

EL PASO COUNTY

COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
 Brian Risley, Chair

FROM: John Green, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director

RE: Project File #: P-20-004
 Project Name: Upland Flats by Watermark Rezone
 Parcel No.: 53324-04-001

OWNER:	REPRESENTATIVE:
Feathergrass Investments, LLC 4715 North Chestnut Street Colorado Springs, CO 80907	Thompson Thrift Development, Inc. d/ba Watermark 111 Monument Circle Suite 1600 Indianapolis, IN 46204

Commissioner District: 2

Planning Commission Hearing Date:	4/15/2021
Board of County Commissioners Hearing Date:	5/11/2021

EXECUTIVE SUMMARY

A request by Feathergrass Investments, LLC, for approval of a map amendment (rezone) of a 15.39-acre tract from CS (Commercial Service) to the RM-30 (Residential Multi-Dwelling). The tract is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersection and is within Section 32, Township 13 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a small area plan.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Feathergrass Investments, LLC, for approval of a map amendment (rezone) of a 15.39-acre tract from CS (Commercial Service) to the RM-30 (Residential Multi-Dwelling).

Waiver(s)/Deviation(s): There are no waivers associated with the map amendment (rezone) request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

- A. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- B. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North:	M (Industrial)	Warehousing
South:	CS (Commercial Service)	Vacant
East:	City of Colorado Springs	Vacant

West: CS (Commercial Service)

Vacant

E. BACKGROUND

The 15.39-acre property was zoned A-2 (Agricultural) at the time of initial zoning for this portion of El Paso County on September 21, 1965. It was then subsequently rezoned to M-1 (Industrial) in 1975. Due to changes in the nomenclature of the Land Development Code, the M-1 zoning district is now known as the CS (Commercial Services) zoning district. The property was platted as Tract DD of Hannah Ridge at Feathergrass Filing No. 1 on June 11th, 2014 (Plat no. 13468).

F. ANALYSIS

1. Land Development Code Analysis

The subject property is adjacent to existing commercial and industrially zoned properties. Specifically, the parcels located directly west and south of the subject property are zoned CS (Commercial Service) and are currently not developed. The parcel located southeast of the subject property is also zoned CS and is developed with a financial office. The parcel located north of the subject property is zoned I-2 and is developed with an industrial supply company. In the context of the surrounding neighborhood, the subject property is located near higher-density residential development. Specifically, the Feathergrass Ridge development is located approximately one-eighth of a mile northwest of the subject property and is developed with single-family residential lots averaging 6,000 square feet in size. Approximately one-eighth of a mile to the east of the subject parcel within the City of Colorado Springs and across Marksheffel Road, is The Sands residential development consisting of single-family residential lots averaging 5,500 square-feet. Approximately one-quarter of a mile west of the subject property, near the intersection of Constitution Avenue and Shawnee Drive, is the Cherokee Park Townhomes development consisting of single-family attached dwellings zoned RM-30 with an average residential lot size of 750 square feet.

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

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

2. Zoning Compliance

The applicant is requesting to rezone 15.39 acres to the RM-30 (Residential Multi-Dwelling) zoning district. The RM-30 (Residential Multi-Dwelling) zoning district is intended to accommodate high density multi-family residential developments. The density and dimensional standards for the RM-30 (Residential Multi-Dwelling) zoning district are as follows:

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

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

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

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

The area included in the map amendment (rezone) request is comprised of 15.39 acres, which exceeds the 5,000 square-foot minimum lot size requirement of the RM-30 zoning district. A site development plan will be required prior to initiation of any multi-family use prior to building permit authorization to ensure that the development complies with the dimensional standards of the RM-30 zoning district as well as the General Development Standards in Chapter 6 of the Code and the requirements of the Engineering Criteria Manual.

3. Policy Plan Analysis

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

Goal 13.2 - *Encourage a diversity of affordable housing types throughout the unincorporated county to meet the housing need for the people who work in our communities.*

Goal 13.2 - *Encourage a diversity of affordable housing types throughout the unincorporated county to meet the housing need for the people who work in our communities.*

Policy 13.2.6 - *Consider higher densities for affordable housing when located in association with available services.*

The proposed map amendment (rezone) is intended to accommodate future multi-family residential development on the property. Specifically, the applicant has stated that the proposed multi-family development would contain approximately 300 dwelling units within nine (9) three-story multi-family dwellings. The subject parcel is located within an existing commercial and industrial corridor within the County and is in the immediate vicinity of high-density single-family residential subdivisions. The subject property is surrounded by properties zoned CS but is also within one-quarter (1/4) of a mile of higher intensity urban residential land uses. Additionally, a large retail shopping center is located directly southeast of the subject property across the intersection of Marksheffel Road and Constitution Avenue, providing commercial services and employment opportunities for future residents.

The proposed map amendment (rezone) provides a transition between the existing commercial and industrial uses surrounding the intersection of Constitution Avenue and Marksheffel Road and the single-family residential uses located northwest and east of the subject property. Additionally, the proposed development on the property provides varied housing options in the neighborhood, which is consistent with specific goals outlined in the Policy Plan. The proposed development is located near adequate services and is consistent with the character of the neighborhood.

Should the map amendment (rezoned) be approved, a site development plan(s) will be required prior to building permit authorization for any multi-family development. The site development plan must demonstrate compliance with the dimensional standards of the RM-30 zoning district as well as the development standards included in Chapter 6 of the Land Development Code. Some of these standards include landscaping, lighting, signage, and parking standards. The purpose of the site development plan review is to ensure the development is functionally and aesthetically integrated within the context of adjoining properties and uses through proper planning techniques and utilization of appropriate site-specific screening and buffering mechanisms as required by the Land Development Code.

4. Small Area Plan Analysis

The subject property is not located within an adopted small area plan boundary.

5. Water Master Plan Analysis

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

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

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

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

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

The subject parcel is in Region 5 of the El Paso County Water Master Plan and is within the Cherokee Metropolitan District service area. Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396 -acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected demand is 6,468-acre feet. The 2060 water supply is projected to be 10,131-acre feet per year, whereas the demand is anticipated to be 9,608-

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

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. The property is currently platted as a Tract and cannot be developed for multi-family use. However, staff is currently reviewing an application (File# SF-21-012) to re-plate the existing tract into a lot that would support future development. A sufficiency of water finding is required with the plat application and is currently under review. The property that is the subject of the proposed map amendment (rezone) is proposed to be served by the Cherokee Metropolitan District. Should the request be approved, a site development plan application will be required to initiate any multi-family use on the property.

6. Other Master Plan Elements

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the proposed map amendment (rezone).

2. Wildlife

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

3. Floodplain

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

4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezone) requests but will be due at the time of final plat recordation. A grading and erosion control plan, in addition to a stormwater management plan, will be reviewed with any subsequent site development plan application. A final drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development has been submitted with the final plat application and is currently under review.

5. Transportation

The property is located at the northeast corner of the Constitution Avenue and Akers Drive intersection. There is a current effort by El Paso County to transfer ownership and maintenance of Constitution Avenue and Marksheffel Road in this area of the County to the City of Colorado Springs. If the roadways are transferred before this site develops, the City will have authority over any proposed or required improvements along these roadways. The City of Colorado Springs Public Works Department has provided an outside agency review on this project. They have indicated that they do not have any comments on this map amendment (rezone) request.

The traffic study submitted with the map amendment (rezone) application identifies that access to the site will be provided from Akers Drive. One full-movement access serving as an extension of Hunter Jumper Drive is proposed. The second access is proposed as a right-in/right-out south of Hunter Jumper Drive. Off-site improvements consisting of auxiliary lanes at the proposed access points were also recommended. Further staff analysis of the proposed access points and improvements will be performed with review of the construction documents associated with the concurrently reviewed final plat.

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

H. SERVICES

1. Water

Central water service is provided by Cherokee Metropolitan District.

2. Sanitation

Central wastewater service is provided by Cherokee Metropolitan District

3. Emergency Services

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

4. Utilities

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

5. Metropolitan Districts

The subject parcel is included within the boundaries of Cherokee Metropolitan District. The Cherokee Metropolitan District provides centralized water and sanitation services to residents of the District. Additionally, the subject property is part of the Constitution Heights Metropolitan District, which was formed in 2004 (PCD File No. ID04005). Neither district collects an ad valorem (property tax) mill levy.

6. Parks/Trails

The 2013 El Paso County Parks Master Plan shows the proposed Marksheffel Road Bicycle Route along the east side of the subject property. The bicycle route will be located within the Marksheffel Road right-of-way and would not be impacted by the anticipated development of the property. There is a proposed trail that may be impacted by this project. The proposed City of Colorado Springs North Chelton Road to North Academy Urban Trail is shown along the south end of the proposed development. It is recommended that the developer work with the City of Colorado Springs regarding this proposed trail. Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application but will be required with the recording of the concurrent plat application currently under review by County staff.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

Approval Page 27

Disapproval Page 28

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 10 adjoining property owners on March 31, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

El Paso County Parcel Information

File Name: P-20-004

PARCE	NAME
5332404	FEATHERGRASS INVESTME

Zone Map No. --

Date: March 24, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 12 (719) 520-6600



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SEPTEMBER 28, 2020

REVISED, February 25, 2021

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

FEATHERGRASS INVESTMENTS, LLC
4715 N. CHESTNUT ST
COLORADO SPRINGS, CO 80907
90 S. CASCADE AVENUE, SUITE 1500
COLORADO SPRINGS, CO 80903

APPLICANT

WATERMARK RESIDENTIAL
111 MONUMENT CIRCLE, SUITE 1600
INDIANAPOLIS, IN 46204

PLANNING

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

TRANSPORTATION ENGINEERING (TRAFFIC IMPACT STUDY)

SM ROCHA, LLC TRAFFIC AND TRANSPORTION CONSULTANTS
8703 YATES DRIVE, SUITE 210
WESTMINSTER, CO 80031

TRANSPORTATION ENGINEERING (SOUND WALL/NOISE STUDY)

KIMLEY-HORN, & ASSOCIATES
4582 South Ulster Street, Suite 1500
Denver, CO 80237

SURVEYING

Barron Land Surveying
2790 N. Academy Blvd., Suite 311
Colorado Springs, CO 80917

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The 15.39-acre parcel (TSN: 53324-04-001) is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersections. The site is also adjacent to Akers Drive at its terminus with Constitution Avenue on the westernmost site boundary. (See vicinity map for location/site details).

REQUEST

The owner/applicant(s) request approval of a map amendment (rezoning) to rezone 15.39 acres identified as Tract DD Hannah Ridge at Feathergrass Filing No. 1 (TSN: 5332404001) from the CS CAD-O (Commercial Service District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) District in support of a 300 unit multifamily development. The planned community includes: nine (9) mid-rise, three (3) story multifamily unit buildings, covered (carport) and uncovered surface parking, detached parking garages, office, club house, swimming pool, landscaping, open spaces, and active and passive recreational amenities.

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

- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
 - Front 25-feet
 - Side/Rear: 15-feet
 - The minimum distance between buildings shall be 10 feet.
- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:
 - Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet of Constitution Ave/Marksheffel Rd frontages)
 - Non-Arterial: 10 feet (1 tree/30 feet of Akers Drive frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
 - 15-feet along frontages adjacent to single-family residential uses
 - 15-feet along residential boundary where compatibility is a concern
 - 1 tree/25-feet of common property line
 - A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
 - A minimum of 15% of the lot or parcel shall be landscaped.
 - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

All future rezoning, subdivision, and/or development applications will be subject to the restrictions and limitations of the Commercial Airport District Overlay. The subsequent preliminary plan and final plat will clarify zone district boundaries with respect to ROW dedications and improvements, stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks.

JUSTIFICATION

The applicant requests approval of the rezoning based on findings of consistency and general conformance with the following:

- A. *The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;***

The property was zoned CS from the M zone (PCD File No. CS-07-001) in 2007. At that time, the Hannah Ridge Sketch Plan (PCD File No. SKP-05-001) identified future development of the current site as commercial with planned multifamily land uses (RM-30 density) adjacent to the site located along the west side of the Akers Drive frontage. These multifamily land uses were reduced from 14 acres to approximately 12 acres. The multifamily land uses (RM-30 max density) were also relocated to the Constitution Avenue frontage. The multifamily zoning was amended by the Midtown Collection at Hannah Ridge (PCD File No. PUDSP-19-4) PUD, which refined previous sketch plan to authorize higher density single-family detached housing.

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

The proposed rezone is in general conformance with the EL Paso County Master Plan as discussed in detail below. There has also been a substantial change in the character of the area from primarily industrial and single-family to mixed land uses that incorporate commercial, industrial, single & multifamily densities together along the adjacent Marksheffel/Constitution corridors. Master Plan conformity will be discussed in terms of general conformity with the El Paso County Water Master Plan and the EL Paso County Policy Plan.

WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

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

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

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

Estimated water demand and corresponding District service commitments for the multifamily project is 70.8 AFY delineated as follows:

Type	AFY
Domestic	60.0
Irrigation	10.1
Pool/Building	0.7
Total	70.8

See attached Water Provider’s report for proposed Watermark at Constitution Apartments provided by the District attached to this letter of intent for additional district information regarding supplies, resources, overall district commitments, and District facilities, recent water acquisitions/losses, and capital improvements.

POLICY PLAN CONSIDERATIONS:

The area is not within the boundaries of any small area comprehensive plan. However, the development is subject to findings of general conformance with the El Paso County Policy Plan. Relevant policies and recommendations with discussion has been provided for review consideration to make recommendations for findings of general conformance with the Master Plan.

Issue 13.1 Accommodate Housing Submarkets:

“Although there are several areas of the unincorporated County which are potentially available for multifamily housing, opportunities in many sub-areas are limited. Reasons for this include lack of appropriate infrastructure, limited market incentives over the past decade, dependence on reliable transportation, and resistance by many residents of the County to the increased densities associated with multi-family housing.”

- **Goal 13.1 Encourage an adequate supply of housing types to meet the needs of county residents.**
- **Policy 13.1.1 Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.**
- **Policy 13.1.2 Support the provision of land use availability to meet the housing needs of county residents.**

The proposed rezone and development of multi-family housing will meet the current regional demand for workforce, affordable, and attainable housing. Rent/lease prices will be market rate which are comparable to rent rates for similarly aged communities that provide similar unit and community amenities. Approval of the proposed rezone creates available land that has been properly zoned for multifamily housing.

ISSUE 13.2 meet Affordability needs

The policy plan provides the context for the use of the terms “affordability” and “affordable housing” as used in the plan discussions by creating the following distinction between affordable and low income housing as follows:

Affordable Housing

Housing which is priced at or below the level where it can be purchased or rented by households with incomes equal to the County median average. Due to changes in the local and national economies and the housing market, this is a dynamic definition.

Low Income Housing

Housing that is provided to households with below average incomes through various targeted subsidies.

- **Goal 13.2 Encourage a diversity of [affordable housing](#) types throughout the unincorporated county to meet the housing need for the people who work in our communities.**
- **Goal 13.2 Encourage a diversity of affordable housing types throughout the unincorporated county to meet the housing need for the people who work in our communities.**
- **Policy 13.2.1 Encourage incentives, such as flexible development standards through logical modifications to zoning, subdivision regulations, building codes, water/sewer fees, etc., as market incentives to provide housing that fall within the housing affordability index of 100.0 to balance the discrepancy between the cost for affordable housing and average annual wage.**
- **Policy 13.2.6 Consider higher densities for affordable housing when located in association with available services.**

The proposed multifamily housing development will provide an additional 300 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near employment centers and which is conveniently located to major transportation thoroughfares which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region.

Required urban services including, but not limited to water & wastewater, natural gas, electric, telecommunications including internet, public safety (police, fire, EMS), public schools, and parks, open spaces, and trails are available and currently serving adjacent and nearby residential, commercial, industrial, military, and public land uses.

- **Policy 13.2.7 Periodically review the Land Development Code and other pertinent regulations to ensure that they adequately address changing technical and market conditions.**
- **Policy 13.2.7 Encourage the issuance by the County of tax-exempt bonds to provide lower interest rates for first-time homebuyers or developers of multifamily projects. The applicant is actively engaged with the El Paso County Economic Development Department to coordinate participation in County housing and finance programs.**
- **Policy 6.1.1 - Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.**

The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses.

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

- ***Policy 6.1.2 - Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.***
- ***Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.***

Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utilities for be coordinated with the associated districts and providers as required.

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

Required zoning district, use to use, roadway, and use specific landscape buffers, setbacks, screening, open space, and/or landscape planting requirements will be identified on all preliminary plan and final plat maps and included in subdivision improvements and financial assurances as required by Code or Condition of Approval to mitigate any unique circumstance.

- **Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.**
 Necessary urban services are currently available to meet the use demands of the proposed development, specifically the multifamily demands for urban services (e.g. water/wastewater, fire protection, police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and infrastructure. The subdivision and subsequent site development plan review will identify system or service deficiencies as well as clarify specific development demands of which the service providers will express respective needs in order to meet projected demands.
- **Policy 6.1.6 - Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.**
 Necessary urban level services including, but not limited to water/sewer, stormwater, electric, natural gas, police, fire and EMS, schools, parks and open spaces, and other public facilities and services are currently delivered to residential, commercial, and light industrial properties adjacent to this proposed development. Subsequent subdivision and site development plan applications will provide detailed reports and plans regarding service availability and delivery infrastructure.
- **Policy 6.1.11 – Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.**
 The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character

attractiveness of the area through contemporary building facades and private architectural design standards.

- **Policy 10.1.2 - Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.**
Water and wastewater services for properties within the rezone will be provided by Cherokee Metropolitan District Service. Existing distribution and service lines are located adjacent to the site and are adequately sized to deliver water and wastewater to the proposed development. See also additional discussion on Conformance with the County Water Master Plan.

B. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;

The application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.

C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and

The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions. The proposed RM-30 zoning and land uses are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment. Surrounding land uses and zoning include the following:

NORTH (LOCATED ON EAST SIDE OF AKERS DRIVE)

- WHOLESALE CONSTRUCTION SUPPLY
- ASPHALT RECYCLING FACILITY
- CONSTRUCTION EQUIPMENT STORAGE
- PUBLIC FACILITIES (COUNTY PUBLIC WORKS)
- INERT MATERIAL STOCKPILING/STORAGE
- ASPHALT/CONCRETE PROCESSING

WEST: (INCLUDING RESIDENTIAL DEVELOPMENTS AND DENSITIES FOLLOWING AKERS NORTHERLY LOCATED ON THE WESTERN SIDE OF AKERS DRIVE.

- HANNAH RIDGE AT FEATHERGRASS FILING NOS 1-7
- MIDTOWN COLLECTION AT HANNAH RIDGE

SOUTH

- Urban Collection at Hannah Ridge
- Wilshire Residential PUD
- Light to Heavy Industrial Uses on the west side of Marksheffel southerly along Marksheffel corridor

SOUTHEAST

- Claremont Ranch Filing 9 – Regional Commercial retail center

- Claremont Ranch (multiple residential filings)
EAST
- SAND HILL COMMERCIAL – NE CORNER &
- SANDS SINGLE-FAMILY RESIDENTIAL (NORTH OF SAND HILL COMMERCIAL ON EAST SIDE OF MARKSHEFFEL

D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the County Code. Planned multifamily uses, which represent a downzoning from the permitted uses under the current CS (CAD-O) retail, wholesale or service commercial oriented zoning.

The site is located adjacent to existing utility infrastructure and service lines. No major utility improvements or upgrades are anticipated in order to adequately serve the site.

Suitability of the site for development in terms of geology, service availability, environmental impacts, major land use impacts, aviation overlay impacts, and military adjacency considerations and mitigation of associated impacts will be documented with subsequent subdivision plat and site development plan applications.

The subject site consists of vacant, undeveloped land, and is vegetated with natural grasses, weeds, yucca, and cacti. There were some deciduous trees along the south property line. The site slopes gently down to the southeast, and there was roughly 25 feet of elevation different across the property.

Preliminary soils and geology testing performed in support of the planned development provide recommendations that multi-unit buildings be constructed with shallow foundation systems with partial overexcavation of any underlying expansive materials. Overexcavation of any existing fill would perform adequately if the recommendations provided in this report are followed. Preliminary studies estimate low risk for excessive foundation movement for shallow foundation systems supported by nonexpansive material.

The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development and performance criteria, any conditions of approval imposed by the BOCC.



CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

Water Provider's Report for proposed Watermark at Constitution Apartments

January 29th, 2020

Commitment 2021-01

This document has been prepared to satisfy the requirements of El Paso County for a Water Provider's Report in support of **Watermark at Constitution at the northwest corner of Marksheffel Road and Constitution Avenue.**

Introduction

Cherokee Metropolitan District (CMD) is a Title 32 special District which provides water and wastewater to a 5000-acre enclave of unincorporated El Paso county surrounded by the City of Colorado Springs. Currently CMD serves approximately 7000 residential taps and 600 commercial taps in addition to bulk users in eastern El Paso County including Schriever Air Force Base and several small developments located along State Highway 94.

CMD water is sourced entirely from groundwater in two regions. The majority is recovered from the alluvial Upper Black Squirrel (UBS) Aquifer in eastern El Paso County through 20 wells. The remainder is sourced from two wells in deep bedrock aquifers in the northern part of the county on the “Sundance Ranch” property. Water from eight of the 20 wells in the eastern part of the county can only be used to serve a fixed list of customers. Water for the main service area of CMD comes only from the remaining 12 wells in UBS along with the two wells in Black Forest.

Calculation of Anticipated water Demand

Water demand for the proposed apartment complex was calculated in three parts: domestic residential use, outdoor irrigation, and pool with associated building. The domestic use was estimated by multiplying the El Paso County multi-family presumptive use value of 0.2 acre-feet per year (AFY) by the 300 anticipated units, yielding 60.0 AFY for domestic use. The outdoor irrigation estimate used both El Paso County’s water use estimate per square foot of fully irrigated land and Northern Water’s estimated water use per square foot for xeriscaped land. Taking into account the relative areas anticipated to be under conventional irrigation, xeriscaped irrigation, and no irrigation, the irrigation demand across the property is expected to be at most 10.1 AFY. The water use of the pool was estimated by taking its anticipated area and applying an annual evaporation rate for the Colorado Springs area. The associated building’s water use was estimating with the El Paso County presumptive commercial use value to yield 0.7 AFY combined demand from the pool and building. This yields a total estimated water demand of 70.8 AFY (Table 1).

Table 1: Estimated water demand for the subject development

Type	AFY
Domestic	60.0
Irrigation	10.1
Pool/Building	0.7
Total	70.8

Water Supplies

Cherokee has eight wells that are restricted to serving a maximum of 653 AFY to specified in-basin customers. Excess allocation for these wells is unavailable for new developments, even if they are inside the Basin, so this water is tracked separately from CMD's general supply portfolio. CMD's other alluvial wells are available for export outside the UBS basin. The total annual volume available to CMD from these exportable supplies is 3,985 AFY (Table 2). The physical yield of these wells is significantly higher than their annual appropriation, allowing flexibility in satisfying summer peak demand.

Table 2: Water rights and tributary status of Exportable Wells

Well Number	Water Right (AFY)	2019 Use (AFY)	Permit Number	Aquifer	Aquifer Status
Well 9	176	132	14145-FP-R	UBS Alluvium	Tributary
Well 10	176	108	14146-FP-R	UBS Alluvium	Tributary
Well 11	244	161	6821-FP-R	UBS Alluvium	Tributary
Well 12	244	149	11198-FP	UBS Alluvium	Tributary
Well 13	1268	975	49988-F	UBS Alluvium	Tributary
Well 14	0	0	52429-F	UBS Alluvium	Tributary
Well 15*	281	145	54070-F	UBS Alluvium	Tributary
Well 16*	219	123	54069-F	UBS Alluvium	Tributary
Well 17*	175	151	63094-F	UBS Alluvium	Tributary
Well 18	225	138	16253-RFP-R	UBS Alluvium	Tributary
Well 19	95	79	20567-RFP-R	UBS Alluvium	Tributary
Well 20	400	38	4332-RFP	UBS Alluvium	Tributary
Well 21	290	0	81782-F	UBS Alluvium	Tributary
DN-4**	110	110	78315-F	Denver Aquifer	Non-Tributary
AR-1***	147.7	155	75881-F	Arapahoe Aquifer	Non-Tributary
Total	3984.7	2464			

*Wells 15-17 can produce a total of 609 AFY instead of their nominal total of 675 AFY. This limitation is reflected in the 3984.7 AFY total available production

**CMD holds additional water rights in the Denver Aquifer associated with the Sundance Ranch property but this particular well has a maximum annual recorded yield of 110 AFY

***As of December 2019 AR-1 has 2040 AF of banked water which allows actual pumping to exceed allocation on a limited basis

CMD is developing owned water supplies to increase available water and improve flexibility in provision of summer peak flows. By the end of 2020, these new wells will contribute 458 AFY of capacity to the CMD system (Table 3) for a total of 4,443.0 AFY. Since 2011, actual demand from CMD customers has fallen 30-35% below commitments, partially due to some currently

committed developments being incomplete but largely due to water saving measures undertaken by CMD customers.

Table 3: New water supplies slated for completion in 2020

Well Number	Water Right (AFY)	Permit Number	Aquifer	Aquifer Status
Albrecht Well	153.5	27571-FP	UBS Alluvium	Tributary
DA-1	40.3	83604-F	Dawson	Not Non-Tributary
DA-4	64.5	83603-F	Dawson	Not Non-Tributary
AR-1 Expansion	200	75881-F	Arapahoe	Non-Tributary
Total	458.3			

By the end of 2020, CMD will have a total of 4,443 AFY of exportable water supplies sourced from alluvial and deep bedrock aquifers. Further development in the Denver Basin is not planned at this time and instead CMD is focusing on acquiring new renewable supplies proximate to existing infrastructure.

Water Commitments

CMD’s water commitments stand at 4,033 AFY before the addition of the proposed development. These commitments are broken down below in Table 4. 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 CMD’s general supply portfolio. The “Tipton” water right corresponds to CMD’s Well 18.

Table 4: CMD Commitments before addition of new development

Commitments	AFY
In-District (2015)	2693
Committed Since 2015	419.2
Schriever Air Force Base	537
Kane	200
Tipton	225
Construction	25
Parks	25
Total	4124.2

Water Balance

With 4,443.0 AFY of exportable supply and 4,033 AFY of commitments, CMD has a water balance of 318.8 AFY before the subject development. After commitment of 70.8 AFY to this development, the District will have 248.0 AFY remaining for additional commitments.

Table 5: Water balance with new development

Water Balance Before New Commitment	318.8 AFY
New Commitment: Watermark at Constitution	70.8
Water Balance Remaining	248.0 AFY

Wastewater Treatment

The wastewater treatment requirements of this development will be satisfied by Cherokee Metropolitan District via its 2.6 Million Gallon per Day (MGD) share of a joint wastewater treatment plant southeast of Schriever Air Force Base. Conservatively estimating that 100% of domestic flows go to wastewater, this development is expected to produce 54,000 gallons of wastewater per day. This is equivalent to 2% of CMD's wastewater treatment capacity and is in line with expected District buildout.

Other Relevant District Information

Recent Water Acquisitions/Losses

CMD has not acquired any new water rights since 2015 but has been developing owned water rights into production wells. CMD has not engaged in any water trades nor lost any water rights in the last year. The District is not currently under contract to purchase new water rights although CMD is investigating purchases of renewable water rights proximate to its existing infrastructure on an ongoing basis.

New Augmentation Plans

CMD is currently pursuing a replacement plan in partnership with Meridian Service Metropolitan District (MSMD) in order to maximize the efficiency of its water supplies.

Major Water System Capital Improvements

CMD has been actualizing owned water by drilling wells and beginning production on several well sites. In February of 2020 CMD brought the Sweetwater 5 well (81782-F) online after a year of planning and construction. In the next 6 months it is expected that the “Albrecht Well” (27554-FP) will be brought online providing an additional 153.5 AFY of water.

CMD recently expanded production from well AR-1 (75881-F), its only well in the Arapahoe aquifer, and will soon install pumps in two existing wells in the Dawson Aquifer (83603-F & 83604-F). Beyond these projects, additional well construction in the Denver Basin is not anticipated at this time, although CMD has a substantial amount of undeveloped water rights in the Denver Basin Aquifers.

Existing CMD wells have had a series of upgrades to improve quality and efficiency within in the last year. More incremental improvements in the distribution system to improve reliability and resiliency include deeper computer integration, well rehabilitations, upgrades to treatment systems, and emergency generator refurbishment.

