies the water demand as 2.3 acre-feet/year.
- 5. In a letter dated February 18, 2021, the State Engineer reviewed the application to repurpose an existing hotel into 22 apartment units on 1 lot of a 0.63 +/-acre parcel. The State Engineer identifies that the WSIS cites the water demand for the development at 2.3 acre-feet/year. The State Engineer stated the development will be served by Cherokee and "a letter of commitment from Cherokee dated February 3, 2020 was included with the submittal.<sup>2</sup> According to the letter, they have committed to supply 2.3 acre-feet/year to the proposed development." Further, the State Engineer states that "[a]ccording to this office's records, it appears that Cherokee has adequate water resources to serve 2.3 acre-feet/year for the proposed development."

Finally, the State Engineer declared that "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

<sup>&</sup>lt;sup>2</sup> A subsequent letter of commitment was provided by Cherokee Metropolitan District dated April 7, 2021, confirming their water commitment of 2.3 acre-feet/year to the development.

- 6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.
- 7. Analysis: As indicated above, this review is based on a water demand of 2.3 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District appears to have adequate water resources to serve the estimated demand of 2.3 acre-feet/year for the proposed development.
- 8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 2.3 acre-feet/year and a commitment from the District in the amount of 2.3 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 forth below, the County Attorney's Office recommends a finding of conditional sufficiency as to water quantity and dependability for the Space Village Apartments development.

#### **CONDITIONS OF COMPLIANCE:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated April 7, 2021, based on the plans as currently submitted (approval must be provided by April 7, 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. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.
- C. Prior to recording the final plat, Applicant shall update the Water Resources Report by removing the February 3, 2020 District commitment letter and inserting the District letter dated April 7, 2021.

cc: Ryan Howser, Planner II



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

#### **Space Village Apartments, SF-20-25**

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

- The .63-acre lot will be provided water by Cherokee Metropolitan
  District. There is a finding for sufficiency in terms of water quality for
  this Colorado Department of Public Health and Environment regulated
  and approved district. PWSID # CO-0121125 has been assigned to the
  District by the Colorado Department of Public Health and Environment.
  There is a Commitment Letter from Cherokee Metropolitan District
  dated 03Feb2020 on file for providing water to the development.
- Wastewater service will be provided by Cherokee Metropolitan District. Per the previous 03Feb2020 Commitment Letter from Cherokee Metropolitan District, there is adequate capacity at the wastewater treatment facility for the anticipated wastewater flow generated from this development project.
- 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.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <a href="https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application">https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application</a> for more information.
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to commercial areas using sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.

Mike McCarthy
El Paso County Public Health
719-575-8602
mikemccarthy@elpasoco.com
30Jan2021