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COLORADO

HOLLY WILLIAMS
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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Charlene Durham, PE, Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SP229
Project Name: Waterview East Commercial
Parcel Number: 5509200002

OWNER:	REPRESENTATIVE:
Waterview Commercial Investors LLC 2727 Glen Arbor Drive Colorado Springs, CO 80902	Kimley-Horn and Associates Jim Houk 2 North Nevada Avenue Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	9/21/2023
Board of County Commissioners Hearing Date:	10/12/2023

EXECUTIVE SUMMARY

A request by Waterview Commercial Investors LLC for approval of a 22.10-acre Preliminary Plan for nine (9) commercial lots. The property is zoned CS (Commercial Service) and is located directly southeast of the intersection of Bradley Road and Powers Boulevard.

A. WAIVERS/AUTHORIZATIONS

Waivers:

The applicant is requesting two waivers from the Land Development Code pursuant to Section 8.4.4 (E). The waivers are as follows:

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- The applicant is requesting a waiver for private road allowances pursuant to Section 8.4.4 (E).
- The applicant is requesting a waiver of minimum frontage for Lot 5, as required by Section 8.4.3.B.2.e. Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4. (E). The proposed Lot 5 waiver request is for the minimum lot frontage be reduced from 30 feet to 24 feet along a private road.

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

B. APPROVAL CRITERIA

In approving a Preliminary Plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (as amended) states the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of the Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

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- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Code and ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

C. LOCATION

North:	City of Colorado Springs	Commercial, Residential, & Industrial
South:	PUD (Planned Unit Development)	Vacant Land
East:	RM-12 (Residential, Multi-Dwelling)	Vacant Land
West:	A-5 (Agricultural)	Vacant Land

D. BACKGROUND

On July 15, 2021, the Board of County Commissioners approved a Sketch Plan Amendment (PCD File No. SKP-20-002) to the previously approved plan. The amendment allowed for a reduction of the total area proposed for commercial uses from 38.2 acres

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to 22.1 acres and the total area proposed for industrial uses from 78.9 acres to 26 acres to accommodate 1,260 additional single-family and multifamily residential units.

The applicant is requesting a Preliminary Plan to subdivide the 22.1-acre property into 9 commercial lots and 4 tracts for stormwater detention/water quality, public and private rights-of-way, road improvements and utility infrastructure. The subject property is zoned CS, Commercial Services and the approximate western 13.3 acres are within the CAD-O, (Commercial Airport Overlay District) more specifically the APZ-1 (Accident Potential Zone) which has additional restrictions on allowed commercial and industrial uses. The Preliminary Plan is consistent with the approved Sketch Plan that was approved on July 15, 2021.

The applicant is requesting a deviation from the Engineering Criteria Manual (ECM) and two waivers from the Land Development Code (LDC). The private road proposed with this application will be provided in a public tract and the applicant agrees to enter into a private road maintenance agreement with Waterview III Metropolitan District. The road will be designed and built to the current ECM standards. Security Fire Protection reviewed the proposed fire access routes and have recommended approval.

E. ANALYSIS

1. Land Development Code Compliance

This application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (as amended).

The Preliminary Plan also provides a preliminary landscape plan that identifies required buffers, streetscape locations, typical details, and cross sections. Roadway landscaping requirements may be collateralized as public subdivision improvements to be owned/maintained by Waterview III Metropolitan District. Future individual lot landscaping will be submitted on a per site basis which shall conform to this overall preliminary landscape plan and current code.

2. Zoning Compliance

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

The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.

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

Minimum zoning district area: 2 acres ¹¹

Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet ^{1,2,3,11}

Maximum height: 45 feet

¹ Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

³ Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

Within the subject property, approximately 13.3 acres fall within the CAD-O Zoning District, more specifically within the APZ-1. All regulations within the CAD-O Zoning District shall be cumulative. In cases in which the provisions of the CAD-O Zoning District and the base zoning district conflict, the most restrictive provisions shall apply. The Commercial Airport Overlay District Land Uses for the APZ-1 are as follows:

	CAD-O Sub-Zone
Use	APZ-1
Mobile Homes	
Single-Family Residences	
Multiple-Family Residences; Residential Hotels; Convalescent Hospitals	
Mixed Use if involving residential component	S
Hotel	
Hospitals, Institutional Uses	A
Religious Uses, School	S



Playgrounds; Parks; Arenas	S
Golf Courses; Cemetery; Stables	S
Offices	S
Commercial, Retail & Wholesale, Sexually-Oriented Business	S
Warehouse; Light Manufacturing; Industrial; Laboratories; Wholesale	A
Farming; Ranching; Feed Lots; Related Agricultural Uses	A
A = Allowed Use, S = Special Use	

Residential land uses including caretaker residences or accessory dwellings are prohibited.

Any structures constructed in the future will require site development plan review and approval and will need to demonstrate that all site developments will comply with the dimensional standards included in Chapter 5 as well as any applicable development standards of Chapter 6 of the Code.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: 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 Employment Center Placetype is the County's primary location for large-scale, nonretail businesses that provide significant employment and economic development opportunities. The existing and proposed commercial uses of the property are consistent with the recommended land uses within the Employment Center Placetype. Relevant goals and objectives are as follows:

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

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

Objective ED3-6 – *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

Goal ED4 Specific Strategy – *Encourage the development of unincorporated portions of the Highway 21 (Powers Boulevard) Employment Priority Development Area as a formal Employment Center.*

Primary land uses within this Placetype include office, light industrial/business park, and heavy industrial. Supporting land uses include restaurant, commercial retail, and Commercial Service. Planned uses within the Waterview East Commercial Preliminary Plan include supporting retail and service uses within the Employment Center Placetype. Commercial uses are also allowed by either Special Use or allowed by right within the APZ-1.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas.

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Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis:

The subject property is currently undeveloped and adjacent to Powers Boulevard. The Your El Paso County Master Plan specific strategy for Goal ED4 states “encourage the development of unincorporated portions of the Highway 21 (Powers Boulevard) Employment Priority Development Area as a formal employment center.” Waterview East Commercial intends to subdivide the 21 acres into 9 lots for commercial development. North of the subject property, across Bradley Road, is being annexed into the City of Colorado Springs and is intended to have a mix of uses such as commercial, high density residential and industrial. To the east of the subject property, the properties are zoned PUD and RM-30 and are intended for residential uses. The proposed development will serve as a supporting commercial use to the adjacent residential uses to the north and the east.

c. Key Area Influences: Colorado Springs Airport/Peterson Air Force Base

Colorado Springs Airport is the second largest in the State of Colorado with continually rising passenger totals and activity. Currently, large amounts of land adjacent to the airport are primed for commercial and industrial development, in part due to the establishment of a Commercial Aeronautical Zone (CAZ). The Board of County Commissioners approved the CAZ to attract local businesses and spur development on the available land. The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County. Employment Centers not only provide additional job opportunities for County residents but it expands the County's tax base, providing more opportunities to address other County issues such as upgrades to infrastructure, expansion of services and development of new roadways. Peterson Air Force Base also utilizes the Colorado Springs Airport for military flight operations and hosts various military activities critical to national security. The County should also coordinate future development adjacent and within the Colorado Springs Airport Accident Potential Zone (APZ) and within the Peterson Air Force Base buffer area with



the Airport and the Base to ensure growth does not negatively impact the primary functions of Peterson Air Force Base or the Airport. Coordination with Colorado Springs Airport should also be considered, as necessary.

Analysis:

The property is zoned CS, Commercial Services, and is being subdivided into 9 lots in order to support future commercial development. The property is within the APZ-1, which does not allow for residential uses. The Colorado Springs Airport Advisory Commission reviewed the Preliminary Plan and recommends no objections with comments (see attached letter).

2. Water Master Plan Analysis

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

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

Goal 1.2 – *Integrate water and land use planning.*

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

Goal 6.0.11 – *Continue to limit urban level development to those areas served by centralized services.*

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 an area anticipated to experience growth by 2040. 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 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.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments at this time.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Hazards include areas of artificial fill, expansive soils and hydro compaction. Colorado Geological Survey (CGS) reviewed the hazards presented in the soils and geology study provided to the County and has no objections to the approved Preliminary Plan. CGS offered the following comments:

- The geologic hazards and constraints identified in Entech's report should be listed in the preliminary plan.
- According to the preliminary plans, retaining walls are planned within the development. CGS agrees with Entech (p. 11), "Retaining walls should be designed for global stability. All slopes should be evaluated for local and global stability for final designs."
- CGS recommends Entech be retained to review the project plans and specifications for conformance with the recommendations provided in their report.

2. Floodplain

The property is located within flood zone X, area of minimal flood hazard and determined to be outside the 500-year floodplain, per FEMA's Flood Insurance Rate Map number 08041C0768G which has an effective date of December 7, 2018.



3. Drainage and Erosion

The property is located within the Big Johnson and West Fork of Jimmy Camp Creek drainage basins. Both drainage basins are included in the El Paso County drainage basin fee program and fees will be due at the time of Final Plat(s) recordation.

The portion of the site located within Big Johnson generally drains to the west, the portion of the site located within West Fork Jimmy Camp Creek generally drains to the east. Per the updated preliminary drainage report, stormwater will generally maintain historic flows patterns for the east and west portions of the site. Proposed roadways internal to the site will alter some of the existing flow paths. Proposed curb and gutter and an internal storm sewer system will convey flows to one of four proposed Private Full Spectrum Extended Detention Basins. Flows from these facilities will outfall to existing historic drainage paths, ultimately draining into existing natural drainage channels, sub regional pond or water quality features.

These detention facilities are private and will be maintained by the metropolitan district.

A pre-development grading and erosion control plan, erosion and stormwater quality control permit (ESQCP), financial assurance estimate (FAE), and stormwater management plan (SWMP) are approved with this application. The plan calls for temporary construction best management practices to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after pre-development (early) grading activities.

4. Transportation

The subdivision is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471). The applicant will identify the PID option to be used in a future Preliminary Plan/Plat submittal.

The 2016 Major Transportation Corridors Plan Update (MTCP) does not call for any improvement projects in the immediate vicinity of the site except for the Bradley Road extension west of Powers Boulevard. This development is not responsible for the extension project. No improvements associated with this development are reimbursable through the MTCP roadway improvements program.

Access to the project site will be provided by the full-movement access at the Bradley Road and Legacy Hill Drive intersection, which was approved with Springs East at

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Waterview Preliminary Plan. The development proposes three (3) direct access locations, one along Legacy Hill Drive and two along Frontside Drive. The first is a right-in only access approximately 77-feet south of Bradley Road. The second access is approximately 400-feet west of the Legacy Hill/Frontside roundabout and the third access is approximately 500-feet southwest of the second proposed access.

A CDOT access permit is required with this application, which will include offsite auxiliary turn-lane improvements along Powers Boulevard. Proposed improvements for Powers Boulevard will be provided through the access permit process by CDOT.

All private interior roadways are planned to be constructed to El Paso County criteria and will be owned and maintained by the metro district. Table 4 in the TIS provides a summary of the required improvements and the anticipated trigger point(s) warranting each improvement.

Per the TIS, a traffic signal is projected to be warranted at the full movement access at Bradley Road and Legacy Hill Drive. This intersection has been transferred to the City of Colorado Springs, as part of the Bradley Road annexation. The applicant shall coordinate with the City for their fair share escrow amount for the installation cost of the future signal at this location.

The applicant is requesting the following deviation of the ECM:

The applicant requests a deviation of section 2.3.2 Table 2-7 – No Access Permitted on an Urban Non-Residential Collector. With this deviation request, there are 2 proposed geometric elements at this proposed access location which will also require deviations. The additional deviations from the ECM are Sections 2.4.1.C.1 – Access Design Criteria Horizontal Alignment & Section 2.3.7.E.1.2 – Turn Lane Design. The deviation from Section 2.4.1.C.1 is for the skewed angle of the access drive with respect to Legacy Hill Drive. The deviation from Section 2.3.7.E.1.2 is for the abbreviated right-turn bay and taper lengths into the access drive.

ECM Administrator Decision:

The deviation has been approved with conditions of approval. A plat note waiver will need to be applied to Note #12 for Aspen Hills Filing No. 1 (Plat No. 14541) recorded at reception no. 220714541. The plat note currently states that no access is allowed to



Legacy Hills Drive. The plat note waiver shall remove this condition and provide reference to the Final Plat for Waterview East Commercial site which will supersede note #12 from plat 14541. The subsequent final plat for Waterview East Commercial shall include a note stating access to Legacy Hills Drive is limited to the right-in only access shown on the preliminary plan and supersedes Trails at Aspen Ridge Filing No. 1 plat note no. 12.

H. SERVICES

1. Water

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

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

2. Sanitation

Wastewater is provided by Widefield Water and Sanitation District.

3. Emergency Services

The property is within the Security Fire Protection District.

4. Utilities

The property is within the Mountain View Electric Association service area.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the Final Plat(s).

7. Schools

The site is within the boundaries of the Widefield School No. 3. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Widefield School No. 3 at time of recording the Final Plat(s).

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8. Colorado Springs Airport

Airport staff recommends no objection with the following conditions:

- Avigation Easement: Proof of Avigation Easement filing on plan (Recorded in Book 2478 at Page 304); no further action is required.
- Noise: The property is located outside the 65 DNL noise contour, but due to the proximity of the development in relation to the noise contour, an indoor noise reduction is recommended. Per Note No. 21 on the plan - a 30 DB(A) indoor noise reduction shall be achieved by approved construction techniques as evidenced by a noise reduction certificate prior to site development plan approval.
- Accident Potential Zone 1: The proposed development is within the Accident Potential Zone 1 (APZ-1) subzone of the Commercial Airport Overlay District, as adopted by El Paso County. Commercial development is permissible in the APZ-1 subzone.
- FAA Form 7460-1: Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

At the time of staff report preparation, the requested deviation is under review by the Engineering Manager. Minor comments remain on engineering documents and will need to be addressed prior to final approvals.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each Final Plat.

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2. Applicable school and park fees shall be paid with each Final Plat.
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 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 29, 2023, as provided by the County Attorney's Office.
6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 4 of the Waterview East Commercial Traffic Impact Study and Access Analysis, to be verified with an updated traffic impact analysis or memorandum as appropriate with the Final Plat.
7. All engineering reports and plans associated with this Preliminary Plan application shall be approved by the Department of Public Works prior to the Board of County Commissioners hearing.

NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.



3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
4. The applicant shall coordinate with City of Colorado Springs to determine their fair share escrow amount for the installation cost of the traffic signal at the Bradley Road and Legacy Hills Drive intersection. This shall be completed with the Final Plat for this site.
5. The applicant will be required to obtain a CDOT Access Permit for offsite improvements to Powers Boulevard.

L. PUBLIC COMMENT AND NOTICE

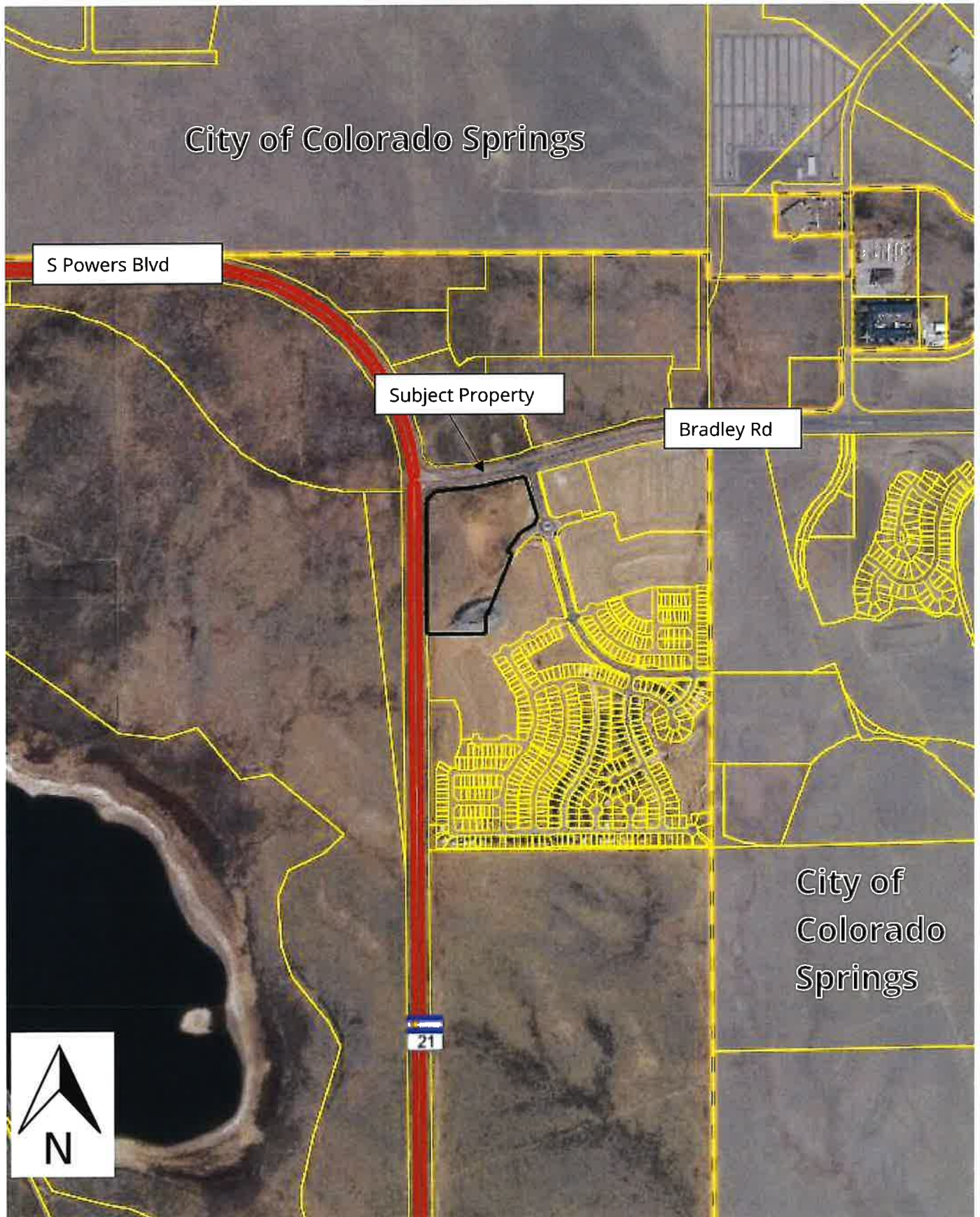
The Planning and Community Development Department notified seven (7) adjoining property owners on September 5, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

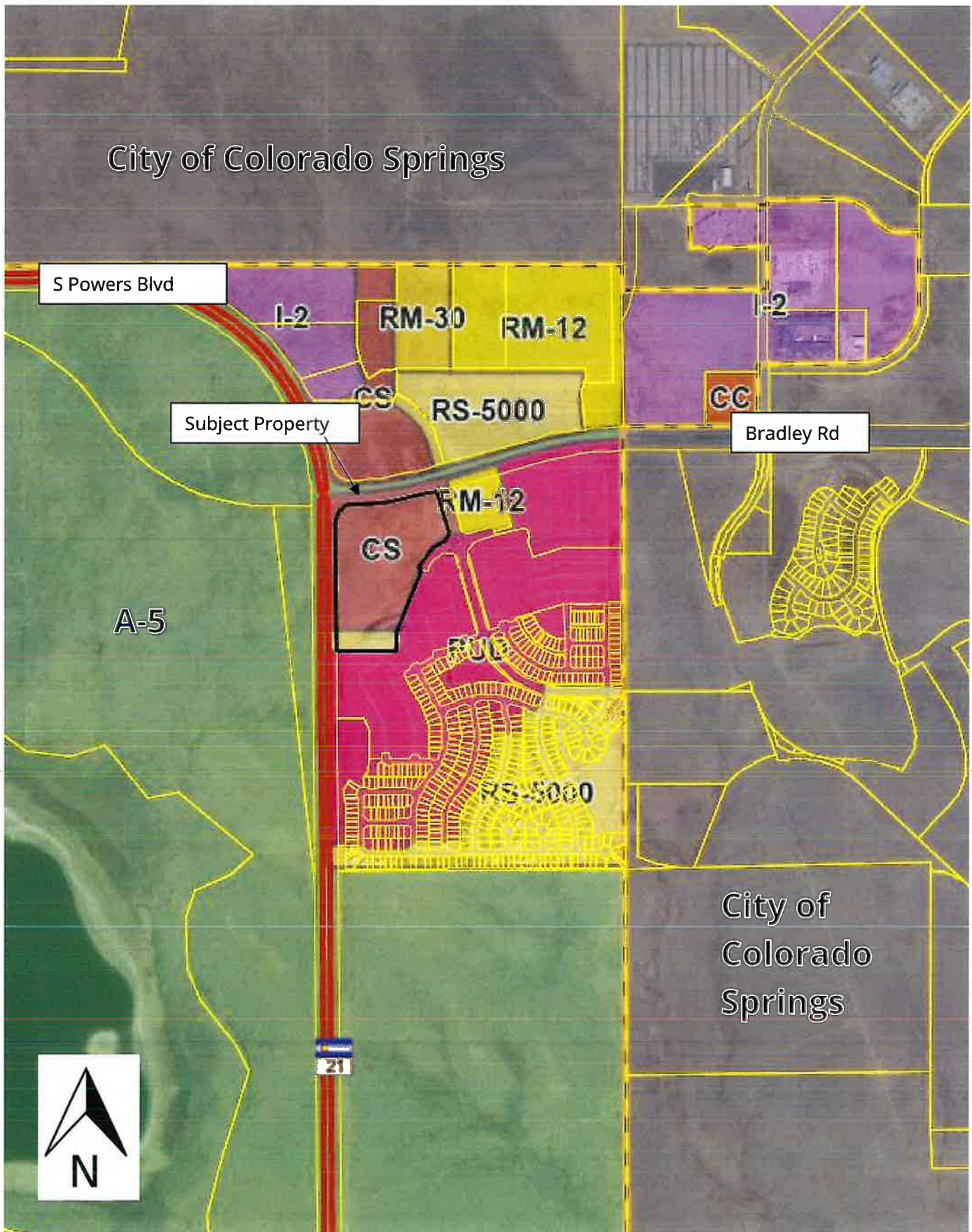
Map Series
Letter of Intent
Preliminary Plan Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter
Draft Resolution



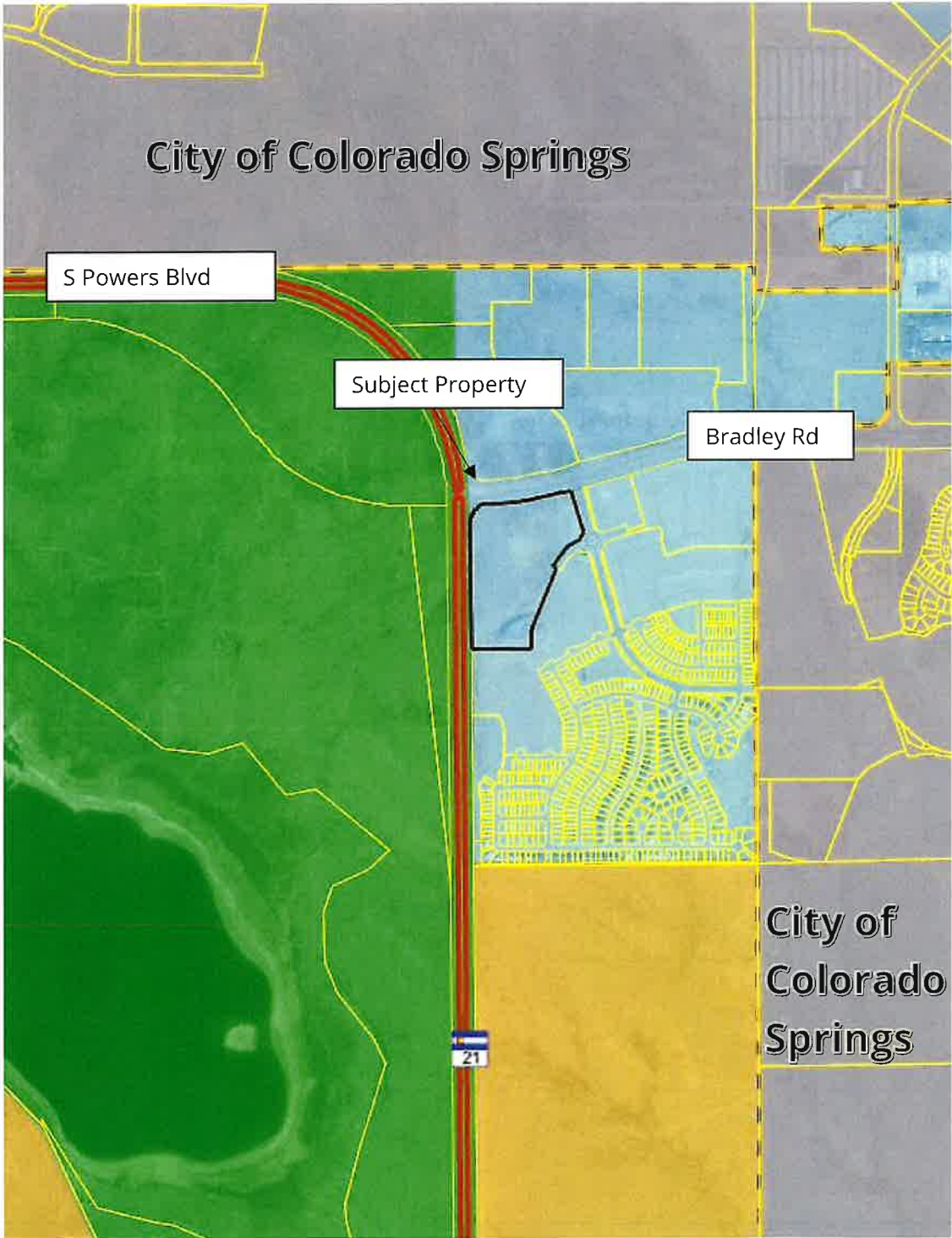
Map Exhibit #1: Aerial



Map Exhibit #2: Zoning



Map Exhibit #3: Placetype

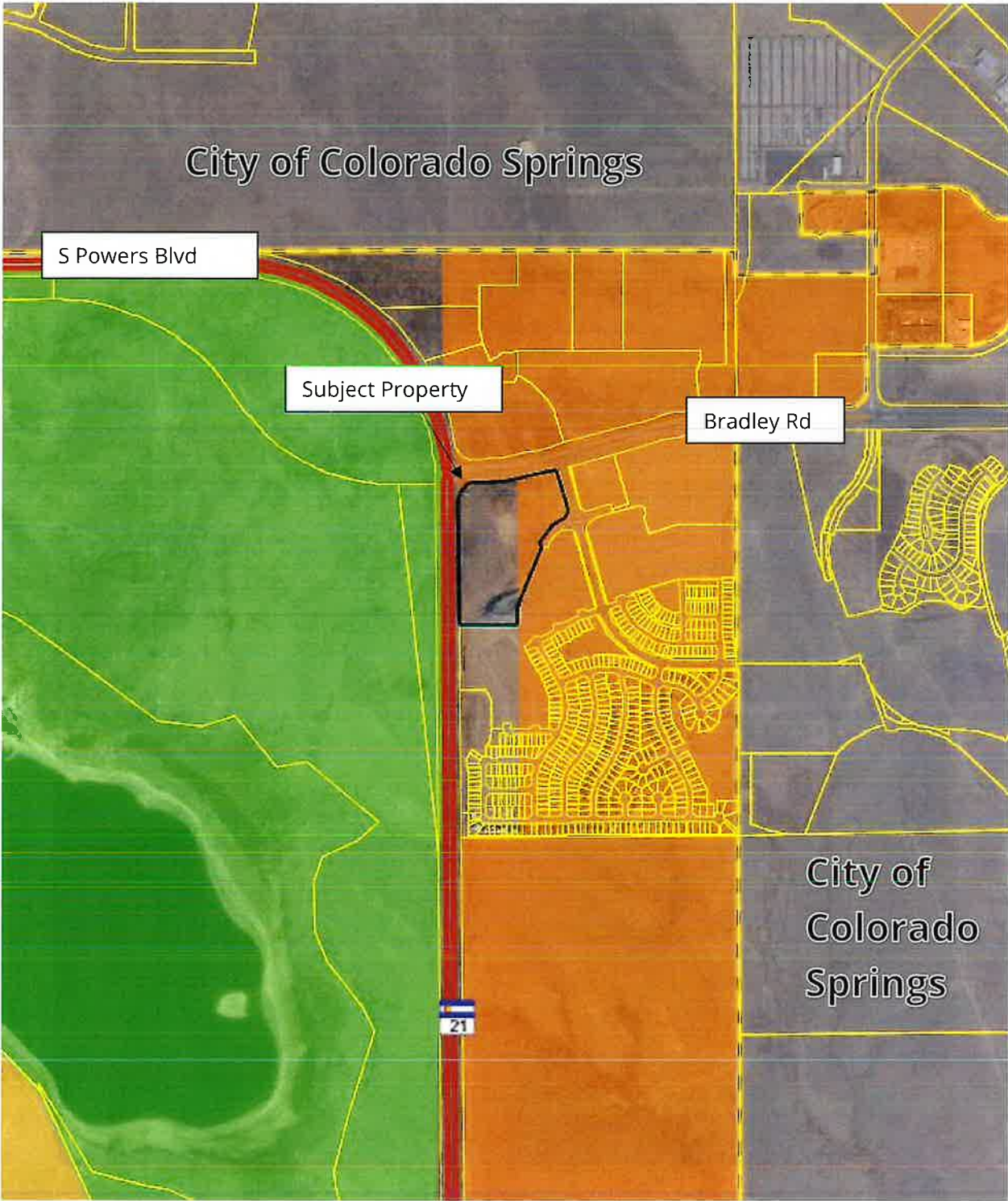


Legend






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



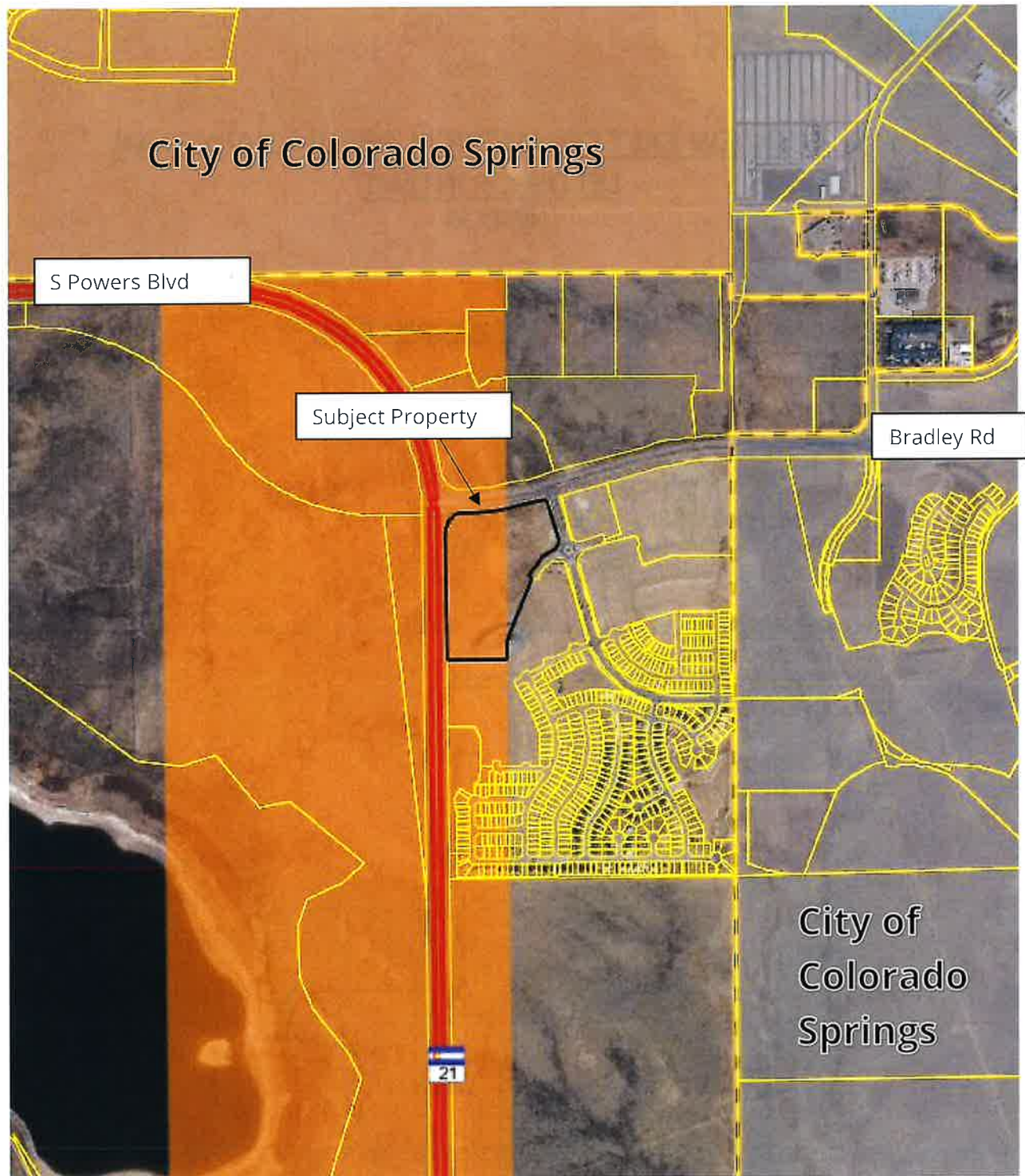
Map Exhibit #4: Area of Change



Legend










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

Map Exhibit #5: Key Area



Legend



- | | |
|--|---|
|  Military Installations |  Forested Area |
|  Potential Areas for Annexation |  Pikes Peak Influence Area |
|  Enclaves or Near Enclaves |  Tri-Lakes Area |
|  Small Towns & Rural Communities |  Colorado Springs Airport/Peterson Field |
|  Fountain Creek Watershed Flood Control & Greenway District |  Uncommon Natural Resources |



WATERVIEW EAST COMMERCIAL PRELIMINARY PLAN

LETTER OF INTENT

03.23.23

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

WATERVIEW COMMERCIAL INVESTORS, LLC
2727 GLEN ARBOR DRIVE
COLORADO SPRINGS, CO 80920

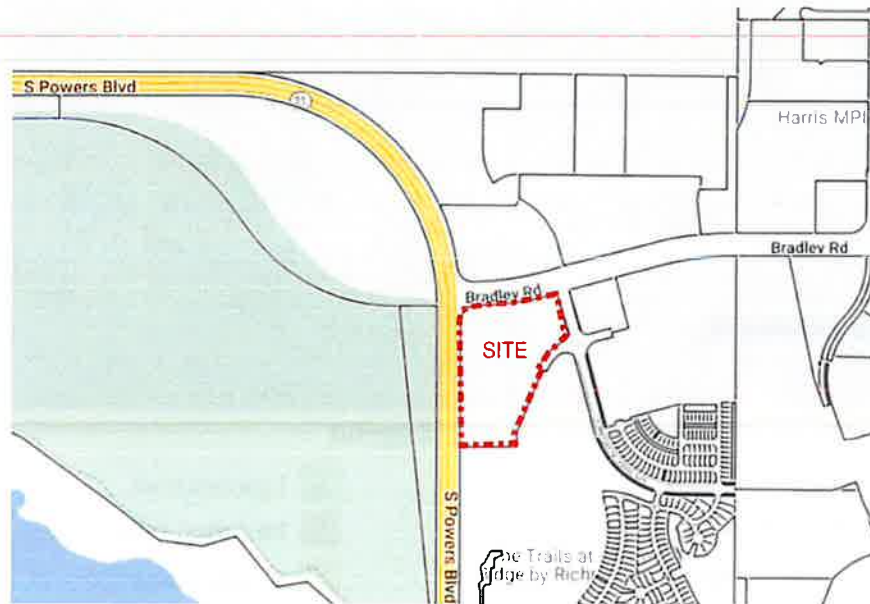
PLANNING

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

ENGINEERING

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

Dakota Springs Engineering
31 N. Tejon Street, Suite 501
Colorado Springs, CO 80903



PARCELS NO(S): 5509200002

SITE/BACKGROUND INFORMATION

The ±22.1 acres included in the preliminary plan is within the zoned CS, within the Commercial Airport Overlay District (CAD-O). The parcels are located southeast corner of intersections of Powers Boulevard and Bradley Road

A request and approval of the preliminary plan is to subdivide the existing into nine commercial (9) lots and four (6) Tracts under the CS CAD-O zoning. 8-Lots will be accessed by private roads (tract) and the 9th lot to be served by an access off a public road (Frontside Dr). The existing parcel and future lots are located within the Waterview III Metropolitan District.

CSAAC has no concerns with the proposed development. No additional information has been requested at this time.

Request & Justification

Waterview Commercial Investors, LLC ("The Applicant") requests approval of the Waterview East Commercial Preliminary Plan that includes Nine (9) commercial lots, four (4) tracts for stormwater detention/water quality, public and private rights-of-way, road improvements including sidewalks public parking and access, utility infrastructure, and a preliminary landscape plan.

The applicant requests that the preliminary plan approval include the following:

- Findings of sufficiency with respect to water quality, quantity, and dependability are requested with the preliminary plan approval;
- BOCC authorization of pre-development site grading, which includes authorization to install wet and dry utilities.
- Waiver for a private road (see below)
- Waiver for alternative lot frontage dimension (see below)
- Approval of the following Deviation Requests:
 1. See included request for a right-in and right-out access onto Legacy Loop

The preliminary plan also provides a preliminary landscape plan that identifies required buffers, streetscape locations, typical details, and cross sections. Roadway landscaping requirements may be collateralized as public subdivision improvements to be owned/maintained by Waterview III Metropolitan District. Future individual lot landscaping will be submitted on a per site basis which shall conform to this overall preliminary landscape plan and current code.

The preliminary plan has been designed to conform to the dimensional requirements of the CS zone which include:

- Setbacks: 25' front yard; 25' side/rear yards (0' from internal side/rear lot line within the same zone)
- Height: 45'

- Roadway Landscape Buffer/Setback Requirements:

Ex./Prop. Road	Roadway Classification	Landscaping Buffer/Setback	Req. Trees*/ Linear Foot of Frontage
US 21 Powers Blvd.	Expressway, Principal Arterial	25 feet	1 per 20 feet
Bradley Rd	Major Arterial	25 feet	1 per 20 feet
Legacy Hill Dr.	Non-Arterial	15 feet	1 per 30 feet
Frontside Dr.	Non-Arterial	15 feet	1 per 30 feet

*Note, the landscape plant will provide a minimum 1/3 trees shall be evergreen)

The preliminary plan provides direct access to Waterview East Commercial per three proposed access points: One from a southern full movement access along Frontside Drive (public road) approximately 600 feet west of Legacy Hill Drive and a second access (private road) to the southern lot approximately 1260' south of the roundabout at legacy Loop Drive. Last, the third access is proposed as a Right-in (private road) access along Legacy Hill Drive approximately 200 feet south of Bradley Road. It is understood that for the third access point (right in only) to be approved at the site development plan stage, the existing plat will need to be amended. This amendment is being submitted under a separate application process.

See the related traffic study for public improvements and related access deviation enclosed. All off-site roadway, signing, striping, and signal improvements shall be incorporated into the Civil Drawings, and conform to El Paso County and/or CDOT standards as applicable, as well as the Manual on Uniform Traffic Control Devices – 2009 Edition (MUTCD).

PRELIMINARY PLAN REVIEW/APPROVAL CRITERIA & JUSTIFICATION

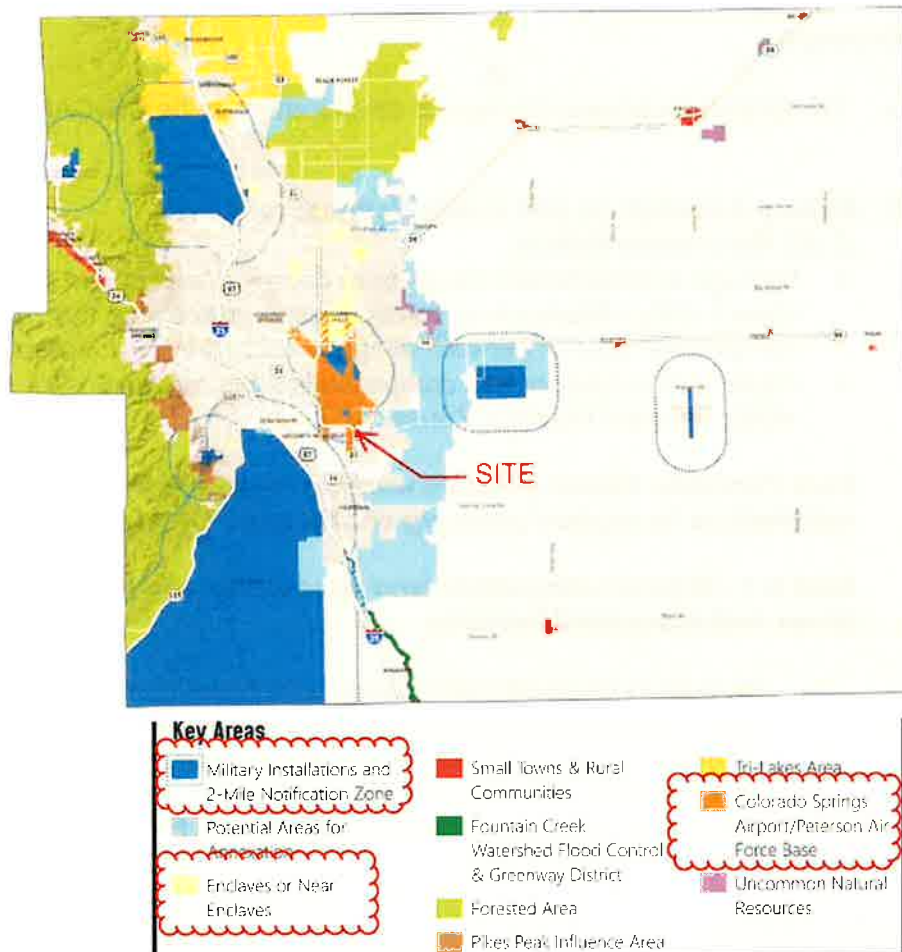
- ***The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;***
 - The subdivision generally conforms to the goals, objectives, and policies of the Master Plan, which includes the Your El Paso Master Plan and Water Master Plan as discussed below.

Your El Paso Master Plan Conformance

Key Area(s): *The site is located within overlapping boundaries of the following Key Areas:*

A. Colorado Springs Airport/Peterson Air Force Base

B. Military Installations and 2-mile Notification Zone



A. Enclaves/Near Enclaves The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it.

- Surrounding land uses include vacant open space on the western boundary opposite of Powers Boulevard; vacant land use and open space located north of the site opposite Bradley Road (being annexed into the City of Colorado Springs) and will provide compatible mix commercial and residential uses; and vacant land zoned PUD on the east opposite of Legacy Hill Drive is being developed as a mix-residential development. The uses and development pattern are consistent with identified development patterns in the Master Plan.

B. Colorado Springs Airport/Peterson Air Force Base: The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County. Employment Centers not only provide additional job opportunities for County residents, but will expand the County's tax base, provide more opportunities to address other County issues

such as upgrades to infrastructure, expand services and development of new roadways.

- The project proposes commercial development in the CR-CAD-O zone.

C. Military Installations and 2-mile Notification Zone

JLUS Recommendations

- Manage encroachment issues from nearby development that could impact utility infrastructure, transportation routes, and that may generate vertical obstructions beneath airspace utilized by flight operations.
- Implement consistent and compatible zoning regulations for land areas within Accident Potential Zones (APZs).

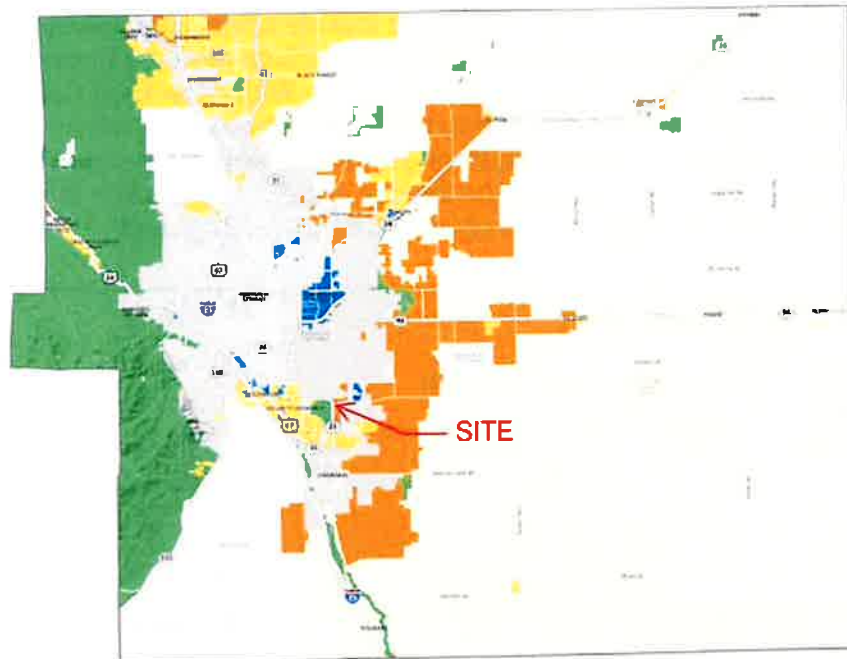
Core Principle: Foster effective working relationships with military installations to support planning efforts and mutual success.

Goal 6.1 - Support compatible land uses within and in close proximity to bases and associated facilities.

- No military encroachment issues have been identified by Peterson AFB. Vertical development will be in accordance with existing height restrictions in the CAD-O zone. The commercial zoning is compatible with Peterson AFB operations and JLUS recommendations. No review comments have been provided to date from Peterson AFB.

Areas of Change:

Transition: *These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*



Areas of Change



BOCC approval of the rezone of parcels included in the preliminary plan area from the M to the CR (CAD-O) zone for consolidation of land under a single zone for future commercial development. Prior to the current development application, zoning and ownership of the parcels were fragmented. The current entitlement efforts are placing underutilized property into production as a unified commercial development and will support the adjacent land uses.

Placetype: Employment Center (within Military Impact Buffer)

Primary land uses within this Placetype include office, light industrial/business park, and heavy industrial. Supporting land uses include restaurant, commercial retail, and Commercial Service. Planned uses within the Waterview East Commercial preliminary plan include supporting retail and service uses within the Employment Center Placetype. This is consistent with the Area(s) of Change (Transition) whereby *“redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development”*.



WATER MASTER PLAN CONSIDERATIONS:

PLACETYPES	LAND USES														
	Agriculture	Farmland/wooded	ES/LAK	Single-Family Detached	Single-Family Attached	Multifamily	Hotel Use	Restaurant	Commercial Retail	Commercial Service	Commercial Office	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operation
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 prominent and serve to support the primary land use.

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.

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 (water resources report) including water supply information summary that documents the planned and committed water supply from Widefield Water and Sanitation 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 service is planned from Widefield Water and Sanitation District. Adequate water resources in terms of quality, quantity, and sustainability are available to adequately serve the proposed development.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

Land uses within the existing Waterview East Commercial area is served by centralized utilities. The proposed development is consistent with the existing utility providers master plans.

The development area is in REGION 7 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Widefield Water and Sanitation District (WWSD) Service Area. Region 7 consists of areas served by WWSD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 7. No specific growth map was created for Region 7; these areas are shown in other maps.

The District's customer base is primarily residential, representing 98% of all accounts. The remaining 2% of accounts are commercial. There are no industrial accounts within the District. A population of about 22,295 is served within the water boundaries. For wastewater, a population of about 23,758 is served. At the end of 2021, the District served about 9,695 water accounts and about 10,251 wastewater accounts

WWSD has adequate supply, water quality, and the existing and planned infrastructure in the area to serve this development and maintains required regulatory compliances.

Per the Water Master Plan, water supplies in Region 7 from current to 2060 build out are as follows (*taken from EPC WMP*):

Planning Region	Current Supplies (AF per year)	2040 Supplies (AF per year)	2060 Build-Out Supplies (AF per year)
Region 7	15,376	25,241	27,840

Table 5-2: Current, 2040, and Build-Out Water Supply by El Paso County Planning Region

Planning Region	Demand (AF)	Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 7	10,141	15,376	5,236	0	0%

Table 5-3: Current Demand and Current Supplies by El Paso County Planning Region

Planning Region	2040 Demand (AF) Need (AF) Need (%)	Current Supplies (AF)	(AF) Average-Year Surplus**	Need (AF)	Need (%)
Region 7	15,846	15,376	0	470	3%

Table 5-4: Future (2040) Demand and Current Supplies by El Paso County Planning Region

Planning Region	2060 Demand (AF)	Current Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 7	26,969	15,376	0	11,593	43%

Table 5-5 – Build-out (2060) Demand and Current Supplies by El Paso County Planning Region

Water supplies in Region 7, and specifically from WWSD, 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. The District has been planning to reduce demand through its conservation and reuse programs. Additional water resources are planned through WWSD interconnections and regional collaboration with partner and/or neighboring water providers.

According to the District Report, water commitments stand at 13.42 AFY. The Tipton and Kane commitments are related to an arrangement from the mid-2000's where developers reserved commitments on two new wells. The water from these wells is considered fully committed to these developers even if they have not yet begun the

projects associated with the reserved commitments. Due to a complex legal history, the “Kane” water right was not tied to a specific physical water well but instead operates as a commitment served from WWSD’s general supply portfolio.

Table 3: WWSD Commitments before addition of new development

Lot	Land Area (sqft)	Land Area (acres)	Building Area (sqft)	Use	Assumed Tap Size (inches)	SFE/Acre	SFE's	SFE's x 317 gpd/SFE = ADD (gpd)	SFE's x 677 gpd/SDF = MDD (gpd)
1	68,670	1.58	7,800	Commercial/Gas	1.5	4	6.3	1,999	4,269
2	49,366	1.13	21,939	Commercial/Grocery	3	4	4.5	1,437	3,069
3	16,284	0.37	10,800	Commercial/Retail	1	4	1.5	474	1,012
4	12,693	0.29	3,000	Commercial/Fast Food	1.5	4	1.2	369	789
5	12,681	0.29	3,500	Commercial/Fast Food	1.5	4	1.2	369	788
6	226,977	5.21	8,064	Commercial/Storage	0.75	4	20.8	6,607	14,111
7	16,656	0.38	11,038	Commercial/Retail	1	4	1.5	485	1,035
8	9,576	0.22	6,600	Commercial/Retail	1	4	0.9	279	595
9	12,948	0.30	9,015	Commercial/Retail	1	4	1.2	377	805
A	478,965	11.00		Landscaping	1.5	4	44.0	13,942	29,776
B	12,179	0.28		Landscaping	1.5	4	1.1	355	757
C	23,134	0.53		Landscaping	1.5	4	2.1	673	1,438
D	23,467	0.54		Landscaping	1.5	4	2.2	683	1,459
Totals	963,596	22.12	81,756				89	28,213	60,253

WWSD has committed to allocate 31.15 AF/YR for the proposed development out of its current supplies. It should be noted that the district has committed to serve development within the proposed development boundaries since the property was annexed into the district

WWSD has a collection of wells, pump stations, conveyance pipelines, storage tanks, and treatment facilities to deliver potable water to its customers. Deviation from the estimated tap size will require the District to take an additional look at the water supply. Car washes have not been considered in this commitment and would need to be reevaluated for approval with future site development applications.

THE SUBDIVISION IS CONSISTENT WITH THE PURPOSE OF THE CURRENT DEVELOPMENT CODE

The stated purpose of the preliminary plan is to provide an in-depth analysis of the proposed division of land including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular and pedestrian circulation, and relationship to surrounding land uses. Necessary reports including, but not limited to drainage, grading and erosion control, water/wastewater resource reports, traffic impact analysis, and the preliminary plan have been provided in order to review and refine the design of the subdivision taking into account the review of the referenced documents, plans, and reports in order to guide the design of the development to meet the intent and purposes of the preliminary plan as stated in the Code.

- **The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**
 - The subdivision conforms to the design standards of the current Code with approval of the associated waivers and deviations. The Security Fire Protection Department has reviewed the access and proposed lots and does not object to the access design or private drive circulation pattern and access points.
 - The project does request two waivers
 - private roads waiver (see below)
 - alternative minimum front lot width waiver (see Below)
- **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**
 - The preliminary plan is within the Widefield Water and Sanitation District service boundaries. A commitment to provide water service has been provided by the District. The District has identified it has adequate water resources to serve the proposed development. Offsite improvements to extend service lines to the site will be required and are planned by the District to deliver.
- **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;**
 - The subdivision will connect into an existing public sewage disposal system what has been installed together with other public improvements associated with Aspen Trail development to the east. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of the County Land Development 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)];**
 - 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 or will achieve compatibility through compliance with recommendations of corresponding reports and plans.
- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

- Adequate drainage improvements have been provided by the subdivision design, including but not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM.

Detention facilities have been designated within three (3) tracts identified as Tract B, C and D on the Preliminary Plan. Ownership and maintenance of all drainage facilities and improvements shall be provided by the Waterview III Metropolitan District. The drainage system has also been planned in corporation with the larger drainage Master Plan. See the drainage report.

- **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;**
 - 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. The site and use has been recognized with the development and study associated with the adjacent developments as well. This includes the Villages at Waterview North and the Trails at Aspen Meadow.
 - Referenced public improvements include, but are not necessarily limited to, grading and erosion control, stormwater runoff and drainage and detention/water quality facilities, transportation and roadway related improvements, utility service delivery infrastructure and related improvements.
 - The preliminary plan provides the additional development of local public roads/lanes to serve the subdivision which provide access and frontage to lots, open spaces, and detention facilities.
 - Public road cross sections include ADA compliant sidewalk improvements (per local conditions and standards), together with all required wet and dry public utilities.
- **Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**
 - Legal and physical access is and will be provided to all parcels/lots by planned public and private road access points. A deviation for a proposed right-in movement access point along Legacy Loop is requested with the preliminary plan. The deviation request will be subject to conditions of approval. Also see Traffic Study.
 - A waiver for private roads is provided for 8 of the proposed lots (see waiver below). As part of the request, the applicant has submitted the private road layout and related circulation and access to the Fire District and received written support/approval. See support letter

- To further support free access to all lots, each lot will participate in a shared lot-to-lot parking, access and maintenance agreement.
- **The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;**

The proposed subdivision has established an adequate level of compatibility by:

1. Incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity and use.
 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
 5. By incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so that there is no negative impact to County services and facilities
- **Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**
 - Necessary services, which include police and fire protection, recreation, utilities, open space and transportation system, are and will be available to serve the proposed development. Required service commitments have been provided in support of the development application. These negotiations are occurring concurrently with the Waterview East Commercial development application review; however, final plans,

agreements, and permitting are likely to extend beyond the preliminary plan and final plat approval process for this development application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**
 - The subdivision provides evidence via commitment letters from Security Fire Protection District for emergency and fire service and Widefield Water and Sanitation District for water for fire suppression as well as preliminary plan layout and design of access and utilities demonstrate show that the proposed methods for fire protection comply with Chapter 6 of the County Code.
- **The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**
 - The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the County Code or otherwise approved with conditions imposed by the BOCC.

The applicant is requesting the following deviations:

A deviation from the standards of or in Section 2.2.5.D (and 2.3.2) of the Engineering Criteria Manual (ECM) is requested. The request is for a right-in access to Legacy Hill Drive approximately 350 feet south of Bradley Road (and 250 feet north of the roundabout intersection (Frontside Drive)- centerline spacing). Please refer to the TIS report prepared for this project for additional information A deviation from the standards of or in Section 2.2.5.D (and 2.3.2) of the Engineering Criteria Manual (ECM) is requested.

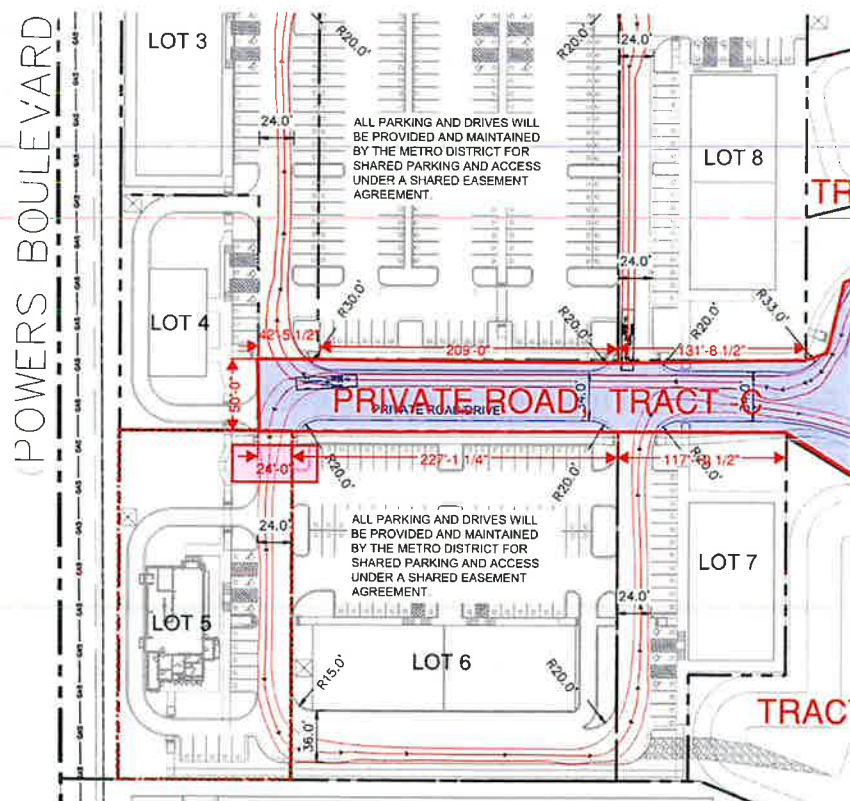
This deviation is for private “access allowed” and if the proposed private shopping center access drive proposed to connect to Legacy Hill Road is considered comparable to a local public street, then “intersection spacing along a Collector” is a consideration with this deviation.

See full deviation request and related exhibits prepared by LSC Transportation Consultants Inc.

The applicant is requesting the following waivers:

1. Private Road Waiver: In reference to Private Roads, code section 8.4.4.E, 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 the private road will be maintained by the Waterview III Metropolitan District.
 - b. The road will be designed and built to the current ECM standards. See associated road sections.

- c. The private road will be provided in a public road tract
 - d. The proposed private road, circulation and access has been reviewed and approved by the Fire District. See commitment/ letter of support.
 - e. 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.
 - f. The waiver does not have the effect of nullifying the intent and purpose of this Code
2. **Alternative minimum lot frontage width:** In reference to minimum lot frontage, 8.4.4 c-5, Lots shall have a minimum of 30 feet of frontage on and have access from a public, except where private roads are approved by the BOCC.
- a. The request is to develop Lots 5 (1 of 9 lots) with an alternative frontage along a private road. The proposed minimum lot frontage is 24' in place of the 30' minimum as started in the code.
 - b. The reduced front secures the access from the private road, while the share parking and access agreement further supports additional and greater circulation for Lot 5 and the adjacent lot uses.
 - c. The reduced frontage will have not adverse impact on the use or value of the property.
 - d. 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.
 - e. The waiver does not have the effect of nullifying the intent and purpose of this Code



WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

WATERVIEW EAST-COMMERCIAL

PRELIMINARY PLAN

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

KEY MAP

SHEET 02

SHEET 03

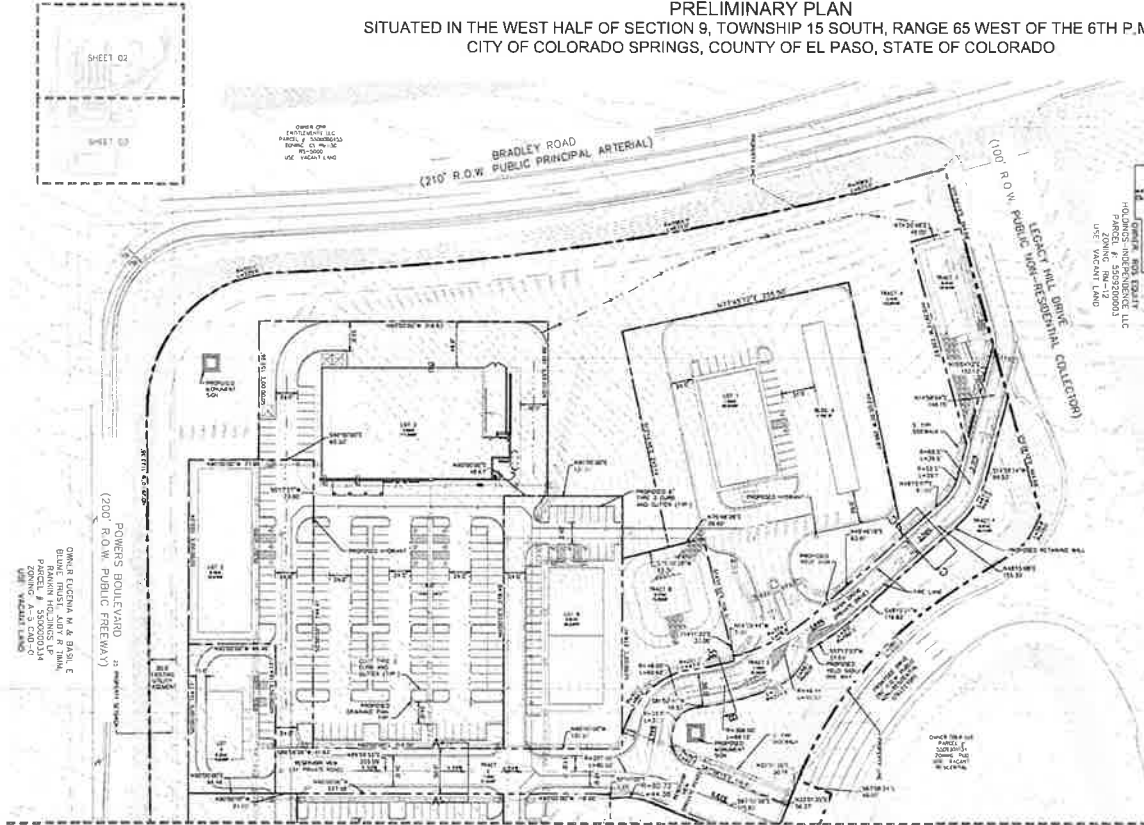
OWNER: ON
PROJECT: WATERVIEW EAST-COMMERCIAL
PROJECT NO.: 2022-0001
DATE: 01/10/2024
USE: VACANT LAND

BRADLEY ROAD
(210' R.O.W. PUBLIC PRINCIPAL ARTERIAL)

100' R.O.W. PUBLIC HIGHWAY RESIDENTIAL COLLECTION



LOT/TRACT	AC	OWNER/INVESTOR	USE
LOT 1	82,842/0.82	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 2	117,306/1.68	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 3	32,876/0.75	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 4	15,835/0.36	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 5	26,137/0.61	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 6	312,577/7.68	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 7	55,293/1.27	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 8	23,881/0.54	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
LOT 9	36,530/0.84	WATERVIEW COMMERCIAL INVESTORS LLC	COMMERCIAL
TRACT A	113,014/2.43	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, PEDESTRIAN ACCESS, WATER QUALITY, UTILITY
TRACT B	15,835/0.37	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, UTILITY, DETENTION/WATER QUALITY
TRACT C	40,888/0.93	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, UTILITY, DETENTION/WATER QUALITY
TRACT D	25,841/0.59	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, UTILITY, DETENTION/WATER QUALITY
TRACT E	51,553/1.18	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, VEHICULAR AND PEDESTRIAN ACCESS, WATER QUALITY, UTILITY, PRIVATE DRIVE AND WALKWAY
TRACT F	35,142/0.81	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, PEDESTRIAN ACCESS, WATER QUALITY, UTILITY
TRACT G	10,564/0.24	WATERVIEW COMMERCIAL INVESTORS LLC	DRAINAGE, LANDSCAPE, UTILITY, PEDESTRIAN ACCESS, DETENTION/WATER QUALITY
TRACT H	25,874/0.59	*102	TRACT TO BE DEDICATED TO EL PASO COUNTY (FRONTSIDE DRIVE R.O.W.)



LEGEND
 - - - - - PROPOSED PROPERTY LINE
 - - - - - EXISTING EASEMENT
 - - - - - PROPOSED PROPERTY SETBACK
 - - - - - PROPOSED CURB & GUTTER
 - - - - - PROPOSED ACCESSIBLE ROUTE
 - - - - - PROPOSED DRAINAGE PLAN

NOTE: BUILDING LOCATION AND SIZE ARE NOTED FOR CONCEPTUAL DESIGN DEVELOPMENT

POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT



Kimley»Horn

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 2 NORTH NEVADA AVENUE, SUITE 900
 COLORADO SPRINGS, COLORADO 80903 (719) 435-0180

PRELIMINARY PLAN
 SHEET 02 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

PC Required
 Part Map 11

WATERVIEW EAST-COMMERCIAL

PRELIMINARY PLAN

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

KEY MAP

SHEET 02

SHEET 03

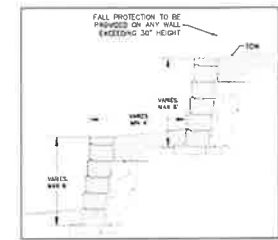
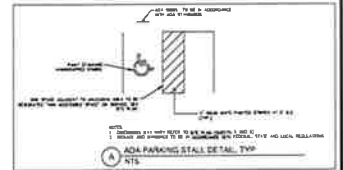
MATCHLINE: SEE SHEET 02

POWERS BOULEVARD
(200' R.O.W. PUBLIC FREEMWAY)

OWNER: DUDMAN, B. & BROS., C.
BLUESHIRT, J. & BROS., C.
PARCEL # 5500000134
USE: VARIANT LAND

LEGEND:

- PROPOSED PROPERTY LINE
- EXISTING EASEMENT
- PROPOSED PROPERTY SETBACK
- PROPOSED DRAINAGE PAV.
- PROPOSED CURB & GUTTER
- PROPOSED ACCESSIBLE WALK



- FOR REFERENCE:
1. DETAIL IS PROVIDED FOR REFERENCE TO DETECT HORIZONTAL CROSS-SECTION AND LOCATION OF TIERED RETAINING WALLS THROUGHOUT THE DEVELOPMENT
 2. STAGING MAY VARY
 3. WALLS OVER 4' TALL AND WALLS THAT ARE TIERED SHALL BE STRUCTURALLY ENGINEERED

Kimley»Horn

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COLORADO SPRINGS, COLORADO 80903 (719) 433-0180

PRELIMINARY PLAN
SHEET 03 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

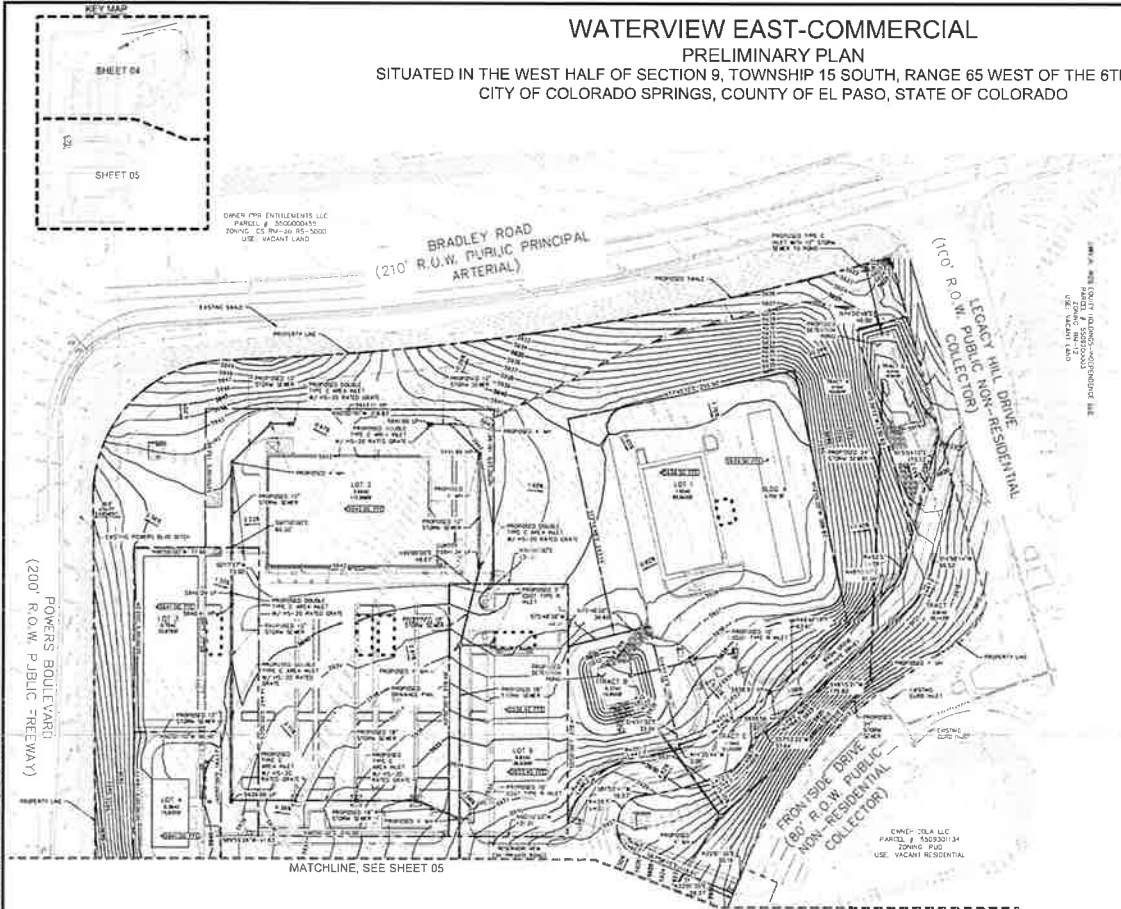
WATERVIEW EAST-COMMERCIAL

PRELIMINARY PLAN

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

LEGEND

- PROPERTY LINE
- EXISTING EASEMENT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED SLOPE
- PROPOSED TOP OF WALL ELEVATION
- PROPOSED BOTTOM OF WALL ELEVATION
- PROPOSED HIGH POINT
- PROPOSED LOW POINT
- ACCESSIBLE ROUTE
- ACCESSIBLE PARKING AND ACCESS SLOPES NOT TO EXCEED 5% IN THIS AREA
- PROPOSED STORM SEWER
- PROPOSED CURB INLET
- PROPOSED FLARED END STRUCTURE
- PROPOSED AREA INLET
- PROPOSED STORM MANHOLE
- PROPOSED CURB & GUTTER
- PROPOSED POND MAINTENANCE ROAD
- PROPOSED DRAINAGE PAN



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GRAPHIC SCALE IN FEET
0 25 50 100



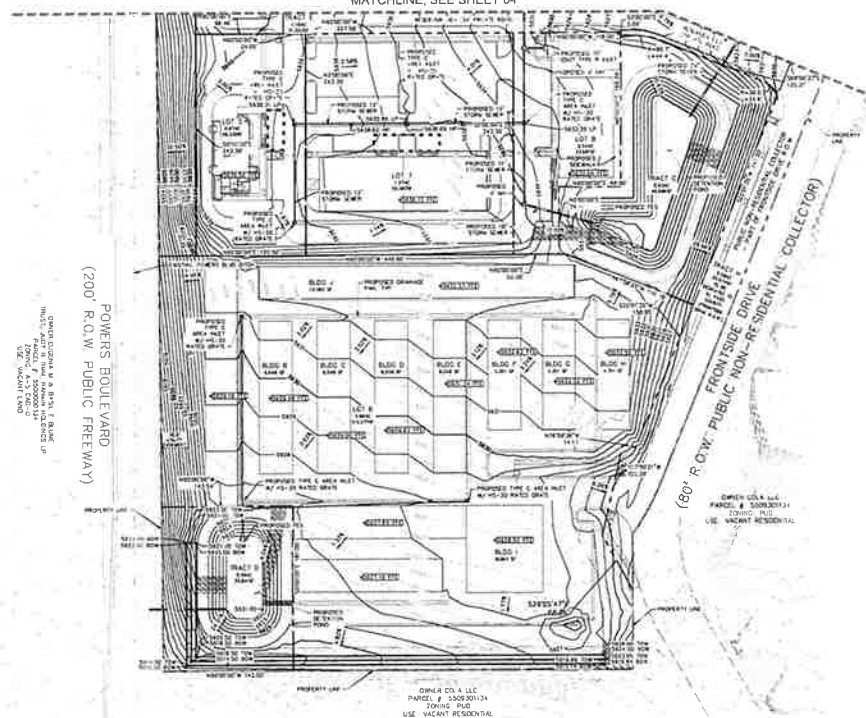
PRELIMINARY GRADING PLAN
SHEET 04 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

LEGEND

	PROPERTY LINE
	EXISTING CASEMENT
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
 100'	PROPOSED MAJOR CONTOUR
 100'	PROPOSED MINOR CONTOUR
 100'	PROPOSED SLOPE
 10'	PROPOSED TOP OF WALL ELEVATION
 10'	PROPOSED BOTTOM OF WALL ELEVATION
 10'	PROPOSED HIGH POINT
 10'	PROPOSED LOW POINT
 10'	ACCESSIBLE WALK
	ACCESSIBLE PARKING AND ACCESS SLOPES NOT TO EXCEED 5% IN THIS AREA
	PROPOSED STORM SEWER
 10'	PROPOSED CURB FLEET
 10'	PROPOSED FURNISH AND STRUCTURE
 10'	PROPOSED AREA FLEET
 10'	PROPOSED STORM MANHOLE
 10'	PROPOSED CURB & GUTTER
 10'	PROPOSED POND MAINTENANCE ROAD
 10'	PROPOSED DRAINAGE PAVE



POWERS BOULEVARD
R.O.W. PUBLIC (FREEWAY)
QUANTER ELEGANT M. & P. 10th F. QUANT
THUS, 2017, 10th F. QUANT
P. 10th F. QUANT
2017, 10th F. QUANT
USE VACANT LAND

OWNER CO. & LLC
PARCEL # 5509501134
ZONING PUO
USE VACANT RESIDENTIAL

GRAPHIC SCALE IN FEET
0 25 50 100

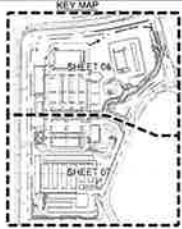


PRELIMINARY GRADING PLAN
SHEET 05 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

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PH: 800-828-6888
Fax: 800-828-6888



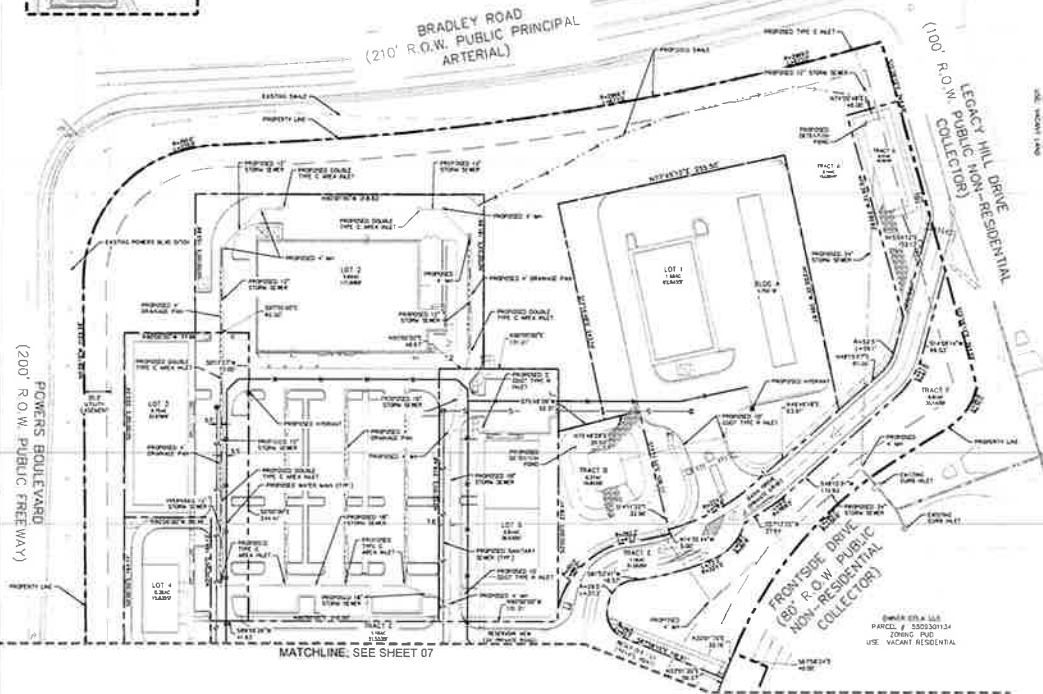
OWNER: CDM DEV. ENTERPRISES LLC
PARCEL # 1500000111
TOWNSHIP: 15S-30R-50E
USE: VACANT LAND

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

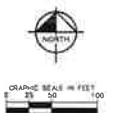
LEGEND

---	PROPERTY LINE
---	EXISTING SANITARY SEWER
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING TELEPHONE LINE
---	EXISTING PUBLIC UTILITY EASEMENT
---	EXISTING ALLEYS LINE
---	EXISTING COMMUNICATIONS LINE
---	EXISTING STORM SEWER
---	PROPOSED SANITARY LINE
---	PROPOSED SANITARY MANHOLE
---	PROPOSED WATER LINE
---	PROPOSED FIRE HYDRANT
---	PROPOSED STORM SEWER
---	PROPOSED CURB INLET
---	PROPOSED FLARED END STRUCTURE
---	PROPOSED AREA INLET
---	PROPOSED STORM MANHOLE
---	PROPOSED DRAINAGE PAN
---	PROPOSED PROPERTY STRIDE



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PRELIMINARY UTILITY PLAN
SHEET 06 OF 11

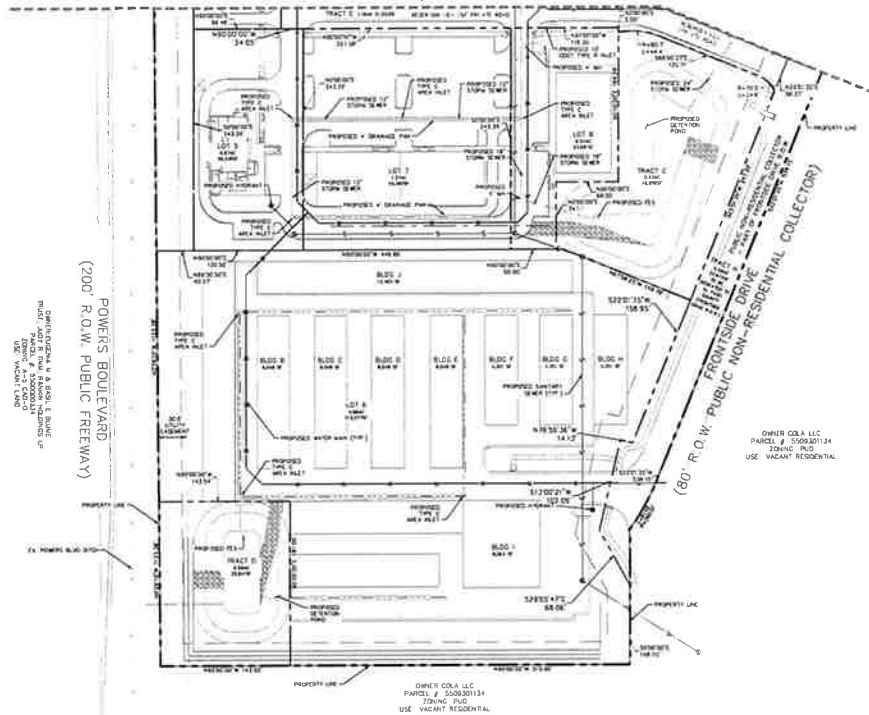
WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009



WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

MATCHLINE: SEE SHEET 06



LEGEND

- PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING TELECOM LINE
- EXISTING PUBLIC UTILITY EXEMPT
- EXISTING ELECTRIC LINE
- EXISTING COMMUNICATIONS LINE
- EXISTING SANITARY SEWER
- PROPOSED SANITARY LINE
- PROPOSED SANITARY WAREHOUSE
- PROPOSED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- PROPOSED CURB PAVEMENT
- PROPOSED FLARED END STRUCTURE
- PROPOSED AREA PAVEMENT
- PROPOSED STORM WAREHOUSE
- PROPOSED STORM SEWER
- PROPOSED STORM PAVEMENT
- PROPOSED PROPERTY SETBACK



GRAPHIC SCALE IN FEET
0 25 50 100

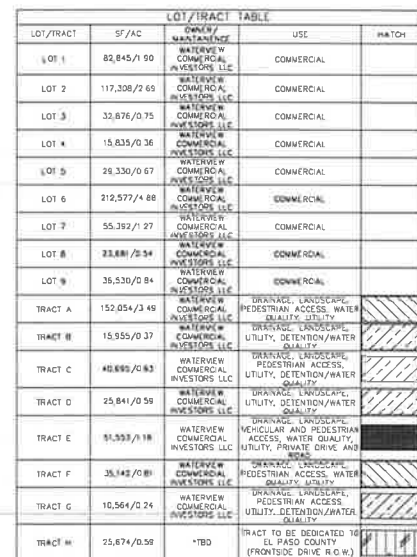
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PRELIMINARY UTILITY PLAN
SHEET 07 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO



*TBD = TRACT TO BE DEDICATED TO EL PASO COUNTY (FRONTSIDE DRIVE) UPON SUBMITTAL OF FUTURE DEVELOPMENT PLAN.
NOTE: ALL LOTS WILL CONSIST OF SHARED ACCESS AND PARKING AGREEMENTS.

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COLORADO SPRINGS, COLORADO 80921 (719) 453-0180

TRACT MAP
SHEET 08 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO





WATERVIEW EAST-COMMERCIAL **PRELIMINARY PLAN** SITUATED IN THE WEST HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

MATCHLINE; SEE SHEET 09



PLANT SCHEDULE MASTER LANDSCAPE

PLANT	QTY	REMARKS	QTY	REMARKS	QTY	REMARKS
1	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
2	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
3	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
4	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
5	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
6	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
7	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
8	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
9	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER
10	25	10' x 12' SPREADER	1	10' x 12' SPREADER	1	10' x 12' SPREADER

INTERNAL LANDSCAPING

ITEM	QTY	REMARKS
1	25	10' x 12' SPREADER
2	25	10' x 12' SPREADER
3	25	10' x 12' SPREADER
4	25	10' x 12' SPREADER
5	25	10' x 12' SPREADER
6	25	10' x 12' SPREADER
7	25	10' x 12' SPREADER
8	25	10' x 12' SPREADER
9	25	10' x 12' SPREADER
10	25	10' x 12' SPREADER

PARKING LOT LANDSCAPING

ITEM	QTY	REMARKS
1	25	10' x 12' SPREADER
2	25	10' x 12' SPREADER
3	25	10' x 12' SPREADER
4	25	10' x 12' SPREADER
5	25	10' x 12' SPREADER
6	25	10' x 12' SPREADER
7	25	10' x 12' SPREADER
8	25	10' x 12' SPREADER
9	25	10' x 12' SPREADER
10	25	10' x 12' SPREADER

LANDSCAPE SETBACKS AND BUFFERS

STREET NAME OR BOUNDARY	PLANTING R.O.W.	REAR SETBACK	FRONT SETBACK	FRONT BUFFER	FRONT BUFFER
POWERS BOULEVARD	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'
FRONTSIDE DRIVE	100'	10'	10'	10'	10'

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PRELIMINARY MASTER LANDSCAPE PLAN
SHEET 10 OF 11

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009

WATERVIEW EAST-COMMERCIAL PRELIMINARY PLAN - COUNTY FILE NO. PUDSP-22-009



COLORADO
Division of Water Resources
Department of Natural Resources

October 27, 2022

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

RE: Waterview East Commercial - Preliminary Plan
Sec. 9, Twp. 15S, Rng. 65W, 6th P.M.
Water Division 2, Water Districts 10
CDWR Assigned Subdivision No. 30517

To Whom It May Concern:

We have received the above-referenced proposal to subdivide an existing 22.1-acre tract of land into 9 commercial lots and irrigated green space. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Widefield Water and Sanitation District ("Widefield").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, and Water Demand Report provided with the submittal estimates a demand of 35 acre-feet for all intended uses in the subdivision.

Source of Water Supply

The source of water for the proposed development is to be served by the Widefield Water and Sanitation District. A letter of commitment dated August 9, 2022 from Widefield was provided with the materials and indicated that 31.15 acre-feet are committed to the proposed subdivision. The letter also notes Widefield's commitment to provide wastewater disposal.

According to the records of this office, Widefield has sufficient water resources to supply this development as described above.

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)(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 or the applicant have questions regarding any of the above, please feel free to contact me directly.

Sincerely,



Ivan Franco, P.E.
Water Resources Engineer

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

County Attorney

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

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

August 29, 2023

SP-22-9 Waterview East-Commercial
Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Waterview Commercial Investors, LLC ("Applicant"), to subdivide an approximately 22.1 +/- acre parcel into 9 commercial lots. The property is zoned CAD-O (Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the Applicant estimated its annual water needs to serve this subdivision at 31.15 acre-feet/year, which equates to 3.46 acre-feet per year per lot and is comprised of 13.6 annual acre-feet for commercial/industrial use and 17.55 annual acre-feet for irrigation. Based on these figures, the Applicant must provide a supply of 9,345 acre-feet of water (31.15 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Widefield Water and Sanitation District ("District"). As described in the Engineering Study for Waterview East – Commercial Preliminary Plan Water System Improvements dated July 10, 2023 ("*Report*"), the District's water supply is sourced from a number of groundwater and surface water sources. The *Report* indicates that "the district is capable of servicing Waterview East - Commercial."

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

4. The District provided a letter of commitment for Waterview East-Commercial dated August 9, 2022, in which the District committed to providing water service for the 9 commercial lots, for an annual water requirement of 31.15 acre-feet.

State Engineer's Office Opinion

5. In a letter dated October 27, 2022, the State Engineer reviewed the application to subdivide the 22.1 +/- acres into 9 commercial lots. The State Engineer stated that "[a]ccording to records of this office, Widefield has sufficient water resources to supply this development. . ." Further, the State Engineer stated 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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Waterview East-Commercial is 31.15 acre-feet per year for a total demand of 9,345 acre-feet for the subdivision for 300 years, to be supplied by Widefield Water and Sanitation District. **Based on the District's commitment to serve this subdivision and the State Engineer's conclusion that the District has sufficient water to provide such service, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Waterview East-Commercial.**

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated July 10, 2023, the *Widefield Water and Sanitation District* letter dated August 9, 2022, and the *State Engineer Office's Opinion* dated October 27, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Ryan Howser, Project Manager, Planner

Waterview East Commercial, SP-22-9

Please accept the following comments from El Paso County Public Health for the final plat referenced above:

- **The 22.1-acre site with 9-commercial lots will be provided water by Widefield Water and Sanitation 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 #CO0121900). There is an 09August2022 Letter of Commitment to supply water from Widefield Water and Sanitation District included.**
- **Wastewater service will be provided by Widefield Water and Sanitation District. Per the 09August2022 Letter of Commitment from Widefield Water and Sanitation 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.**
- **The water quality detention basins must have mosquito control responsibilities included as a part of the maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**
- **Earthmoving activity more than one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.**
- **El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to commercial areas using sidewalks, and bike trails. Walkability features help reduce obesity and associated heart diseases.**
- **Interior finish plans for all El Paso County Public Health regulated facilities must be submitted to El Paso County Public Health for review and approval prior to commencement of the project. Contact El Paso County Public Health at 719-578-3199, option 3.**

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
21October2022

PRELIMINARY PLAN (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP229

WATERVIEW EAST COMMERCIAL

WHEREAS, Waterview Commercial Investors, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for the proposed Waterview East Commercial Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 21, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

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

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code (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 Code;
3. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
10. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services

consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

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

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

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

CONDITIONS

- ~~1. Applicable traffic, drainage and bridge fees shall be paid with each Final Plat.~~
2. Applicable school and park fees shall be paid with each Final Plat.
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 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on

all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 29, 2023, as provided by the County Attorney's Office.
6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 4 of the Waterview East Commercial Traffic Impact Study and Access Analysis, to be verified with an updated traffic impact analysis or memorandum as appropriate with the Final Plat.
7. All engineering reports and plans associated with this Preliminary Plan application shall be approved by the Department of Public Works prior to the Board of County Commissioners hearing.

NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
4. The applicant shall coordinate with City of Colorado Springs to determine their fair share escrow amount for the installation cost of the traffic signal at the Bradley Road and Legacy Hills Drive intersection. This shall be completed with the Final Plat for this site.
5. The applicant will be required to obtain a CDOT Access Permit for offsite improvements to Powers Boulevard.

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 Schuettpelz	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 21st day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH PM, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID BRADLEY ROAD;

1) THENCE S89°30'29"W A DISTANCE OF 3.77 FEET TO A POINT OF CURVE TO THE LEFT;

2) THENCE ON SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, AN ARC LENGTH OF 730.29 FEET, A DELTA ANGLE OF 15°09'41" WHOSE LONG CHORD BEARS S81°55'38"W A DISTANCE OF 728.16 FEET;

3) THENCE S74°20'48"W A DISTANCE OF 930.15 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY S15°39'12"W A DISTANCE OF 394.68 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT WHOSE RADIAL BEARS N75°43'37"W;

THENCE ON SAID CURVE, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 56.94 FEET, A DELTA ANGLE OF 43°29'55" WHOSE LONG CHORD BEARS S36°01'21" W A DISTANCE OF 55.58 FEET;

THENCE S57°46'18"W A DISTANCE OF 68.47 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 280.72 FEET, A DELTA ANGLE OF 35°44'30" WHOSE LONG CHORD BEARS S39°54'03"W, A DISTANCE OF 267.19 FEET;

THENCE S67°58'24"E A DISTANCE OF 40.00 FEET;

THENCE S22°01'36"W A DISTANCE OF 538.15 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 61.46 FEET, A DELTA ANGLE OF 13°32'35", WHOSE LONG CHORD BEARS S28°47'53"W A DISTANCE OF 61.31 FEET;

THENCE S00°00'00"W A DISTANCE OF 148.75 FEET;

THENCE N90°00'00"W A DISTANCE OF 515.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT- OF-WAY LINE OF POWERS BOULEVARD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472 (NOW HIGHWAY 21);

THE FOLLOWING FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY:

1) THENCE N00°29'10"W A DISTANCE OF 1123.38 FEET TO A POINT OF CURVE TO THE RIGHT;

2) THENCE ON SAID CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 229.91 FEET, A DELTA ANGLE OF 87°49'03", WHOSE LONG CHORD BEARS N43°25'21"E A DISTANCE OF 208.05 FEET;

3) THENCE N87°19'53" E A DISTANCE OF 53.06 FEET TO A POINT OF CURVE TO THE LEFT;

4) THENCE ON SAID CURVE, HAVING A RADIUS OF 2,969.79 FEET, AN ARC LENGTH OF 673.03 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS N80°50'20"E A DISTANCE OF 671.59 FEET;

5) THENCE N47°20'48"E A DISTANCE OF 21.87 FEET TO THE POINT BEGINNING.

PARCEL CONTAINS 963,596 SQUARE FEET OR 22.121 ACRES MORE OR LESS.

