

**EL PASO COUNTY**  
  
**COLORADO**

COMMISSIONERS:  
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 CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM: Kari Parsons, Planner III  
 Jeff Rice, PE Engineer III  
 Craig Dossey, Executive Director**

**RE: Project File #: SF-21-012  
 Project Name: Upland Flats at Watermark Filing No. 1 Final Plat  
 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:	6/3/2021
Board of County Commissioners Hearing Date	6/22/2021

**EXECUTIVE SUMMARY**

A request by Feathergrass Investments, LLC, for approval of a vacation and replat of Tract DD Hannah Ridge at Feathergrass Filing No. 1 to create one (1) multi-family residential lot. The 15.39 acre property is zoned RM-30 (Residential Multi-Dwelling) and CAD-O (Commercial Airport Overlay), and is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersection and is within Section 32, Township 13 South, and 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 referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that they did not have concerns with the proposed residential uses allowed within the existing RM-30 (Residential Multi-Dwelling) zoning district and requested an aviation easement at the time of plat recordation. The property is not located within the APZ I or II (Accident Potential Zone). The applicant has agreed to the requested aviation easement in addition to recording an Airport Activity Notice and Disclosure against the title of the property at the time of the final plat recordation.

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

**Request:** A request by Feathergrass Investments, LLC, for approval of a vacation and replat of Tract DD Hannah Ridge at Feathergrass Filing No. 1 to create one (1) multi-family residential lot.

**Waiver(s)/Deviation(s):** The applicant has not requested any waivers of the El Paso County Land Development Code (2021) with this application. In addition, the applicant is not requesting any deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) (2020).

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

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

#### **C. APPROVAL CRITERIA**

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;

- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

**D. LOCATION**

North: M (Industrial)	Warehousing/ Outside Storage
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 subsequently rezoned to M (Industrial-Obsolete) in 1975. Due to changes in the nomenclature of the Land Development Code, the M 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 11, 2014 (Plat no. 13468). The property was rezoned from CS to RM-30 (Residential Multi-Dwelling) on May 11, 2021.

A site development plan is in concurrent review for a 300-unit multi-family residential development which is proposed to include nine (9) buildings three-stories high, an outdoor pool, and a community building for use by the residents of the complex. The final plat must be approved and recorded prior to approval of the site development plan by the Planning and Community Development Director.

**F. ANALYSIS**

**1. Land Development Code Compliance**

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

This area of unincorporated El Paso County has experienced, and will likely continue to experience, significant growth and development along the Constitution Avenue and Marksheffel Road corridor. The Hannah Ridge at Feathergrass and Midtown at Hannah Ridge developments are located to the northwest and west of the proposed development area and are zoned PUD (Planned Unit Development). The developments include both single-family detached and single-family attached residential lots. A vacant parcel, zoned CS (Commercial Service), located immediately adjacent to the subject property along Akers Drive is anticipated to develop as an extension of the Midtown at Hannah Ridge development, an attached single-family residential development. A PUD development plan and preliminary plan are under review for the CS zoned parcel.

The vacant property located across Constitution Avenue to the southwest of the subject property is zoned PUD and is planned for the Urban Collection at Palmer Ridge, an attached single-family residential development. The proposed multi-family development is compatible with the existing and approved urban level residential development surrounding the subject property.

The property located immediately north of the subject property is zoned M (Industrial-Obsolete) and is developed as a roofing supply company. Further north of this parcel is an asphalt shingle recycling company. The concurrently reviewed site development plan depicts a 25-foot landscape buffer along the northern property line as well as the parking and drive aisles being located immediately south of the buffer in an effort to further buffer the multi-family development from the existing industrial uses. The site development plan depicts the nearest proposed multi-family residential building as being 107-feet south of the industrial zoned property line, approximately 132 feet from the outdoor storage associated with the roofing supply company.

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

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

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

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

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

## 2. Zoning Compliance

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

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

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

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

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

The area included in the final plat request is comprised of 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 the multi-family use and 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. A finding of consistency with the El Paso County Policy Plan was previously made by the Board of County Commissioners with approval of the map amendment (rezoning) to the RM-30 (Residential Multi-Dwelling) zoning district. The proposed final plat application is consistent with the findings of the prior approval on May 11, 2021.

The Planning Commission hearing for the map amendment (rezoning) included a discussion regarding the compatibility between the industrial properties to the north and the multi-family residential uses. As discussed above, the site development plan depicts that the proposed multi-family residential dwellings will be no closer than 107 feet from the property line, which exceeds the minimum 15-foot rear and side yard setbacks for a multi-family dwelling within the RM-30 zoning district. In addition, the buildings are approximately 477 feet from the asphalt recycle business to the north, and 132 feet from the outdoor storage associated with the roofing supply company.

### **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.*

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

**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 4.1.1** – *Protect and enhance the quality of drinking water in the County.*

**Policy 4.2.3** – *Support studies to determine options for how water providers can secure and deliver a more permanent, long-term water supply.*

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

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

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

The subject property is located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

“Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps.”

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 per year, resulting in surplus of 332 acre-feet. The 2060 water supply is projected to be 10,131 acre-feet per year and the projected demand is 9,608 acre-feet per year, resulting in surplus of 523 acre-feet

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the Water Master Plan. The needs analysis in the Plan states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available today. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

Cherokee Metropolitan District has provided a water and wastewater commitment letter to serve the development. The applicant's water resources report indicates the District has ample supply of water to serve this development and future developments within the District. The report summarizes that the majority of the District's water supply comes from the Upper Black Squirrel Creek Designated Groundwater Basin, which is considered a renewable resource. However, the District also receives supplies from the Sundance Ranch well field, which draws from the Denver Basin aquifers, a nonrenewable water source. The District assumes that the Denver Basin will not be reliable beyond 2050. Therefore, the District has implemented three methods to provide a sustainable water supply to its customers:

- i. Water efficiency: The District set a goal of reducing demand by 3 to 5 percent per capita and already has one of the lowest per capita usages in the state.
- ii. Water reuse: The District recharges the Upper Black Squirrel Creek aquifer with the wastewater provided by the District and by Meridian Service Metropolitan District via intergovernmental agreement.
- iii. Additional renewable water supplies: The District is part of the Pikes Peak Regional Water Authority, whose goal is to provide water suppliers with a new regional water supply system.

As stated in the applicant's water resource report, this development is projected to demand 70.8 acre-feet of water per year. As of January 2021, the District had a surplus of 318.8 acre-feet per year, so accounting for this development, the District will be left with a surplus of 248.0 acre-feet per year for future developments.

The applicant's site development plan for the multi-family development depicts native grasses in areas anticipated to be revegetated and planting of low water usage shrubs and trees, which is also consistent with the goals and policies of the Plan.

Please see the Water section below for a summary of the water findings and recommendations for the proposed development with regard to water quantity, quality, and dependability.

## **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 has 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.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A Preliminary Geotechnical Engineering Study completed by Kumar & Associates, Inc., dated September 10, 2020, and a Geologic Hazards Study addendum dated April 12, 2021 were submitted in conjunction with the review of the final plat. No hazards were identified during the review of the final plat application that would impede development.

### **2. Wildlife**

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

### **3. Floodplain**

The subject property is not impacted by any designated floodplain as indicated by FEMA Flood Insurance Rate Map No. 08041C0756G, which has an effective date of December 7, 2018.

#### **4. Drainage and Erosion**

The subject property is located within the Sand Creek drainage basin (FOFO4000), which is a studied drainage basin requiring drainage and bridge fees to be paid at the time of final plat recordation.

The property generally drains from north to south into an existing storm drain system that discharges to a sub-tributary channel of East Fork Sand Creek, which ultimately outfalls into Fountain Creek. A private full-spectrum detention (FSD) basin is proposed along the south property boundary to provide detention and water quality for developed areas of the site in accordance with County criteria.

The Final Drainage Report for Tract DD, Hannah Ridge at Feathergrass Filing No. 1, concludes that development of the site “will not adversely affect the downstream and surrounding developments, including Sand Creek.”

Drainage and bridge fees in the amounts of \$200,404.21 and \$81,972.37, respectively, must be paid at the time of final plat recordation.

Approvals of an erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE) and a stormwater management plan (SWMP), all reviewed with the subdivision application, are required prior to grading the site in accordance with the requirements of the El Paso County Engineering Criteria Manual (2019). The associated site development plan for the proposed site improvements is in concurrent review.

#### **5. Transportation**

The proposed Upland Flats by Watermark Filing No. 1 development is located at the northwest corner of the intersection of Constitution Avenue and Marksheffel Road, between Akers Drive and Marksheffel Road. The site development plan depicts that access to the development is proposed from the intersection at Akers Drive and Hunter Jumper Drive, with a proposed paved private drive entering the site as the fourth leg of the intersection.

There is a current effort by El Paso County to transfer ownership and maintenance of Constitution Avenue and Marksheffel Road to the City of Colorado Springs. If the roadways are transferred before this site receives final site development plan approvals, the City will have authority over any proposed or required improvements along these roadways. The City of Colorado Springs

Public Works Department provided an outside agency review on the previously approved rezoning of this site and indicated that they do not have any comments.

The traffic impact study (TIS) submitted with the final plat application requests that access to the site be provided from Akers Drive at both the full-movement access serving as an extension of Hunter Jumper Drive and a second access proposed as a right-in/right-out only between Hunter Jumper Drive and Constitution Avenue. The access at Hunter Jumper Drive is acceptable; however, a determination will be made regarding the right-in/right-out access upon review of the completed TIS and access permit application to be provided with the concurrently reviewed site development plan.

According to the TIS, traffic generated by the subdivision will be approximately 1,632 vehicle trips on an average weekday. This value is in conformance with the classification of Akers Drive and the surrounding major roads per the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). The TIS states that "Analysis of future traffic conditions indicates that the addition of site-generated traffic is expected to create no negative impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis." The MTCP does not depict roadway improvement projects in the immediate vicinity of the proposed development.

Off-site improvements including lengthening of the eastbound left turn lane on Constitution Avenue approaching Akers Drive and auxiliary lanes (striping) at the proposed site access points are recommended. Further staff analysis of the proposed access points and improvements will be performed with review of the construction documents associated with the site development plan. The developer will be required to participate in a fair and equitable manner in the lengthening of the eastbound left turn lane on Constitution Avenue approaching Akers Drive as identified in Recommended Condition of Approval No. 13.

The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. The applicant has elected to pay the full fee amount at the time of building permit rather than to enter the development into one of the public improvement districts.

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

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

### **2. Sanitation**

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

### **3. Emergency Services**

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

### **4. Utilities**

Mountain View Electric Association will provide electrical service and Colorado Springs Utilities will provide natural gas service to the area included within the final plat.

### **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. Neither district collects an ad valorem (property tax) mill levy.

### **6. Parks/Trails**

The 2013 El Paso County Parks Master Plan depicts 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.

The proposed City of Colorado Springs North Chelton Road to North Academy Urban Trail is planned along Constitution Avenue, located at the south boundary of the proposed development. The applicant is required to install a concrete sidewalk in conjunction with the construction of the multi-family development along Constitution Avenue. It is recommended that the developer continue to work with the City of Colorado Springs regarding this proposed trail in addition to the installation of the sidewalk.

Fees in lieu of land dedication for regional parks in the amount of \$138,000.00 and for urban parks in the amount of \$87,000.00 shall be paid at the time of plat recordation.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$39,600.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recordation.

**I. APPLICABLE RESOLUTIONS**

Approval	Page 19
Disapproval	Page 20

**J. STATUS OF MAJOR ISSUES**

No major issues

**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 (2019) staff recommends the following conditions and notations:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in

which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided following approval of the site development plan and prior to the start of site grading or construction.
8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No.19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
9. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$138,000.00 and for urban parks (Area 3) in the amount of \$87,000.00 shall be paid at the time of plat recordation.

10. Fees in lieu of school land dedication in the amount of \$39,600 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Drainage fees in the amount of \$200,404.21 and bridge fees in the amount of \$81,972.37 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.
13. The Subdivider(s) shall participate in a fair and equitable manner in offsite transportation improvements, specifically the cost of lengthening the eastbound Constitution Avenue left turn lane approaching Akers Drive.
  - a. An escrow agreement for the offsite improvements to Constitution Avenue, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed at the time of final plat recordation.
  - b. A fair share contribution toward the offsite improvements, based on proportional calculated traffic generation shall be deposited by the Subdivider(s) in conjunction with the final plat recordation.

## **NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. A determination will be made to approve or deny the proposed right-in/right-out access upon review of the completed TIS and access permit application to be provided with the subsequent site development plan.

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

The Planning and Community Development Department notified nine (9) adjoining property owners on May 14, 2021, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

CAD-O Map

CSAAC Comments

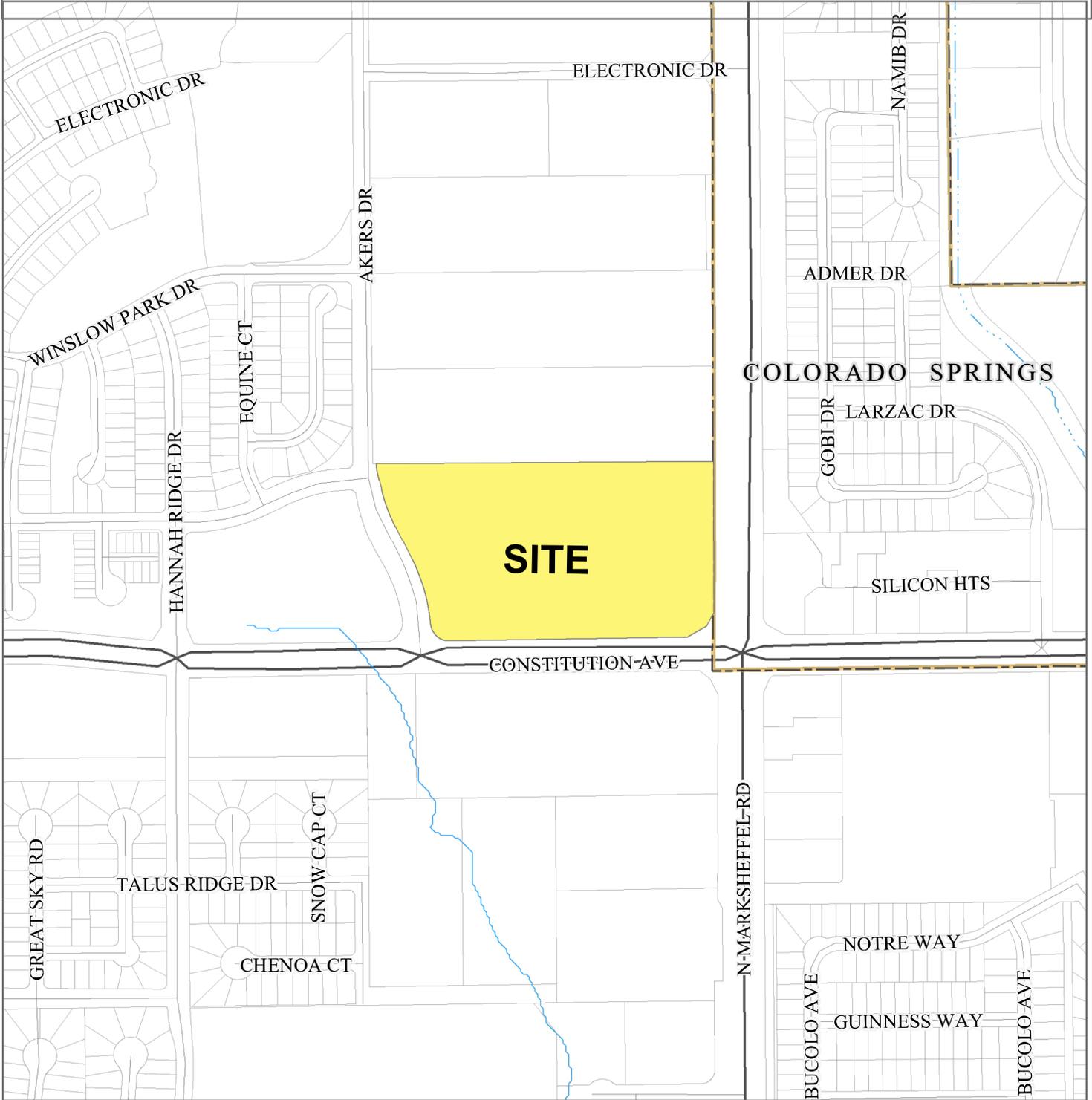
# El Paso County Parcel Information

PARCEL	NAME
5332404001	FEATHERGRASS INVESTMENTS LLC

File Name: SF-21-012

Zone Map No. --

Date: May 14, 2021



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 18 (719) 520-6600



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**April 13, 2021**

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER**

FEATHERGRASS INVESTMENTS, LLC  
4715 N. CHESTNUT ST  
COLORADO SPRINGS, CO 80907

**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 TRANSPORTATION CONSULTANTS  
8703 YATES DRIVE, SUITE 210  
WESTMINSTER, CO 80031

**TRANSPORTATION ENGINEERING (NOISE ANALYSIS)**

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 one (1) lot final plat (replat) of the 15.39-acre Tract to create a single lot for a nine (9) building, 300-unit multifamily development in the proposed RM-30 District (See PCD File No. RM30-20-4). The final plat includes platted boundary descriptions, ROW dedications and improvements, private parking and drives,

stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks. The final plat (replat) will also vacate unneeded or otherwise abandoned right-of-way (access) and access and utility easements. Right-of-way and access and utility easement vacations are depicted on the final plat in graphic depiction with annotation or in the cover sheet notes section.

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.

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

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

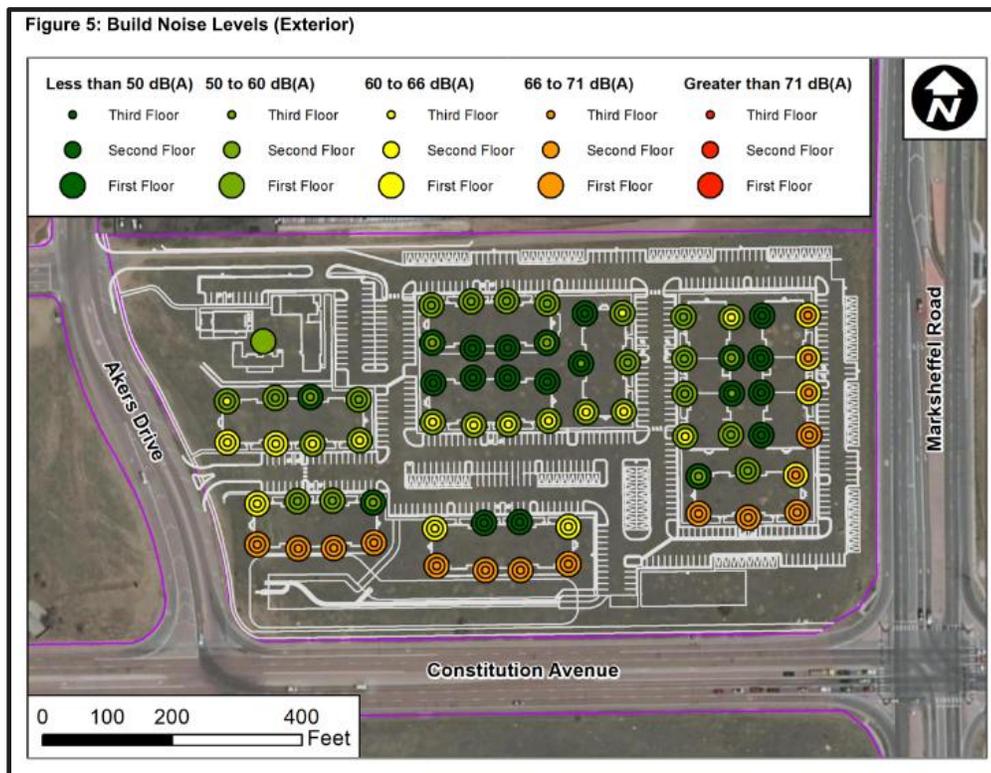
- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
  - Front 25-feet feet
  - Side/Rear: 15-feet
  - The minimum distance between buildings shall be 10 feet.
- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:
  - Principal Arterial: 25-foot buffer/landscape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

**NOISE IMPACTS & COMPLIANCE:** A noise analysis was provided to evaluate noise levels surrounding the development. Per the findings of the analysis, the predicted future noise levels (year 2040) generated from Constitution Avenue and Marksheffel Road are expected to be reduced by the proposed site layout and the developer's standard construction

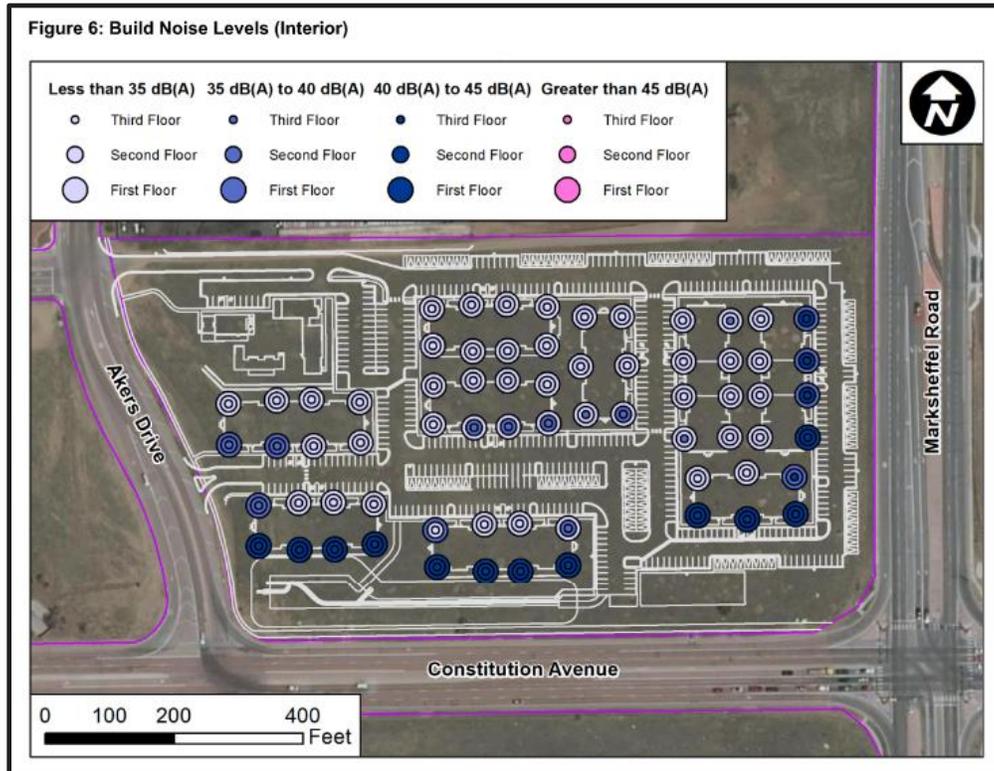
techniques. Although future exterior noise levels are anticipated to impact proposed units, interior noise levels will be within HUD acceptable limits. The Colorado Springs Airport Advisory Commission has recommended the developer include sound mitigation construction techniques consistent with best practices for residential uses.

Per the Noise Study, external noise impacts are reduced to less than 66dB(A) for shared outdoor communal spaces by planned building placement and orientation as depicted on the noise study exhibit Figure 5 of the Study (referenced below).

- Increased building placement from property line:
  - ±80-feet from Constitution Avenue where 15-foot setback is required
  - ±106-feet from Marksheffel Road where 15-foot setback is required
- Building orientation:
  - placement of garage units along the Marksheffel Road Frontage
  - additional garage placement along the Constitution Avenue frontage at the Constitution/Marksheffel intersection
  - Placement and orientation of multifamily units against the Marksheffel and Constitution frontages provide additional noise impact mitigation for internal building units and uses



Per the Noise Study, interior noise impacts were modeled to be at or below 45 dB(A) for all units as depicted on Figure 6 of the Study (referenced below).



Additional mitigation of interior noise impacts will be achieved via the incorporation of the following construction methods/materials:

- Exterior Walls – 7/16 inch or thicker exterior OSB with exterior finish on top of the OSB;
- 2” by 6” exterior wall studs (wood or metal);
- R-19 or R-21 fiberglass batt insulation in all exterior wall stud cavities;
- Minimum 5/8” gypsum on all interior wall and ceiling surfaces;
- Attic Space Insulation – minimum R-38 insulation, fiberglass batting or blown cellulose;
- Exterior Glazing (including windows, sliding glass doors and entry door windows) – minimum STC rating of 27; and,
- Roofing – minimum typical asphalt shingles or cementitious tiles.

**JUSTIFICATION**

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

The El Paso County Policy Plan (*Policy 6.1.7*) encourages “infill development which compliments existing uses, is consistent with Small Area and other adopted plans”. The proposed Multi-family development is consistent with overall objectives of the EPC and Small area plans to provide housing options and diversity.

**WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS**

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

The development area is located in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. Cherokee Metro District has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits. The Colorado State Engineer’s Office has issued a letter providing an opinion of sufficiency with respect to CMD ability to

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

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

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

**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.

- ***The subdivision is in substantial conformance with the approved preliminary plan;***  
 The subdivision boundaries are consistent with existing platted boundaries. The property is being platted at a different density from the current CR zone. The property is currently a platted tract and not eligible for development under existing zoning conditions.
- ***The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;***  
 The required reports and plans have been submitted for review against County Subdivision requirements including compliance with applicable LDC, ECM, DCM, and other applicable County, State, and/or federal regulatory requirements.
- ***A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;***  
 Cherokee Metropolitan District has committed to provide a sufficient water supply in terms of quantify, quality, and dependability needed to meet the domestic and irrigation demand of the proposed development. The state engineer has stated in their records indicate wells with Permit Nos. 29766 and 29768 may be located on the subject property. Evidence that these wells have been plugged and abandoned will be provided to the County and State Engineer’s Office prior to final plat recordation.
- ***A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;***  
 Cherokee Metropolitan District has committed to provide wastewater disposal service that is adequate to meet the wastewater disposal and treatment demands of the proposed development.
- ***All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];***  
 No areas have been identified as a hazardous soils or topographical concern. The site conditions do support the intended Multi-family use.
- ***Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



FINAL PLAT

KNOW ALL BY THESE PRESENTS:

That Feathergrass Investments, LLC, being the owner of the following described tract of land to wit:

LEGAL DESCRIPTION

TRACT DD, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, AS AMENDED BY AFFIDAVIT OF CORRECTION RECORDED JULY 14, 2014 UNDER RECEPTION NO. 214061863 AND AFFIDAVIT OF CLARIFICATIONS RECORDED SEPTEMBER 9, 2014 UNDER RECEPTION NO. 214081923, COUNTY OF EL PASO, STATE OF COLORADO.

Containing a calculated area of 670,487.4 square feet (15.392 acres) of land, more or less.

Per Order No. SCB55085671, Land Title Guarantee Company and Old Republic National Title Insurance Company.

DEDICATION

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

OWNERSHIP AND ACKNOWLEDGMENT STATEMENT:

The aforementioned, Feathergrass Investments, LLC, has executed this instrument this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, A.D.

Kenneth P. Driscoll, Manager

OWNERS CERTIFICATE

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots, tracts, streets, and easements (use which are applicable) as shown hereon under the name and subdivision of UPLAND FLATS BY WATERMARK FILING No. 1. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Kenneth P. Driscoll, Manager, Feathergrass Investments, LLC

By:

Title:

ATTEST: (if corporation)

Secretary/Treasurer

STATE OF COLORADO

COUNTY OF \_\_\_\_\_ } SS

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, A.D.

By: \_\_\_\_\_ as \_\_\_\_\_

My Commission expires \_\_\_\_\_

Witness my hand and seal \_\_\_\_\_

Notary Public

Signatures of managers/members for a LLC shall be acknowledged as follows: (print name) as Manager/Member of company, a state limited liability company.

EASEMENT STATEMENT:

The exterior boundaries of Lot 1 as shown hereon are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the property owner.

EASEMENT NOTES:

1. The right-of-way easement as granted to Colorado Interstate Gas Co. in the instrument recorded september 26, 1934, in Book 908 at Page 91, Records of El Paso County, is a blanket easement affecting the Southeast quarter of the subject Section 32 and possibly the subject parcel. This instrument contains insufficient information to be platted.

2. The Ingress-Egress Easement recorded at Reception No. 202158263, Records of El Paso County, was granted for the use of previous landowners to access a previous lot configuration. The previous parcels were combined on the Hannah Ridge at Feathergrass Filing No. 1 plat, with the current owner being both the grantor and grantee of said easement. The current owner intends to vacate this easement as shown hereon.

FLOOD PLAIN CERTIFICATION:

The Federal Emergency Management Agency, Flood Insurance Rate Map No. 08041C0756G, effective date December 7, 2018, indicates this parcel of land to be located in Zone X (Areas determined outside the 500-year floodplain).

UPLAND FLATS BY WATERMARK FILING No. 1
BEING A REPLAT OF TRACT DD OF HANNAH RIDGE AT FEATHERGRASS FILING No. 1
AND A PORTION OF AKERS DRIVE RIGHT-OF-WAY
BEING A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

SURVEYOR'S NOTES

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18-4-508.

3. The lineal units used in this drawing are U.S. Survey Feet. A U.S. Survey Foot is defined as 1200/3937 meters.

4. Any underground or above ground utilities shown hereon have been located from field survey information. Barron Land, LLC does not guaranty said underground utilities to be shown in their exact location and that said underground utilities are shown in their entirety. Barron Land, LLC did not physically enter any manholes or inlets to verify size and material. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

5. This survey does not constitute a title search by Barron Land, LLC to determine ownership, rights-of-way, or easements of record. For information regarding ownership, rights-of-way, and easements of record, Barron Land, LLC relied upon Title Commitment Order No. SCB55085671-2, with an effective date of January 25, 2021 as provided by Land Title Guarantee Company and Old Republic National Title Insurance Company.

6. This survey was performed in the field on September 21, 2020.

7. The as-replatted overall subject parcel (Lot 1) shall contain a calculated area of 652,308.3 square feet (14.975 acres) of land, more or less. See Note 10 below.

8. BASIS OF BEARINGS: Bearings are based upon, and is assumed to bear S 89°37'59" E, a measured distance of 1188.72 feet for the North line of the subject Tract DD, said line being monumented on the west end by a 5/8" metal pin with a yellow plastic cap stamped "PLS 31548" and on the east end by a 5/8" metal pin with a yellow plastic cap stamped "PLS 36567".

9. Unless noted otherwise hereon, found and set monuments shown are level with existing grade.

10. The most northern eastern parcel line of the subject, also being the western right-of-way line of Marksheffel Road, is an arc that was dedicated by Reception # 210011881 (Feb 2010), El Paso County Records. This document lists the direction of the 18,380' radius curve as "left" when approaching from a southerly direction. This places the arc as being concave to the west as shown on sheet 2 - "As Platted". A chord bearing is given in this deed, so the end point of the curve, also being the Northeast corner of the subject Tract DD, falls at the identical point regardless of the direction of the curve, with a potential 354.3 square foot area of concern between the 2 possible arcs. The subject Plat - HANNAH RIDGE AT FEATHERGRASS FILING No. 1 - also appears to represent the curve as being concave to the west. The right-of-way deed for the parcel adjacent north (Reception #209098490) defines the arc as being concave to the east, in conflict with the right-of-way deed and the HANNAH RIDGE AT FEATHERGRASS FILING No. 1 plat. El Paso County Survey Department has stated that the intent of the county right-of-way for this curve is to be concave to the east. The "As Replatted" parcel on sheet 3 shows this arc as being concave to the east, matching the right-of-way arc of the parcel adjacent north, with a right of way dedication parcel of 354.3 square feet to correct the discrepancy.

11. No attempt has been made by the surveyor to show and utility lines or services on this map.

12. The approval of this Replat vacates all prior plats for the area described by this plat and vacates all easements as noted on this plat.

13. The following reports have been submitted in association with the Final Plat for this subdivision and are on file at the County Department: Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report; Wildlife Hazard Report; Natural Features Report, Noise Analysis Report.

The Surface Investigation and Soils Report was completed by Kumar and Associates on Sept. 10, 2020 as project No. 20-2-194, the Water Resources Report was completed by Kimley-Horn on Jan. 27, 2021, and the Noise Analysis Report was completed by Kimley-Horn on Oct. 5, 2020 and are on file at the County Department.

14. All property within this subdivision is subject to a Private Detention Basin/Stormwater Quality BMP Maintenance Agreement and Easement as recorded at Reception No. \_\_\_\_\_ of the records of El Paso County. The property owner is responsible for maintenance of the subject drainage facilities and the private storm drain system serving this subdivision.

15. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

16. 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 Parks Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act.

17. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

18. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

19. No driveway shall be established unless an access permit has been granted by El Paso County.

20. Access: There will be no direct lot access to Constitution Avenue or Marksheffel Road.

21. At the time of approval of this project, this property is located within the Falcon Fire Protection District.

22. The Geotechnical Engineering Study was completed by Kumar and Associates, Inc. Project No. 20-02-194, on Sept. 10, 2020. Geologic Hazard Note: said study was submitted in support of the final plat application. No geologic hazards were identified by the report. The following recommendations were provided by the Colorado Geologic Survey on 3/25/2021 in reference to the report and development constraints addressed therein: Kumar has identified man-placed fill and expansive clay and claystone materials that impose geotechnical constraints on this site. Kumar recommends on page 23, "the expansive clays and claystone be overexcavated and replaced with a nonexpansive structural fill where present within 5 feet of the bottom of spread footing foundations, floor slabs and the pool." For PT slab foundations, Kumar recommends a 4-foot overexcavation from the bottom of the lowest portion of the foundation element/rib. Provided Kumar's recommendations regarding subgrade preparation, overexcavation of man-placed fill and expansive clay and claystone materials, structural fill and backfill placement, foundations, floor slabs, movement estimates, grading and surface drainage, and construction observations are strictly adhered to, CGS has no objection to approval. CGS recommends Kumar be retained to review the project plans and specifications for conformance with the recommendations provided in their report.

23. All property within this subdivision is subject to an avigation easement as recorded at Reception No. 2140022684 of the records of the El Paso County Clerk and Recorder.

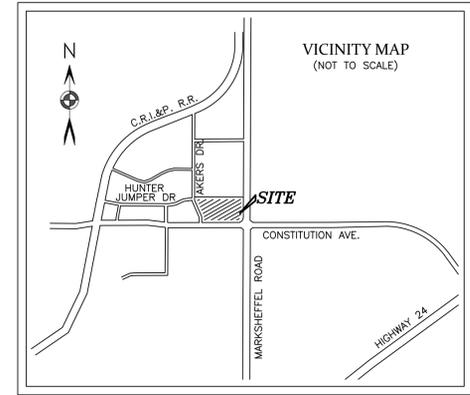
24. Notice of potential aircraft overflight and noise associated with airport: this serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective owners of this property. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.

25. The property shown hereon is located within the Constitution Heights Metropolitan District per the document recorded at Reception No. 210099703 of the El Paso County Clerk and Recorder.

26. NOTICE: This property may be adversely impacted by noise, dust, fumes, and light pollution caused by adjacent industrial properties and activities. The buyer should research and be aware of this potentiality and the ramifications thereof.

27. Water and wastewater service for this subdivision is provided by the Cherokee Metropolitan District, subject to the District's rules, regulations and specifications. Electric service is provided by Mountain View Electric Association, Inc., and natural gas service is provided by Colorado Springs Utilities.

28. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.



COUNTY APPROVAL

This plat for UPLAND FLATS BY WATERMARK FILING No. 1 was approved for filing by the El Paso County, Colorado Planning and Community Development Department on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Planning and Community Development Director Date

This plat for UPLAND FLATS BY WATERMARK FILING No. 1 was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (right-of-way parcels) are accepted, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Hanna Ridge at Feathergrass Filing No. 1 is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception #217032014.

Tracts and easements shown on the plat of Hanna Ridge at Feathergrass Filing No. 1, Reception #214713468, the easement recorded at Book 5122 at Page 992, and the easement recorded at Reception #202158263, recorded in the Office of the El Paso County Clerk and Recorder, are hereby vacated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Chair, Board of County Commissioners Date

SURVEYOR'S STATEMENT:

I, Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code, to the best of my knowledge, opinion, and belief. This certification is neither a warranty nor guarantee, either expressed or implied.

I attest the above on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Spencer J. Barron
Colorado registered PLS #38141
For and on behalf of Barron Land, LLC

RECORDING

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record at my office at \_\_\_ O'clock \_\_\_ this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, A.D.,

and is duly recorded under Reception Number \_\_\_\_\_ of the records of El Paso County, Colorado.

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

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

Chuck Broerman, Recorder

By: \_\_\_\_\_
Deputy

FEES:

School Fee (School District 49): \_\_\_\_\_

Bridge Fee (Sand Creek Drainage Basin): \_\_\_\_\_

Park Fee (Regional Park Area 2, Urban Park Area 3): \_\_\_\_\_

Drainage Fee (Sand Creek Drainage Basin): \_\_\_\_\_

SF-21-012

SHEET LEGEND:

SHEET 1: Notes, project info, certification

SHEET 2: As-platted conditions

SHEET 3: Re-plat detailed information

Table with columns: No., Remarks, Date, By. Includes BARRON LAND logo and contact information: 2790 N. Academy Blvd., Suite 311, Colorado Springs, CO 80917. P: 719.360.6827, F: 719.466.6527, www.BARRONLAND.com. PROJECT No.: 20-063 SHEET 1 OF 3

**FINAL PLAT**  
**UPLAND FLATS BY WATERMARK FILING No. 1**  
 BEING A REPLAT OF TRACT DD OF HANNAH RIDGE AT FEATHERGRASS FILING No. 1  
 AND A PORTION OF AKERS DRIVE RIGHT-OF-WAY  
 BEING A PORTION OF THE SOUTHEAST QUARTER OF  
 SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 COUNTY OF EL PASO, STATE OF COLORADO

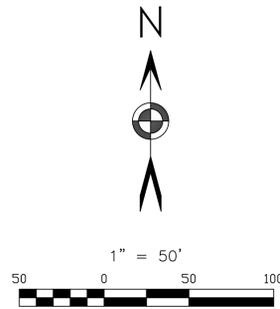
**AS PLATTED**

LOT 8  
 AKER'S SUBDIVISION No. 1  
 BOOK H-2 PAGE 48  
 KINGSTON GROUP LLC  
 2675 AKERS DRIVE  
 TSN 5332002014

BASIS OF BEARINGS

TRACT DD  
 670,487.4 SQ. FT  
 15.392 ACRES

TRACT C  
 HANNA RIDGE AT FEATHERGRASS  
 FILING No. 1 - REC. 214713468  
 FEATHERGRASS INVESTMENTS LLC  
 TSN 5332403009



- LEGEND**
- FOUND SECTION MONUMENT AS DESCRIBED
  - FOUND No. 5 REBAR AND YPC, "PLS 31548"  
FLUSH WITH GRADE UNLESS OTHERWISE NOTED
  - FOUND MONUMENT AS DESCRIBED
  - + FOUND CHISELED + IN CONCRETE  
UNLESS OTHERWISE NOTED
  - FOUND No. 5 REBAR AND ORANGE  
PLASTIC CAP, "PLS 38141"
  - (M) MEASURED DIMENSIONS
  - (R1) RECORD DIMENSION BOOK H-2 PAGE 48
  - (R2) RECORD DIMENSION REC. #214713468
  - (C) CALCULATED DIMENSIONS
  - REC. RECEPTION
  - ROW RIGHT OF WAY
  - AC ALUMINUM CAP
  - YPC YELLOW PLASTIC CAP
  - RPC RED PLASTIC CAP
  - BG BELOW GRADE
  - DIA DIAMETER
  - SUBJECT PARCEL LINE
  - - - ADJACENT PARCEL LINE
  - - - SECTION LINE
  - - - EASEMENT LINE

SOUTH 1/4 CORNER  
 SECTION 32  
 3.25 AC, "PLS 30829"

NORTHEAST CORNER  
 SECTION 32  
 3.25 AC, "PLS 38256"

MARKSHEFFEL ROAD  
 (PUBLIC ROW VARIES)

CONSTITUTION AVENUE  
 (120' PUBLIC ROW)  
 PLAT BOOK V-3 PAGE 169

**SF-21-012**

**SHEET LEGEND:**

- SHEET 1: Notes, project information, and certification
- SHEET 2: As-platted conditions
- SHEET 3: Re-plat detailed information

DATE: 01/21/2021		REVISIONS	
No.	Remarks	Date	By
1	Updated title report	1/29/21	TH
2	Comments	4/14/21	TH

**BARRON LAND**  
 BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION  
 2790 N. Academy Blvd., Suite 311 P: 719.350.6827  
 Colorado Springs, CO 80917 F: 719.466.6527  
 www.BARRONLAND.com

\*UNPLATTED\*

# FINAL PLAT

## UPLAND FLATS BY WATERMARK FILING No. 1

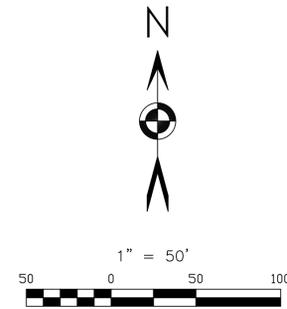
BEING A REPLAT OF TRACT DD OF HANNAH RIDGE AT FEATHERGRASS FILING No. 1  
AND A PORTION OF AKERS DRIVE RIGHT-OF-WAY  
BEING A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO, STATE OF COLORADO

AS REPLATTED

LOT 8  
AKER'S SUBDIVISION No. 1  
BOOK H-2 PAGE 48  
KINGSTON GROUP LLC  
2675 AKERS DRIVE  
TSN 5332002014

LOT 1  
652,308.3 SQ. FT  
14.975 ACRES

TRACT C  
HANNA RIDGE AT FEATHERGRASS  
FILING No. 1 - REC. 214713468  
FEATHERGRASS INVESTMENTS LLC  
TSN 5332403009



- LEGEND**
- FOUND SECTION MONUMENT AS DESCRIBED
  - FOUND No. 5 REBAR AND YPC, "PLS 31548" FLUSH WITH GRADE UNLESS OTHERWISE NOTED
  - FOUND MONUMENT AS DESCRIBED
  - + FOUND CHISELED + IN CONCRETE UNLESS OTHERWISE NOTED
  - FOUND No. 5 REBAR AND ORANGE PLASTIC CAP, "PLS 38141"
  - ⊙ SET No. 5 REBAR AND ORANGE PLASTIC CAP STAMPED "PLS 38141"
  - (M) MEASURED DIMENSIONS
  - (R1) RECORD DIMENSION BOOK H-2 PAGE 48
  - (R2) RECORD DIMENSION REC. #214713468
  - (C) CALCULATED DIMENSIONS
  - REC. RECEPTION
  - ROW RIGHT OF WAY
  - AC ALUMINUM CAP
  - YPC YELLOW PLASTIC CAP
  - RPC RED PLASTIC CAP
  - BG BELOW GRADE
  - DIA DIAMETER
  - ( ) ADDRESS
  - SUBJECT PARCEL LINE
  - - - ADJACENT PARCEL LINE
  - SECTION LINE
  - - - EASEMENT LINE

SOUTH 1/4 CORNER SECTION 32 3.25 AC, "PLS 30829"

FOUND (4) 3.5" ALUMINUM CAPS, "PLS 38096" FLUSH WITH GRADE UNLESS OTHERWISE NOTED.

CALCULATED SOUTHEAST CORNER SECTION 32

\*UNPLATTED\*

**SHEET LEGEND:**

- SHEET 1: Notes, project information, and certification
- SHEET 2: As-platted conditions
- SHEET 3: Re-plat detailed information

SF-21-012

DATE: 01/21/2021		REVISIONS	
No.	Remarks	Date	By
1	Updated title report	1/29/21	TH
2	Comments	4/14/21	TH

**BARRON LAND**

BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION  
2790 N. Academy Blvd., Suite 311 P: 719.350.6827  
Colorado Springs, CO 80917 F: 719.466.6527  
www.BARRONLAND.com

PROJECT No.: 20-063 SHEET 3 OF 3



March 11, 2021

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

RE: Upland Flats by Watermark Filing No. 1  
Sec. 32, Twp. 13S, Rng. 65W, Sixth P.M.  
Water Division 2, Water Districts 10  
CDWR Assigned Subdivision No. 27561

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal to approve a Final Plat for Eldorado Springs Apartments. This proposal is for the creation of a 15.39 acre lot with nine buildings, totaling 300-unit multifamily dwellings. The proposed Upland Flats by Watermark Filing No. 1 is a replat of Akers Market, which was previously platted as Tract DD, Hannah Ridge at Feathergrass Filing No. 1. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District (“District”).

### **Water Supply Demand**

The Water Supply Information Sheet, Form no. GWS-76, provided with the submittal estimates an estimated water demand of 60.0 acre-feet/year for 300 units, 0.69 acre-feet/year for clubhouse and pool water, and 10.1 acre-feet/year for irrigation of 10.1 acres. The total annual water demand is 70.8 acre-feet. This equates to an anticipated water demand of approximately 0.20 acre-feet/year/unit and 1.0 acre-feet/year/acre of irrigation. The waste water will be directed into proposed sewer mains that will be owned and operated by the District.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

### **Source of Water Supply**

The source of water for the proposed development is to be served by the Cherokee Metropolitan District. In a letter dated January 28, 2021, the District committed to serve the proposed development.

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



Our records also indicate the wells with Permit Nos. 29766 and 29768 may be located on the subject parcel. Note that CRS 37-92-602(3)(b)(III), requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights, and CRS 30-28-101(10)(b) states:

“Subdivision” or “subdivided land”, means any parcel of land in the state which is to be used for condominiums, apartments, or any other multiple dwelling units...”

Thus, under the subject statute this development is defined as a subdivision. Therefore, any existing exempt wells on the parcel must be included in an augmentation plan, or must be plugged and abandoned since the provisions of CRS 37-92-602 which allowed for issuance of the well permits will no longer apply.

### **Additional Comments**

Should the development include construction and/or modification of any storm water structure(s), the applicant should be aware that, unless the structure 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*, located at <https://dnrweblink.state.co.us/dwr/ElectronicFile.aspx?docid=3576581&dbid=0> to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

### **State Engineer’s Office Opinion**

According to this office’s records, it appears District has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed can be provided without causing injury to decreed water rights and is expected to be adequate. Should you have any further questions, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division Engineer  
Doug Hollister, Water Commissioner

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

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

March 31, 2021

SF-21-12 Upland Flats by Watermark Filing No. 1  
Final Plat

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

A handwritten signature in blue ink, appearing to be "LS" with a flourish underneath.

### **FINDINGS AND CONCLUSIONS:**

1. This is a final plat proposal by Feathergrass Investments, LLC ("Applicant") for subdivision of 1 lot to establish 300 apartment units in 9 buildings (including a pool and clubhouse) on 15.39 +/- acres, which is located at Akers Drive identified as the N.E. corner of Akers/Constitution (the "Property"). This proposal is a replat of Akers Market which was previously Tract DD of Heather Ridge at Feathergrass Filing No. 1. The Property is currently zoned CS (Commercial Service); however, there is a concurrent proposal to rezone the Property to RM-30 (Multi-family residential). The Property is within the *Commercial Aviation District Overlay (CAD-O)*, so all subdivision actions will be subject to any restrictions and limitations of the Airport Overlay.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "Cherokee"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 70.8 acre-feet per year, which equates to 60.7 acre-feet for residential use and community irrigation in the amount of 10.1 acre-feet as more fully detailed in Paragraph 3 below. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 21,240 acre-feet of water (70.8 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. The General Manager of the District provided a letter dated January 28, 2021, committing to provide water service for Upland Flats at Watermark Filing 1, which they identify as Watermark at Constitution, which is located within the District's boundaries. The District's commitment is delineated as follows:

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

Type of Use	Demand (AF/yr)
Domestic	60.7
Irrigation	10.1
<b>Total</b>	<b>70.8</b>

The District notes that this commitment is “hereby made exclusively for this specific development project at this site within the District.” The District’s commitment is only a conditional commitment: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

4. The Applicant provided a Water Resource Report identified as *Watermark at Akers Drive* by Kimley-Horn (“*Report*”) dated March 1, 2021. The *Report* detailed the water demand for the subdivision and the water supply available from the District. The *Report* confirmed the water demand of 70.8 acre-feet/year. The *Report* states that Cherokee has “4,443.0 AFY of exportable supply and 4,033.0 AFY of commitments, CMD [Cherokee] 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 AFY remaining for additional commitments.”

5. In a letter dated March 11, 2021, the State Engineer reviewed the application to subdivide the 15.39-acre tract into 1 lot with 9 buildings, including 300 multi-family residences. The State Engineer reviewed the WSIS and confirmed the water demand of “60.0 acre-feet/year for 300 units, 0.69 acre-feet/year for clubhouse and pool water, and 10.1 acre-feet/year for irrigation of 10.1 acres. The total annual water demand is 70.8 acre-feet.” The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 70.8 acre-feet/year to the subdivision. Further, the State Engineer states that “[a]ccording to the records of this office, it appears Cherokee has sufficient water resources to supply this development as described above.” Further, the State Engineer declared that “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed can be provided without causing injury to decreed water rights and is expected to be adequate.”

NOTE: The State Engineer stated their records indicate that “wells with Permit Nos. 29766 and 29768 may be located on the subject parcel. Note that CRS 37-92-602(3)(b)(III), requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights .... Therefore, any existing exempt wells on the parcel must be included in an augmentation plan, or must be plugged and

abandoned since the provisions of CRS 37-92-602 which allowed for issuance of the well permits will no longer apply.”

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development 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.

7. Analysis: As indicated above, this review is based on a water demand of 70.8 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District appears to have adequate water resources to serve the estimated demand of 70.8 acre-feet/year for the proposed development.

8. There is a finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 70.8 acre-feet/year and a commitment from the District in the amount of 70.8 acre-feet/year for a period of 300 years. Based on the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney’s Office recommends a finding of **conditional sufficiency** as to water quantity and dependability for the Upland Flats at Watermark Filing No. 1 subdivision. The El Paso County Public Health Department may wish to confirm that the District is in compliance with the water quality regulations.

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

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

B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District’s commitment letter dated January 28, 2021 (approval must be provided by January 28, 2022), to retain the District’s water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District’s condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

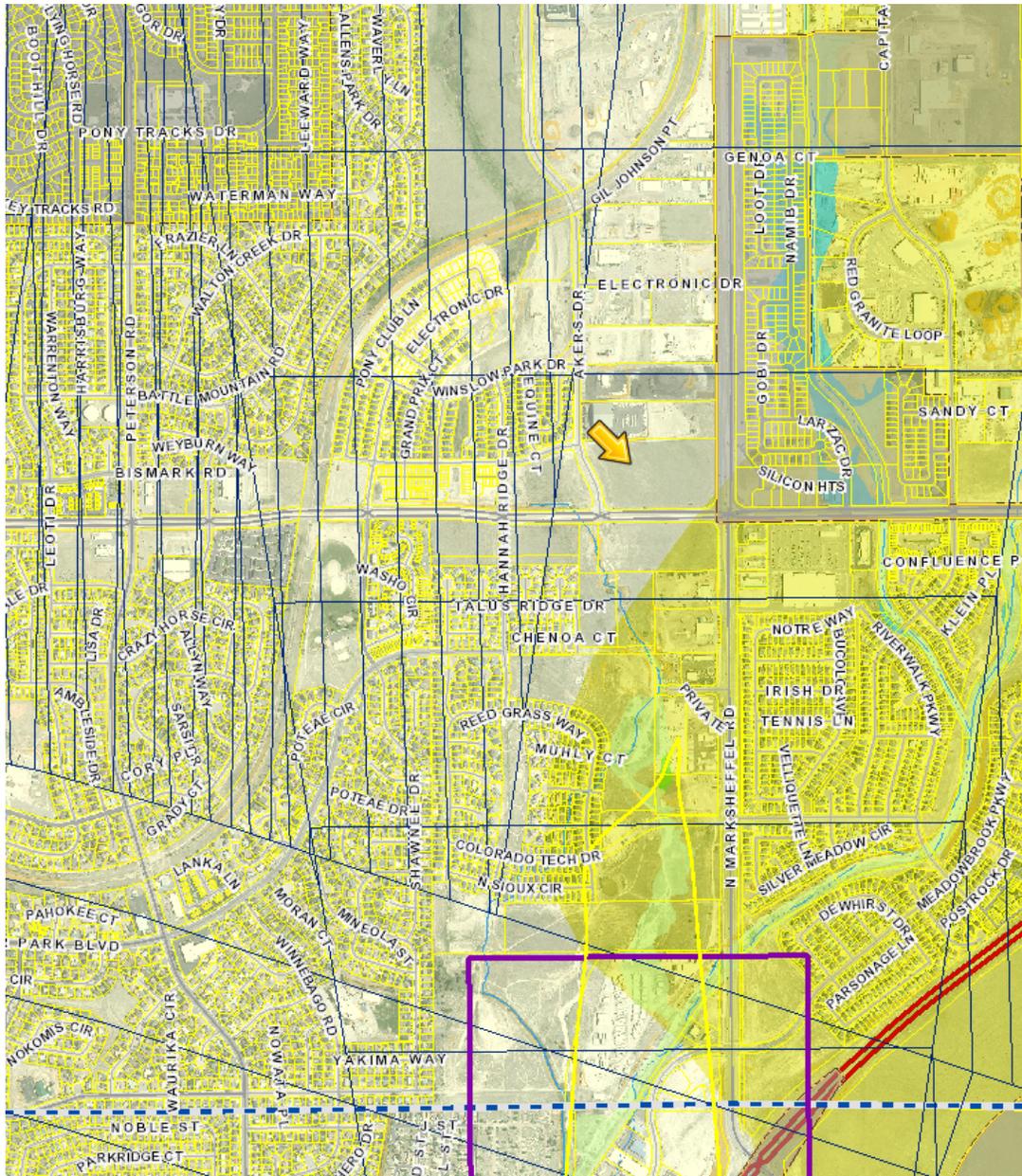
C. Prior to final plat recording, Applicant must provide evidence to the State Engineer’s Office that they have either plugged and abandoned the wells associated with Well Permit Nos. 29766 and 29768; or that the wells have been included in an augmentation plan.

D. Prior to final plat recording, the following documents must be updated and submitted to EDARP indicating the correct subdivision name of Upland Flats by Watermark Filing No. 1:

- Water Supply Information Summary
- Cherokee District's commitment letter
- Water Resource Report.

cc: Kari Parsons, Planner III

# CAD-O MAP



Air Features

CS Airport 2017 Noise Contours

- 65 dB
- 70 dB
- 75 dB

Airport Accident Zone

- Clear Zone
- APZ I
- APZ II

Part77 Surfaces

**Colorado Springs Airport Advisory Commission Meeting  
To Be Heard March 24, 2021  
Land Use Review Item #07**

<b>EL PASO COUNTY BUCKSLIP NUMBER(S):</b> PPR217, SF2112, P204 <b>RESIDENTIAL DEVELOPMENT, PLAT AND REZONE</b>	<b>TAX SCHEDULE #(S):</b> 5332404001
<b>DESCRIPTION:</b> Request by Kimley-Horn on behalf of Feathergrass Investments, LLC for approval of the Watermark at Akers site development plan. The plan consists of a 300-unit multifamily development including private parking and drives, stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks. The property consists of 15.39 acres and is located northwest of Marksheffel Road and Constitution Avenue. <b>Concurrent Request:</b> Request for approval of the Upland Flats by Watermark Filing No. 1. <b>Concurrent Request:</b> Request for approval for a rezone from CS/CAD-O (Commercial Service and Commercial Airport District) to RM-30/CAD-O (Residential Multi-Dwelling and Commercial Airport District).	
<b>CONSTRUCTION/ALTERATION OF MORE THAN 200 FEET ABOVE GROUND LEVEL?</b> No	<b>DISTANCE/DIRECTION FROM COS:</b> 3.5 miles northeast of Rwy 17R
<b>TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:</b> 48 feet above ground level; 6,510 feet above mean sea level	<b>COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:</b> None
<b>ATTACHMENTS:</b> <a href="https://epcdevplanreview.com/Public/ProjectDetails/170352">https://epcdevplanreview.com/Public/ProjectDetails/170352</a> CLICK ON VIEW SITE DEVELOPMENT MAP UNDER DOCUMENT LIST <a href="https://epcdevplanreview.com/Public/ProjectDetails/170022">https://epcdevplanreview.com/Public/ProjectDetails/170022</a> CLICK ON VIEW FINAL PLAT DRAWINGS UNDER DOCUMENT LIST	

**STAFF RECOMMENDATION/CONDITIONS OF APPROVAL**

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

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

- **Avigation Easement:** Proof of Avigation Easement filing noted on plat (Reception No. 2140022684); no further action is required.
- **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; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

# Colorado Springs Airport Advisory Commission Meeting To Be Heard March 24, 2021 Land Use Review Item #07

## PROJECT LOCATION EXHIBIT:

