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COLORADO

HOLLY WILLIAMS
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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Planner III
Jeff Rice, PE, Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS212
Project Name: Bradley Point Filing No. 1
Parcel Number: 6503400038; 6503400040

| OWNER: | REPRESENTATIVE: |
|--|---|
| Bradley Point, LLC 2010 Fox Mountain Point Colorado Springs, CO, 80906 | M&S Civil Consultants, Inc. 212 North Wahsatch Avenue, Suite 305 PO Box 1360, Colorado Springs, CO, 80901 |

Commissioner District: 4

| | |
|--|-------------------|
| Planning Commission Hearing Date: | 11/16/2023 |
| Board of County Commissioners Hearing Date: | 12/14/2023 |

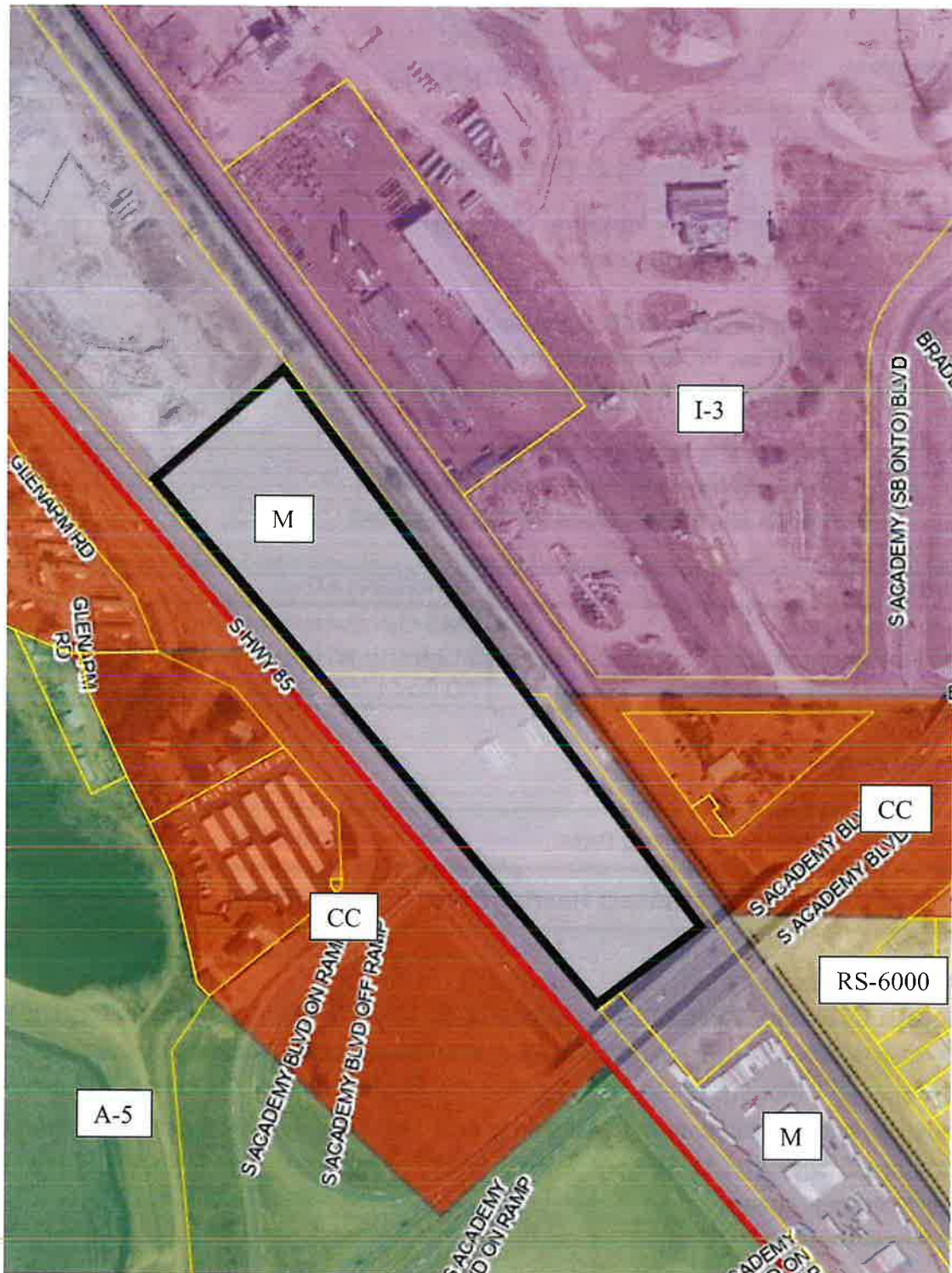
EXECUTIVE SUMMARY

A request by Bradley Point, LLC for approval of a 9.736-acre Minor Subdivision creating two (2) industrial lots. The property is the subject of an illegal subdivision of land; the purpose of the proposed Minor Subdivision is to legalize the division of land. The property is zoned M (Industrial) and is located on the east side of East Las Vegas Street/CanAm Highway, at the southbound exit ramp of South Academy Road turning northwest onto East Las Vegas Street/CanAm Highway.

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Vicinity Map

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A. WAIVERS AND AUTHORIZATION

Waiver(s):

In approving a waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the El Paso County Land Development Code (As Amended):

- *The waiver does not have the effect of nullifying the intent and purpose of this Code;*
- *The waiver will not result in the need for additional subsequent waivers;*
- *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*
- *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;*
- *A particular non-economical hardship to the owner would result from a strict application of this Code;*
- *The waiver will not in any manner vary the zoning provisions of this Code; and*
- *The proposed waiver is not contrary to any provision of the Master Plan.*

The applicant requests a waiver of Section 8.4.7 of the Code to waive the water sufficiency requirements for minor subdivisions and permit the proposed subdivision as a “dry subdivision.”

Pursuant to Section 8.4.7.A.3, Water Supply Standards, General, Exceptions, water supply standards shall not apply to subdivisions which will not use water. The applicant has provided an analysis of the criteria of Section 7.3.3 in their letter of intent.

No uses requiring water/wastewater services may be conducted on the site unless an amended plat including a full analysis of water sufficiency has been approved by the El Paso County Board of County Commissioners. At that time, all groundwater decrees and determinations, together with all associated documents, plans, and necessary reports shall be submitted for review by the State Engineer's Office, County Attorney's Office, and County Department of Health which are necessary to review proposed water demand and supply and for the Board of County Commissioners to make the required findings of sufficiency. At this time, a plat note and condition of approval are proposed to limit the uses on the property to those which do not use water.

Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

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B. APPROVAL CRITERIA

In approving a Minor Subdivision, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the Code (As Amended):

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.*
- *The subdivision is consistent with the purposes of the Code.*
- *The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, 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 the Code.*
- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.*
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].*
- *Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.*
- *The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and ECM.*
- *The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas,*



including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.*
- *The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.*
- *The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the 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 of the Code.*
- *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 extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].*

C. BACKGROUND

The property was illegally created outside of the El Paso County subdivision process on October 15, 2015, by special warranty deed (El Paso County Public Records Reception No. 215111375). To be considered a legal lot, the parcel needed to be 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 defined in Section 1.15 of the Land Development Code. 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.

The applicant is now requesting approval of a Minor Subdivision to legalize the two (2) existing industrial parcels as platted lots. If the application for Minor Subdivision is approved, the resulting lots will be considered legal lots.

D. ZONING ANALYSIS

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

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Paso County Land Development Code (As Amended). There are currently no structures on the property. The property is zoned M (Industrial). The lots resulting from the subdivision meet the dimensional standards of the M zoning district.

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Employment Center

Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.

Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development.

Recommended Land Uses:

Primary

- *Light Industrial/Business Park*
- *Heavy Industrial*
- *Office*

Supporting

- *Commercial Retail*
- *Commercial Service*
- *Restaurant*

Analysis:

The property is located within the Employment Center placetype. The Employment Center Placetype is the County's primary location for large-scale, nonretail businesses that provide significant employment and economic development opportunities. Relevant goals and objectives are as follows:

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Goal LU1 – *Ensure compatibility with established character and infrastructure capacity.*

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.*

Objective LU4-3 – *Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.*

Goal ED3 – *Encourage the development of commercial districts in underserved areas.*

The subject property is located in a developed area with a mix of commercial and industrial zoning districts. Legalizing the lots through the Minor Subdivision process would allow them to potentially develop as an urban infill site to provide additional industrial or commercial services to the surrounding area. As a proposed dry subdivision, uses would be limited to those which do not use water but would still allow an economic development opportunity on the property that otherwise would not be available.

b. Area of Change Designation: Transition

Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.

Analysis:

In the transition areas, development or redevelopment of properties is expected to potentially change the character of the area. However, development of the subject property is not likely to substantially alter the character of the area. Uses shall be limited to low intensity uses that do not utilize water such as outside storage.

c. Key Area Influences: The property is not located within a key area.

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d. Other Implications (Priority Development, Housing, etc.): The property is not located within a priority development area.

2. Water Master Plan Analysis

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 7 of the Plan, which is mostly built out and is therefore not an area anticipated to experience significant growth. The following information pertains to water demands and supplies in Region 7 for central water providers:

The Plan identifies the current demand for Region 7 to be 10,141 acre-feet per year (AFY) (Figure 5.1) with a current supply of 15,376 AFY (Figure 5.2). The projected demand in 2040 for Region 7 is at 15,846 AFY (Figure 5.1) with a projected supply of 25,241 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 7 is at 26,969 AFY (Figure 5.1) with a projected supply of 27,840 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 871 AFY is anticipated for Region 7.

Water service is not currently available to the property. The applicant would be required to extend service to the property in order to obtain a water commitment. The applicant does not desire to do so at this time; therefore, the applicant is proposing a "dry subdivision." As a result, water sufficiency analysis was not made with the proposed Minor Subdivision. Conformance with the Water Master Plan and a water sufficiency analysis, as well as construction of the required improvements, shall be provided with a subsequent Plat Amendment if the applicant or any future property owners wish to incorporate any uses on the property that use water.

3. Other Master Plan Elements

Due to the property's proximity to the Fountain Creek floodplain area, the El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. However, due to the primarily industrial and commercial nature of the surrounding area, significant impacts to wildlife and other natural

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features are not anticipated. El Paso County Environmental Services Division and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposit 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.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Areas of artificial fill were documented in the vicinity of the subject property, which may impose some constraints on development of the property. According to the applicant's soils and geology report, mitigation measures can be initiated to limit potential negative impacts to the development of the site. Colorado Geological Survey was sent a referral and has no outstanding comments but recommends site-specific geotechnical investigations prior to approval of any future improvements on the property.

2. Floodplain

As shown on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0744G, no portion of the subject property is located within a FEMA floodplain.

3. Drainage and Erosion

The proposed subdivision is located within the Little Johnson drainage basin, which was studied in 1988. This basin requires drainage fees to be paid at the time of final plat recording, in the amount of \$95,012.46, but there are no bridge fees. The site generally drains from northwest to southeast toward the South Academy Boulevard right-of-way, under the bridges crossing the railroad and Highway 85.

A Final Drainage Report (FDR) was provided with the Minor Subdivision submittal. The FDR analysis and design indicates that the proposed development will not release developed runoff in excess of historic rates, with two infiltration ponds proposed. The FDR concludes that "Development of this site will not adversely affect the surrounding developments."

Approvals of an erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE) and a stormwater

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management plan (SWMP), all reviewed with the subdivision application, are required prior to grading the site in accordance with the requirements of the El Paso County Engineering Criteria Manual (2020). The applicant shall be required to obtain Site Development Plan approval prior to the initiation of any uses on the subject property.

4. Transportation

The Bradley Point Filing No. 1 subdivision area is located at the northeast corner of the grade-separated interchange at South Academy Boulevard and South Highway 85/CanAm Highway. Access to the development is proposed from South Highway 85/CanAm Highway, a CDOT highway. Construction plans for the proposed access drive, which will be shared by both lots, are currently under review.

G. SERVICES

1. Water

The applicant is proposing a “dry subdivision;” therefore, water sufficiency analysis was not made with the proposed Minor Subdivision. Conformance with the water supply standards of the Land Development Code and a water sufficiency analysis shall be provided with a subsequent plat amendment if the applicant or any future property owners wish to incorporate any uses on the property that use water. The property is located within the Security Water district. At this time, Security Water and Sanitation is not proposing to provide water services to the property. Service line extensions are required in order to extend water service to the property.

2. Sanitation

The property is located within the Security Sanitation district. At this time, Security Water and Sanitation is not proposing to provide sanitation services to the property.

3. Emergency Services

The property is within the Security Fire Protection District.

4. Utilities

Electric and natural gas services are provided to the property by Colorado Springs Utilities (CSU). CSU was sent a referral and has no outstanding comments.

5. Metropolitan Districts

The property is located within the Security Water and Sanitation district. At this time, Security Water and Sanitation are not proposing to provide water or sanitation services to the property at this time.

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5. Parks/Trails

Park land dedication or fees in lieu of park land dedication are not applicable to commercial subdivisions.

6. Schools

School land dedication or fees in lieu of school land dedication are not applicable to commercial subdivisions.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues at this time.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) 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. 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, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and

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Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

4. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
5. 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.
6. The applicant shall be required to obtain Site Development Plan approval prior to the initiation of any uses on the subject property.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation of 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.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eighteen (18) adjoining property owners on October 31, 2023 for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
Draft Resolution

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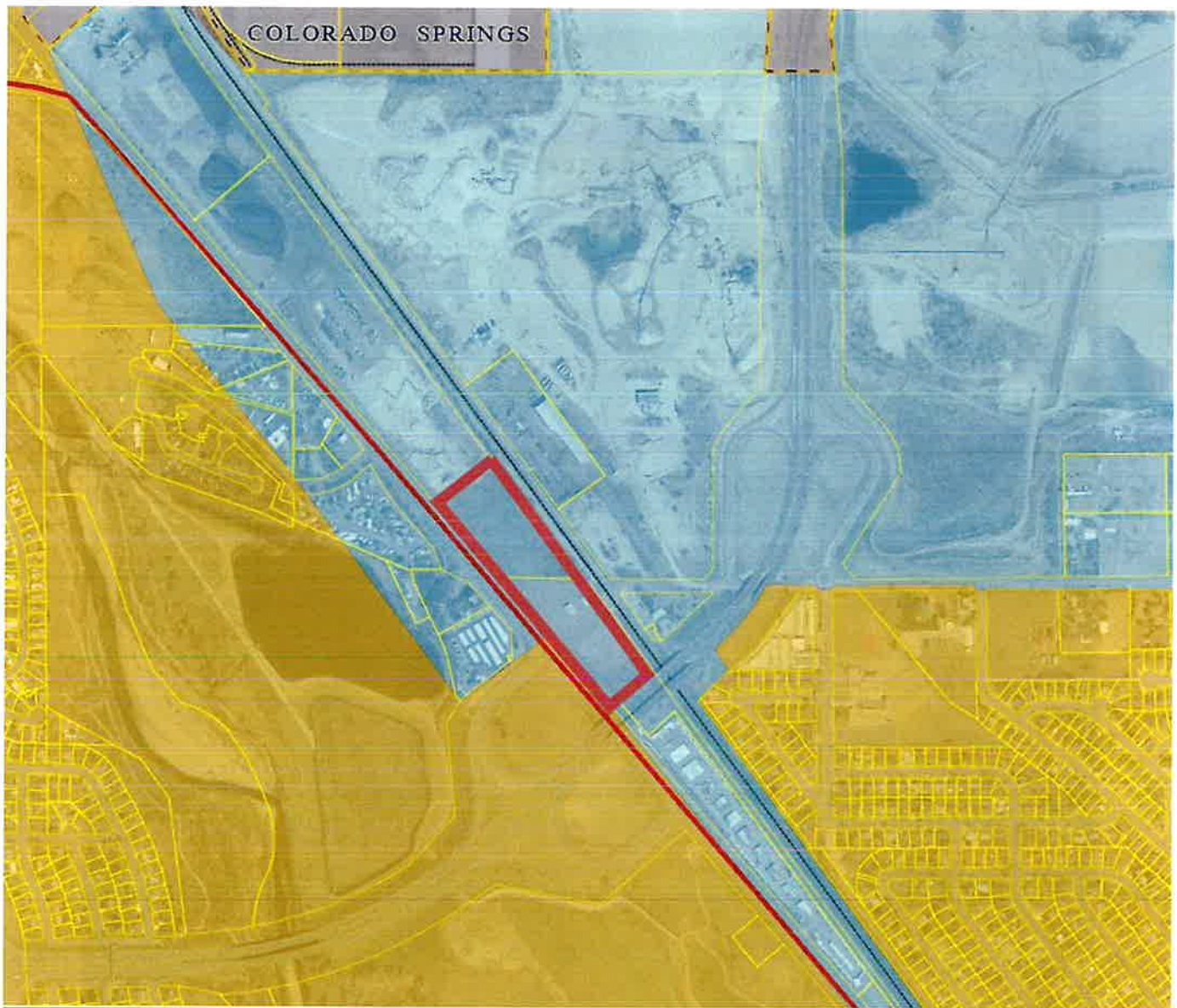


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





Map Exhibit #1: Context



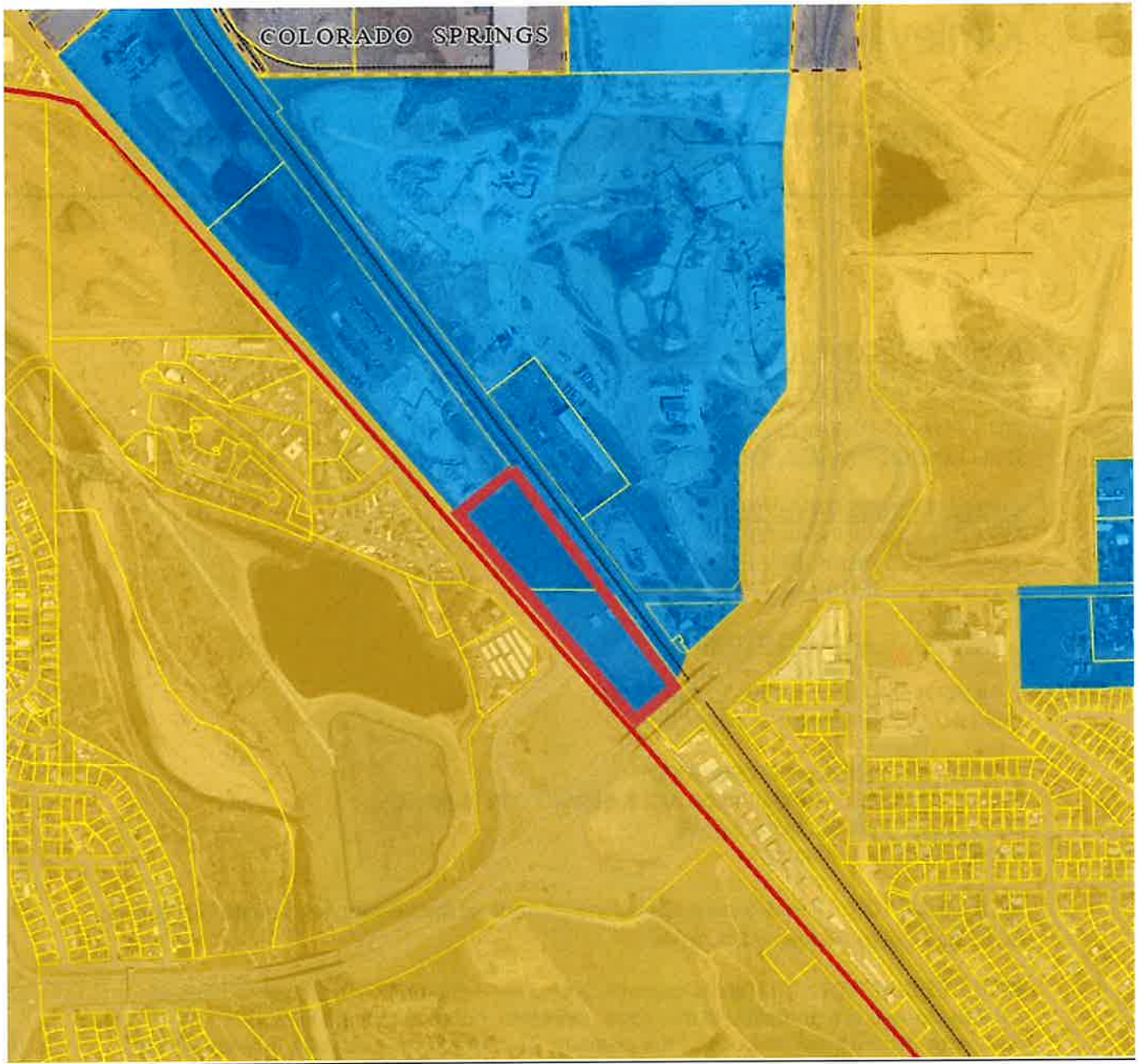
Map Exhibit #2: Placetype



Legend

| | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |

Map Exhibit #3: Area of Change



Legend

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition





BRADLEY POINT FILING No 1 - MINOR SUBDIVISION

Letter of Intent

May 1, 2023

APPLICANT /CONSULTANT INFORMATION:

OWNER (APPLICANT)

HIGHWAY85-87 PROPERTIES, LLC
2010 FOX MOUNTAIN POINT
COLORADO SPRINGS, CO 80906

ENGINEERING/SURVEYING

MS CIVIL CONSULTANTS
102 E. PIKES PEAK, 5TH FLOOR
COLORADO SPRINGS, CO 80903

LANDSCAPE ARCHITECTURE

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903

SITE/BACKGROUND INFORMATION

Parcel ID No.: 6503400040 (4.61 AC) & 6503400038 (4.89 AC)
Combined Parcel Acreage: 9.5 AC
Zone District: M (Industrial)

SITE LOCATION: The 9.5-acre site is located north of the intersection formed by Highway 85/87 and South Academy Boulevard.

SITE DESCRIPTION: The site is currently zoned M (Industrial). The proposed uses of outside storage are permitted in this zone; therefore, no zone change is required or requested for the proposed use of the property. Topographically, the site is relatively flat, and drains from the north to the south.

The site is limited by a number of easements. There are four Colorado Springs Utilities (CSU) easements that generally run along the northerly/southerly boundaries of the property that include: a 75 foot electric easement with existing overhead lines, a 20 foot sludge easement with underground transmission lines, a 10 foot sludge easement with underground lines, and a fiber easement that runs around the perimeter of the existing southern lot with previously removed underground lines and appurtenance. Constraints in

the terms of the electric easement preclude placement of structures on the site and restrict the ability to plant trees that may, in the future, interfere with the existing electric lines.

The project land use context is: There are two properties located west of this parcel. One is zoned CC, the other is used as right of way for CDOT. The land to the north is Zoned M and is used as a stockpile area as part of an aggregates processing facility and batch plant. The land immediately to the east is a BN&SF RR right-of-way approximately 100 feet in width. The railroad tracks are elevated above the subject site by approximately 5 feet. To the east of the BN&SF right-of-way is land zoned A-5 CAD O and is owned by Aggregate Industries. A sliver of land that forms the southeastern boundary of this site is owned by the railroad and is vacant. The property that forms the rest of the south border is zoned M, is owned by #9 Properties, LLC, and is part of property otherwise developed as a mini storage facility.

REQUEST

The owner/applicant requests approval of a two (2) lot “dry” minor subdivision to create legal zoning lots to initiate construction vehicle, materials and heavy equipment storage yards on each future lot. Each lot will not use water or sewer services and a site development plan for the improvements and uses on Lot 1. The Development plan for Lot 1 includes stormwater and access improvements for the entire subdivision of Lots 1 & 2. Master Plan conformity will be discussed in terms of general conformity with the Your El Paso Master Plan (Master Plan) and El Paso County Water Master Plan (WMP).

Waiver Request #1: “Dry Subdivision”

A waiver is requested to Section 8.43.7A (2) Water Supply Standards regarding adequate water supply. A dry subdivision is requested for this project. Bottled water and a portable toilet will be provided for convenience use in the respective yards which will only be occupied during limited business hours. A water truck will be supplied for watering the proposed landscape trees establishment.

Section 8.4.7.A.3, Water Supply Standards, General, Exceptions, of the Land Development Code, excepts subdivisions from meeting the requirements of the Water Supply Standards which meet the following criteria:

- Subdivisions which will not use water; [and,]
- A proposed subdivision which, by reason of the nature, type and extent of the proposed development, will not require a water supply as prescribed herein. Subdivisions meeting this requirement are not designed or developed for permanent occupation or habitation. The determination shall be made by the BoCC, following recommendations by the OCA, PCD Director, or County Hydrogeologist, on a case-by-case basis, and shall be based on a specific request and supporting evidence presented by the applicant along with recommendations of the Planning Commission. If exempted by the BoCC, any subsequent change in the subdivision as approved may require compliance with this Section.

The proposed “dry” subdivision plat will include all required drainage and public utility easements. Should the property be developed in the future with uses which require water/wastewater services, the required easements will be available to facilitate placement of the required service lines. No uses requiring water/wastewater services may be conducted on the site unless an amended plat for a change in water supply has been approved by the El Paso County Board of County Commissioners. At that time, all groundwater decrees and determinations, together with all associated documents, plans, and necessary reports shall be submitted for review by the State Engineer’s Office, County Attorney’s Office, and County Department of Health which are necessary to review proposed water demand and supply and for the Board of County Commissioners to make the required findings of sufficiency.

Waiver Approval Criteria

- ***The waiver does not have the effect of nullifying the intent and purpose of this Code;***
Dry Subdivision: The Dry Subdivision and associated waiver request is an adopted Code process which itself protects and promotes the intent and purpose of the Code by defining a process whereby qualifying subdivisions and uses may be legally established in conformance with the County subdivision/zoning ordinances.
- ***The waiver will not result in the need for additional subsequent waivers;***
Dry Subdivision: No additional waivers are anticipated or needed to implement planned uses within the proposed “dry subdivision”.
- ***The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;***
Dry Subdivision: Approval of the waiver will not be detrimental to the public health, safety, welfare, or have a negative impact to adjacent properties. All other requisite subdivision findings relating to the overall public impact have been satisfactorily met.
- ***The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;***
Dry Subdivision: The overburden of utility easements on the property and the resulting diminished building area limit conventional development which generally requires a development footprint which encroaches into multiple easement restricted areas.
- ***A particular non-economical hardship to the owner would result from a strict application of this Code;***
Dry Subdivision: Non-economic hardships include limitations to viable land uses which can be productive on the site amid easement restrictions impacting the narrow/irregularly shaped property.

- **The waiver will not in any manner vary the zoning provisions of this Code; and Dry Subdivision:** No zoning provisions of the Code are varied by the “dry subdivision” waiver.
- **The proposed waiver is not contrary to any provision of the Master Plan.** The proposed waivers are not contrary to any provision of the Master Plan.

Waiver Request #2: “Private Road Waiver”

- In reference to Private Roads, code section 8.4.4.E-2, private roads require waiver and approval of the BOCC.
 - a. The applicant agrees to enter into a private road maintenance agreement. It is the intend that maintenance of the private road will be decided via a private agreement between the owner(s) of Lot 1 and owner(s) of Lot 2.
 - b. The private road will be provided in a public road easement (40’ wide)
 - c. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or the function of the intended use.
 - d. The waiver does not have the effect of nullifying the intent and purpose of this Code.
- In reference to Public Roads Required, code section 8.4.4.C, divisions of land, lots and easement shall be served by public roads.
 - a. The request is to provide access to HWY 85-87 for Lot 2 across Lot 1 in the form of a private road (Easement).
 - b. The easement will be recorded with the final plat
 - c. The is no lot frontage limitations

WATER MASTER PLAN (WMP) COMPLIANCE

The Bradley Point Filing No. 1 is consistent with the following goals and policies of the El Paso County Water Master Plan:

- **Goal 6.0** – Require adequate water availability for proposed 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.
- **Policy 6.0.11**– Continue to limit urban level development to those areas served by centralized utilities
- **Policy 6.0.1** – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.
- **Policy 6.0.2** – Encourage developments to incorporate water efficiency principles.

The subdivision is “dry” which will not require a water supply for the proposed uses. As a dry development there will not be any demand on the Security and Widefield Water and Wastewater District Supplies. When a use may be proposed on the site which requires a public water supply, additional water and wastewater resources reporting will be provided. Additionally, an amended plat to change the water supply will be required with supporting

Water Master Plan analysis will be provided, and both PC and BOCC findings of conformance with the Water Master Plan will be required. Landscaping will be irrigated manually with non-potable water during the establishment period.

The development area is in REGION 7 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Security and Widefield Water and Sanitation District Service Area. According to the Plan:

“Region 7 could experience the largest demand growth in the County by 2060. Areas projected to develop by 2040 are located south of Fountain on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25. Directly west of Fountain, areas north and south of Squirrel Creek Road are expected to grow by 2060. One large development is expected south of Fountain by 2060, along the west side of I-25. Another is expected in the northeast corner of Region 7, along both sides of Bradley Road. This dry subdivision is outside of these projected growth areas.”

“Water supplies in Region 7, and specifically from CMD, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partner and/or neighboring water providers.”

The subdivision is being developed as a dry subdivision which will not use water in its daily operations. The project introduces a productive light industrial land use on a narrow irregularly piece of land which would require a disproportionate amount of utility infrastructure to support. Existing service lines are adjacent to the site which provide water service to adjacent and nearby uses. Should a permitted or allowed water dependent use be found for the site in the future, the water supply can be amended to incorporate use of the available services required at that time.

ZONING COMPLIANCE

The proposed uses on the site will adhere to the bulk and dimensional requirements of the M (Industrial) Zone, required roadway and use/zone district buffer and landscape requirements, and the requirements for outside storage as follows:

Setbacks

- **Front/Rear Yard Setbacks: Fifteen Feet (15')**
- **Side Yard Setbacks: 0'**
- **Maximum Lot Coverage: N/A**
- **Maximum Structural Height: Fifty Feet (50')**

Landscaping/Screening:

- **Roadway Landscaping**

| Ex./Prop. Road | Roadway Classification | Landscaping Buffer/Setback | Req. Trees*/ Linear Foot of Frontage |
|--|--------------------------------|----------------------------|--------------------------------------|
| Hwy 85/87 (AKA: E. Las Vegas St/CanAM HWY) | Expressway, Principal Arterial | 25 feet | 1 per 20 feet |

*(min. 1/3 trees shall be evergreen) (See the provided landscape plan)

- **Outside Storage Area Landscaping Requirements:**

- PCD Director approval of site-specific landscaping is required for establishing an outside storage area. Installation of approved site-specific landscaping is required prior to utilizing an outside storage area
- The site-specific landscaping shall reflect a combination of berms, shrubs, trees, fences or walls which will provide, at maturity, a minimum 6 foot high, 100% opaque screening for the outside storage area

- **Outside Storage Area Landscaping Requirements:**

- **Materials to be Stored and Principal Use Required.** *Outside storage may include vehicles, raw materials, supplies, finished or semi-finished products or equipment used in conjunction with, and specifically accessory to, an allowed principal use conducted on the premises unless listed as a principal use.* Outside storage will be the principal use on the site. Construction/heavy equipment, vehicles, and construction materials, supplies, and/or associated products (finished/semi-finished) will be stored within designated areas and depicted on subsequent site development plans.
- **Materials Screened by Solid Fence or Vegetation.** *Outside storage shall be enclosed and concealed by a solid screen, fence or wall at least 6 feet in height or any combination of berming, shrubs, trees screens, fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.*
- A six-foot screen will be placed against the HWY 85/87 frontage in a manner consistent with roadway screening on the adjacent (north) Martin Marietta site and Helton Mini Storage Facility.
- **Outside Storage Not to Exceed Height of Screening.** Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers or other equipment designed to be towed or lifted as a single component. The storage of dry staked and package materials will also be provided.
- **Storage of Equipment and Vehicles Exceeding Height of Fence.** All equipment and vehicles exceeding the height of the fence shall be stored on

the rear 1/3 of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

- **Storage Adjacent to Road.** Outside storage is allowed within the required setback area from a road provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- **No Storage in Required Landscape Area.** Outside storage shall not be allowed within any required landscaped area.
- **Screening Fence Waived Between Adjacent Storage Areas.** When outside storage areas abut each other and are not visible from public areas, administrative relief may be sought from the requirement for a solid screen/fence between the outdoor storage areas.
- **Landscaping Requirements to be Met.** Outside storage shall comply with the landscaping requirements

JUSTIFICATION

- **The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;**
The proposed dry subdivision for construction vehicle and heavy equipment storage is in conformance with the El Paso County Master Plan as discussed in detail below. The development pattern of this proposed subdivision is consistent with the location and primary/supporting land uses of the Employment Center Placetype shown on the Placetypes Map in the Master Plan.

The subject site remains vacant. The proposed subdivision for construction vehicle and heavy equipment storage will complement the surrounding land uses adjacent to the property which include: Mini-warehouse storage (including use on dry subdivision lot), mineral extraction & processing, non-conforming mobile home park, garbage service company (transfer/recycling facility), wastewater treatment/storage facility.

Your El Paso County Master Plan: LAND USE

Key areas – identifies those areas of the county that are defined by unique localized characteristics having influence on land use and development. The property is located off site of a military installation, Fort Carson, but is still within the Fort's 2-Mile Notification Zone.

Areas of Change – Identifies areas of the County that are anticipated to remain the same, undergo minor changes or develop in a manner consistent with the existing area today. The project area is located within an area of "Transition": Developed area on the Areas of Change Map. These areas are characterized as:

- Fully developed parts of the county that may completely or significantly change in character
- Having future redevelopment that is expected to be intense enough to transition the existing development setting to an entirely new type of development

The project proposes an industrial use located in and amongst complementary surrounding land uses and, as such, will not significantly impact the character of the area.

Placetypes – Identifies the different development and land use characteristics for area of the County that make up various Placetypes, which serve as the base for long-range planning. The project area is located within an Employment Center placetype. Primary land uses include office spaces, light industrial/business parks and heavy industrial developments.

| 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 |
| 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

Per the Plan “Employment Center” is characterized as the County’s primary location for large-scale nonretail businesses that provide significant employment and economic development opportunities. This project is supportive of and compatible with the overall industrial character of the area based on the placetype.

Your El Paso County Land Use Goals

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

The proposed development is consistent with the established character of the area as a construction vehicle and heavy equipment storage facility. The proposed development is a compatible land use with those of the adjacent surrounding industrial use properties.

Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.

The property is outside of any annexation boundary or potential area of interest at this time.

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

The proposal introduces a positive and controlled storage location for heavy equipment as an infill use of a vacant parcel. The industrial use is supportive of the primary office and heavy industrial character of the area.

Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.

The developer will be responsible for payment of all utility connection and tap fees, bridge, drainage, park and school fees, road impact fees, and other costs associated and as necessary with current development of the property.

Your El Paso Employment Center Goals

Core Principle: Strengthen the economy with a skilled workforce and targeted investment.

Goal ED1 – Recruit new businesses and spur the development of growing sectors.

The proposed subdivision will aid in the further development of the surrounding area by allowing space for developers to store the heavy equipment they need for their businesses.

Goal ED2 – Support efforts to recruit, train and retain a skilled workforce.

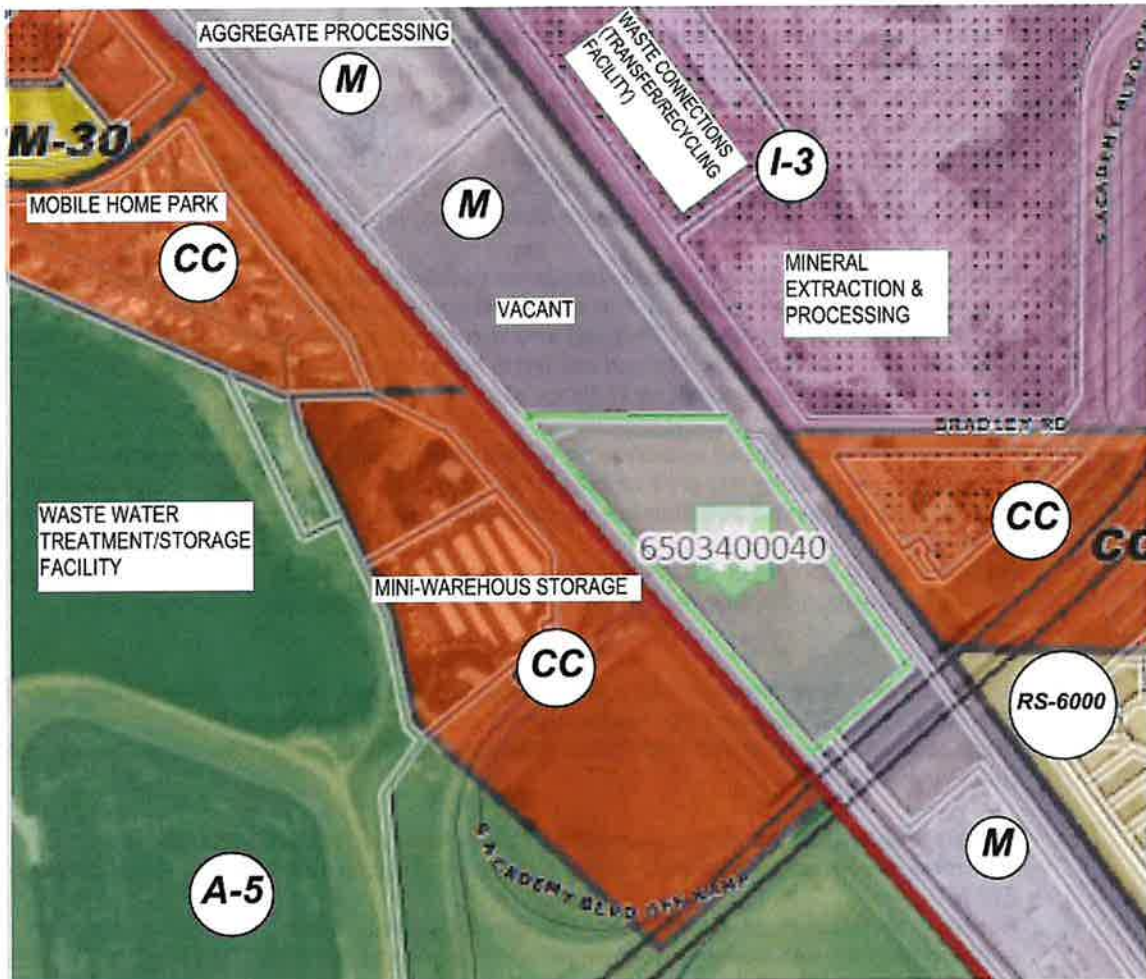
The proposed subdivision will provide a new location for recruitment and retention of a skilled workforce that will be operating and maintaining the construction vehicles and heavy equipment that will be stored on the site.

Goal ED3 – Encourage the development of commercial districts in underserved areas.

This proposed subdivision will develop a currently vacant site within a commercial district. The small improvements at this stage of development will provide a basis for future expanded development opportunities.

Goal ED4 – Utilize economic opportunity zones to support new business development.

The proposed subdivision is an opportunity to activate an infill site that is currently vacant along a major transportation and transit corridor.



Existing zoning and use exhibit

- **The subdivision is in substantial conformance with the approved preliminary plan;**
No preliminary plan is required.
- **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 subdivision is consistent with the County subdivision standards and requirements including, but not limited to plans, reports, other supporting materials and documentation and as otherwise affected by the proposed waiver.

- **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;**

Per the request, no water supply is proposed to serve the use. Activities on the site will be limited to the storage of construction vehicles and equipment for use off site. Occupancy of the site will be to transport and store vehicles and equipment.

- **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;**

No public or private sewage disposal system is proposed. A portable restroom facility will be provided for driver/transporter use while on site.

- **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 which contain or exhibit hazardous soils or topographical conditions which would prohibit or preclude development of the site for storage of construction vehicles and equipment (heavy).

- **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.

- **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;**

Access is via State Highway 85/87 from an existing paved driveway extending along the northern property line from the western property boundary (SH 85/87 frontage) to the eastern boundary. Secondary access is available from the eastern boundary via unimproved portion of Bradley Road. All required access permits shall be obtained prior to initiation of any ground disturbing activities.

- **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 Security Fire Protection District. Electric service is provided by CSU. The proposed use will not include the use of natural gas services.

- **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 Security Fire Protection 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;***

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

- ***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.

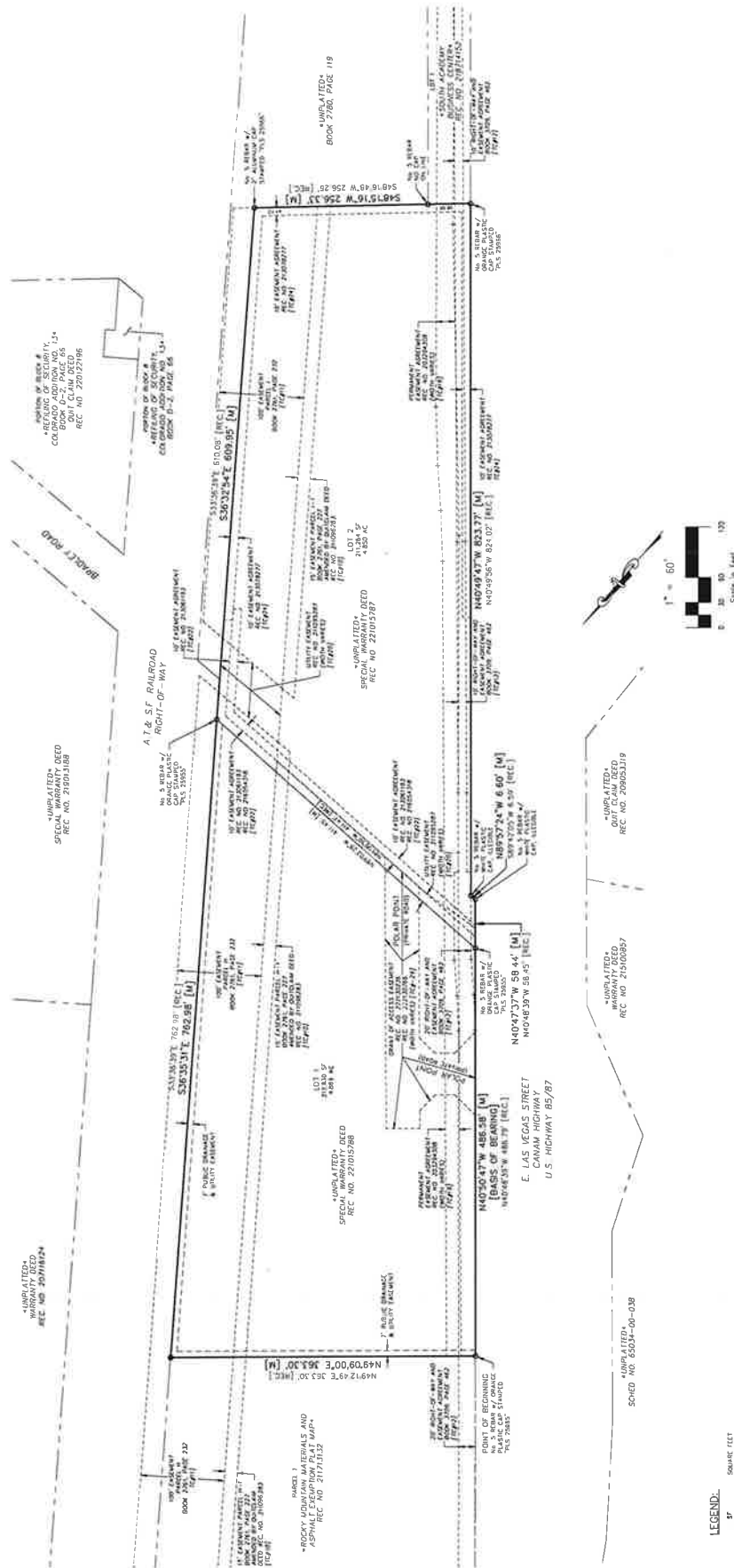
- ***The subdivision meets other applicable sections of Chapter 6 and 8; and***
The subdivision meets all other applicable Code sections of Chapter 6 and 8.

- ***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 by this subdivision.

BRADLEY POINT FILING NO. 1

A TRACT OF LAND IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 3, T15S, R66W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO



LEGEND:

- SP SQUARE FOOT
- ADDRESS
- ADJACENT PROPERTY LINE
- EXTENDING RIGHT OF WAY LINE
- EXTENDING EASEMENT
- NOT A PART OF THIS SUBDIVISION
- ADJACENT PROPERTY LINE
- EXTENDING RIGHT OF WAY LINE
- EXTENDING EASEMENT
- NOT A PART OF THIS SUBDIVISION

BRADLEY POINT FILING NO. 1
 FINAL PLAT
 PREPARED BY: JIM WILSON
 DATE PREPARED: 01/25/2021
 DATE REVISED: 08/22/2021

JIM WILSON & ASSOCIATES, INC.
 CIVIL CONSULTANTS, INC.
 P.O. BOX 100, ST. LOUIS, MO 63103
 PHONE: (314) 436-1000

PCD FILE NO. SP-21-002
SHEET 2 OF 2



COLORADO
Division of Water Resources
Department of Natural Resources

March 23, 2021

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

RE: South 85/87 Minor Subdivision
SE1/4, Sec. 3, Twp. 15S, Rng. 66W, 6th P.M.
Water Division 2, Water Districts 10
CDWR Assigned Subdivision No. 27572

To Whom It May Concern:

We have received the above-referenced proposal to subdivide an existing 9.74± acre tract of land into 2 industrial lots: Lot 1 (5.185 acres) and Lot 2 (4.551 acres). According to the submittal, there is no water demand for the proposed uses of the lots.

Water Supply Demand

The applicant has requested a “Dry Subdivision” waiver, as there are no anticipated water demands for the nature, type and extent of the proposed subdivision. Activities on the site will be limited to the storage of construction vehicles and equipment for use off site.

Source of Water Supply

There is no proposed source of water supply for the subdivision. A portable restroom facility will be provided for driver/transporter use.

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=978a5a31-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)(I) C.R.S., it is the opinion of this office that, as there is not a proposed water demand, there will be no injury to decreed water rights and the



supply is expected to be adequate. Should you or the applicant have questions regarding any of the above, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Fuller".

Kate Fuller, P.E.
Water Resources Engineer

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

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. MS212
BRADLEY POINT FILING NO. 1

WHEREAS, Bradley Point, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Bradley Point Filing No. 1 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 16, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a minor subdivision, 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 (as amended):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
10. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features

in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. 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 of the Code.
15. 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.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

WHEREAS, a finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until such time that the applicant requests to utilize the property for uses which use water. At that time, the applicant will be required to provide a subsequent plat amendment including documentation 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 and shall make a request to the Board of County Commissioner for a finding of water sufficiency.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Bradley Point, LLC for a minor subdivision final plat of the Bradley Point Filing No. 1 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 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. 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.
4. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
5. 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.
6. The applicant shall be required to obtain Site Development Plan approval prior to the initiation of any uses on the subject property.

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 of 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)

| | |
|---------------------|--|
| Thomas Bailey | aye / no / non-voting / recused / absent |
| Sarah Brittain Jack | aye / no / non-voting / recused / absent |
| Jim Byers | aye / no / non-voting / recused / absent |
| Jay Carlson | aye / no / non-voting / recused / absent |
| Becky Fuller | aye / no / non-voting / recused / absent |
| Jeffrey Markewich | aye / no / non-voting / recused / absent |
| Brandy Merriam | aye / no / non-voting / recused / absent |
| Eric Moraes | aye / no / non-voting / recused / absent |
| Kara Offner | aye / no / non-voting / recused / absent |
| Bryce Schuettpeiz | aye / no / non-voting / recused / absent |
| Wayne Smith | aye / no / non-voting / recused / absent |
| Tim Trowbridge | aye / no / non-voting / recused / absent |
| Christopher Whitney | aye / no / non-voting / recused / 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 16th day of November 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Tom Bailey, Chair

EXHIBIT A
BRADLEY POINT FILING NO. 1
FINAL PLAT LEGAL DESCRIPTION

BASIS OF BEARINGS: A PORTION OF THE EASTERLY RIGHT-OF-WAY OF HIGHWAY 85/87 (EAST LAS VEGAS STREET) BEING MONUMENTED AT THE SOUTHEAST WITH A NO. 5 REBAR WITH AN ORANGE PLASTIC CAP STAMPED "PLS 25955" AND AT THE NORTHWEST WITH A NO. 5 REBAR WITH AN ORANGE PLASTIC CAP STAMPED "PLS 25965", AND BEARS N40°50'47"W A DISTANCE OF 486.58 FEET.

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 3, T15S, R66W OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, "ROCKY MOUNTAIN MATERIALS AND ASPHALT EXEMPTION PLAT MAP" AS RECORDED UNDER RECEPTION NO. 211713132 IN THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N49°09'00"E ALONG THE SOUTHERLY LINE THEREOF 363.30 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;
THENCE S36°35'31"E A DISTANCE OF 762.98 FEET;
THENCE S36°32'54"E A DISTANCE OF 609.95 FEET;
THENCE S48°15'16"W A DISTANCE OF 256.33 FEET TO A POINT ON AFORESAID EASTERLY RIGHT-OF-WAY OF HIGHWAY 85/87;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES;

- 1) THENCE N40°49'47"W A DISTANCE OF 823.77 FEET;
- 2) THENCE N89°57'24"W A DISTANCE OF 6.60 FEET;
- 3) THENCE N40°47'37"W A DISTANCE OF 58.44 FEET;
- 4) THENCE N40°50'47"W A DISTANCE OF 486.58 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 424,094 SQUARE FEET (9.736 ACRES, MORE OR LESS).

