


EL PASO COUNTY
COLORADO

COMMISSIONERS:
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
 Brian Risley, Chair

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

RE: Project File #: VR-20-004
 Project Name: Mtn. States Supply Re-plat
 Parcel No.: 53320-02-019

OWNER:	REPRESENTATIVE:
BBP-740, LLC Mountain States Pipe and Supply 4665 Alpglen Court Colorado Springs, CO 80906	Compass Surveying and Mapping, LLC 721 S. 23rd Street Suite B Colorado Springs, CO 80904

Commissioner District: 1

Planning Commission Hearing Date:	6/17/2021
Board of County Commissioners Hearing Date	6/22/2021

EXECUTIVE SUMMARY

A request by BBP-740, LLC, for approval of a vacation and replat of a portion of a platted tract to create two (2) industrial lots. The property is zoned M (Industrial) and is located southwest of the intersection of Electronic Drive and Marksheffel Road, approximately ¼ of a mile north of the intersection of Constitution Avenue and Marksheffel Road and is within Section 32, Township 13, 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. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by BBP-740, LLC, for approval of a vacation and replat of a portion of a platted tract to create two (2) industrial lots.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement 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 vacation of a plat without rights-of-way, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.3.A.3, Actions Vacating or Altering a Recorded Plat, Vacation of a Plat with No Rights-of-Way of the El Paso County Land Development Code (2019):

- Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements;
- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property;
- Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
- Vacation of the recorded plat is consistent with the Master Plan;
- Vacation of the recorded plat will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

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

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

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

D. LOCATION

North: M (Industrial)	Industrial
South: I-3 (Heavy Industrial)	Industrial
East: City of Colorado Springs	Single-family dwelling
West: M (Industrial)	Industrial

E. BACKGROUND

The property was initially zoned A-2 (Farming) on September 20, 1965 when zoning was first initiated for this portion of the County. The property was subsequently rezoned to the M (Industrial Obsolete) district on January 15, 1975 (PCD File No. P74023Z). The subject property was originally platted on September 9, 1965 as Tract 5 of Akers Acres Subdivision Filing No. 1, totaling 9.8 acres in size. A 4.48-acre portion of the Tract was then severed by deed on April 24, 1973.

The applicant is requesting approval of a vacation and replat to create two (2) industrial lots from the existing tract. The proposed lots will be 2.25 and 2.2 acres in size. The property is currently used as a warehousing supply facility.

F. ANALYSIS

1. Land Development Code Compliance

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

The subject property is currently zoned M (Industrial Obsolete), which is an obsolete zoning district within El Paso County. No properties within the County can be rezoned to an obsolete zoning district after their effective expiration date. The effective date for the M (Industrial Obsolete) district is May 1, 1991. However, properties that were legally rezoned to an obsolete district prior to the effective date can be subdivided and developed in accordance with the use and dimensional standards for that district. The subject property was rezoned to M (Industrial Obsolete) district in January of 1975, and complies with all use and dimensional standards, therefore, it can be developed and subdivided in accordance with standards for the district as outlined in Section 5.5 of the Land Development Code.

2. Zoning Compliance

The 4.48-acre property is within the M (Industrial Obsolete) zoning district. The M (Industrial) zoning district is an obsolete zoning district and was intended to accommodate various industrial and manufacturing uses. The density and

dimensional standards for the M (Industrial Obsolete) zoning district are as follows:

Minimum lot size: None

Minimum width at front setback line: None

Setbacks: 15 feet on front and rear yard, no side yard setback

Maximum coverage: none

Maximum height: 50 feet

The proposed vacation and re-plat consist of a portion of a tract being re-platted into two lots, each approximately 2.2 acres in size. The eastern portion of the parcel is currently developed with an industrial warehousing/storage facility, while the balance of the property is undeveloped. The applicant is intending to create two industrial lots from the existing parcel. Should the request for a vacation/re-plat be approved, the applicant will need to complete a site development plan prior to initiation of any industrial use on proposed Lot 2, the portion of the property currently undeveloped. Additionally, a commercial over-the-counter permit or site development plan application must be reviewed and approved prior to any expansion of use or change in use on proposed Lot 1. The site development plan will need to demonstrate compliance with the dimensional standards of the M (Industrial Obsolete) zoning district as well as the development standards included in Chapter 6 of the Land Development Code.

3. Policy Plan Analysis

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

Goal 6.1.b - *Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhance the quality of life.*

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 6.3.4 - Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.

The El Paso County Policy Plan identifies specific goals and policies related to industrial development. Specifically, industrial development should be the appropriate scale, location, and intensity to be compatible with the surrounding development. Additionally, the Plan recommends supporting infill development and development that can utilize existing infrastructure wherever possible.

The applicant is requesting approval of a vacation/replat to create two industrial lots from the existing parcel. The property is located within the Akers Acres Subdivision Filing No. 1 and is a portion of a previously platted tract. Additionally, the property is served by Cherokee Metropolitan District, which provides centralized water service to the subdivision. As such, the proposed subdivision is in compliance with Goal 6.1.b and Goal 6.1.2 since it represents industrial growth within the County that can utilize existing infrastructure without the extension of necessary services to support the development.

The property is currently used as a warehousing supply facility and is surrounded by similar land uses on the north, west, and south. The property is served by Colorado Springs Utilities, which provides natural gas service. Electrical service to the property is provided by Mountain View Electric Association. Pursuant to Policy 6.3.4, the proposed development is compatible with the surrounding industrial uses and is not anticipated to cause any adverse impacts on surrounding development. Should the request for a vacation/replat be approved, the applicant will need to complete a site development plan prior to initiation of any industrial use on proposed Lot 2. Additionally, any expansion of use or change in use to the existing development on proposed Lot 1 will require review of a commercial over-the-counter permit or a site development plan application, depending on the scope of the expansion or alteration of use. The site development plan will need to demonstrate compliance with the dimensional standards of the M (Industrial Obsolete) zoning district as well as the development standards included in Chapter 6 of the Land Development Code.

4. Small Area Plan Analysis

The proposed vacation and replat is not located within the boundaries of a small area plan.

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:

Policy 5.2.4 – *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.*

Goal 5.5 – *Identify any water supply issues early on in the land development process.*

The subject parcel is in Region 5 of the El Paso County Water Master Plan and is served by Cherokee Metropolitan District. Cherokee Metropolitan District provides centralized water service to the property and supplied a service commitment letter for the proposed subdivision as part of this application. Region 5 has a current water supply of 4,848-acre feet per year and a current demand of 4,396 -acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected demand is 6,468-acre feet. The 2060 water supply is projected to be 10,311-acre feet per year, whereas the demand is anticipated to be 9,608-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County. The finding of water sufficiency with this application is in compliance with Goal 5.5

The proposed vacation/replat is located within an existing metropolitan service area and will utilize existing infrastructure to serve the needs of the development. Additionally, Cherokee Metropolitan District supplied a service commitment letter for the proposed subdivision as part of the application, which supports compliance with Policy 5.2.4

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife was sent a referral request for the application and did not provide review comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland 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

The soils and geology report submitted with the application was prepared by Entech Engineering on March 24, 2020. The report did not identify any significant geologic constraints within the boundaries of the proposed vacation and replat.

2. Wildlife

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

3. Floodplain

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

4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin, which is included in the El Paso County Drainage Basin Fee program. Drainage fees in the amount of \$37,672 and bridge fees in the amount of \$15,409 must be paid at the time of plat recordation for the additional lot created.

Per the submitted final drainage report, the site generally drains to the southeast. Stormwater runoff is conveyed to an existing water quality and detention pond that is privately owned and maintained. The pond accounts for the developed runoff of the existing developed land within Lot 1. A separate final drainage report has been submitted with the concurrent site development plan application (PCD File No. PPR-20-020) that addresses the development of Lot 2. An extended detention basin is proposed on Lot 2 that provides the necessary stormwater quality and detention for the proposed development of Lot 2.

A grading and erosion control plan has been submitted with the concurrent site development plan application. The plan calls for permanent and construction best management practices to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

5. Transportation

The property is located at the southwest corner of Electronic Drive and Marksheffel Road. Access to the proposed Lot 2 will be provided via an existing driveway on Electronic Drive that is located within Lot 1. A joint access easement shall be provided from Lot 1 to Lot 2. A traffic study was not required as the proposed vacation and replat is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the vacation and replat.

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

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended. Traffic impact fees may be paid in full at the time of subsequent land use approval.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Water service to the subject property is provided by Cherokee Metropolitan District. 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

The proposed subdivision is intended to be served by individual on-site wastewater treatment systems. The property has an approved septic system (Permit No. 5332002019). The applicant must receive approval from the El Paso County Division of Environmental Health for approval of any additional septic systems for the proposed lots.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the vacation/replat and has no objection.

4. Utilities

Mountain View Electric will provide electrical service and Colorado Springs Utilities will provide natural gas service to the area included within the vacation and replat.

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 properties within the District. The District does not collect a mill levy.

6. Parks/Trails

Fees in lieu of park land dedication are not required with the vacation/replat application of a commercial or industrial lot.

7. Schools

Fees in lieu of school dedication are not required with the vacation/replat application of a commercial or industrial lot.

I. APPLICABLE RESOLUTIONS

Approval Page 49
Disapproval Page 50

J. STATUS OF MAJOR ISSUES

There are no outstanding 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) and

Section 7.2.3 (Vacations and Actions Altering a Recorded Plat) 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. A joint access easement granting access between Lots 1 and 2 shall be provided and recorded with the vacation and replat map.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
7. 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.
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. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

10. Drainage fees in the amount of \$37,672 and bridge fees in the amount of \$15,409 for Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on May 20, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Health Department Letter

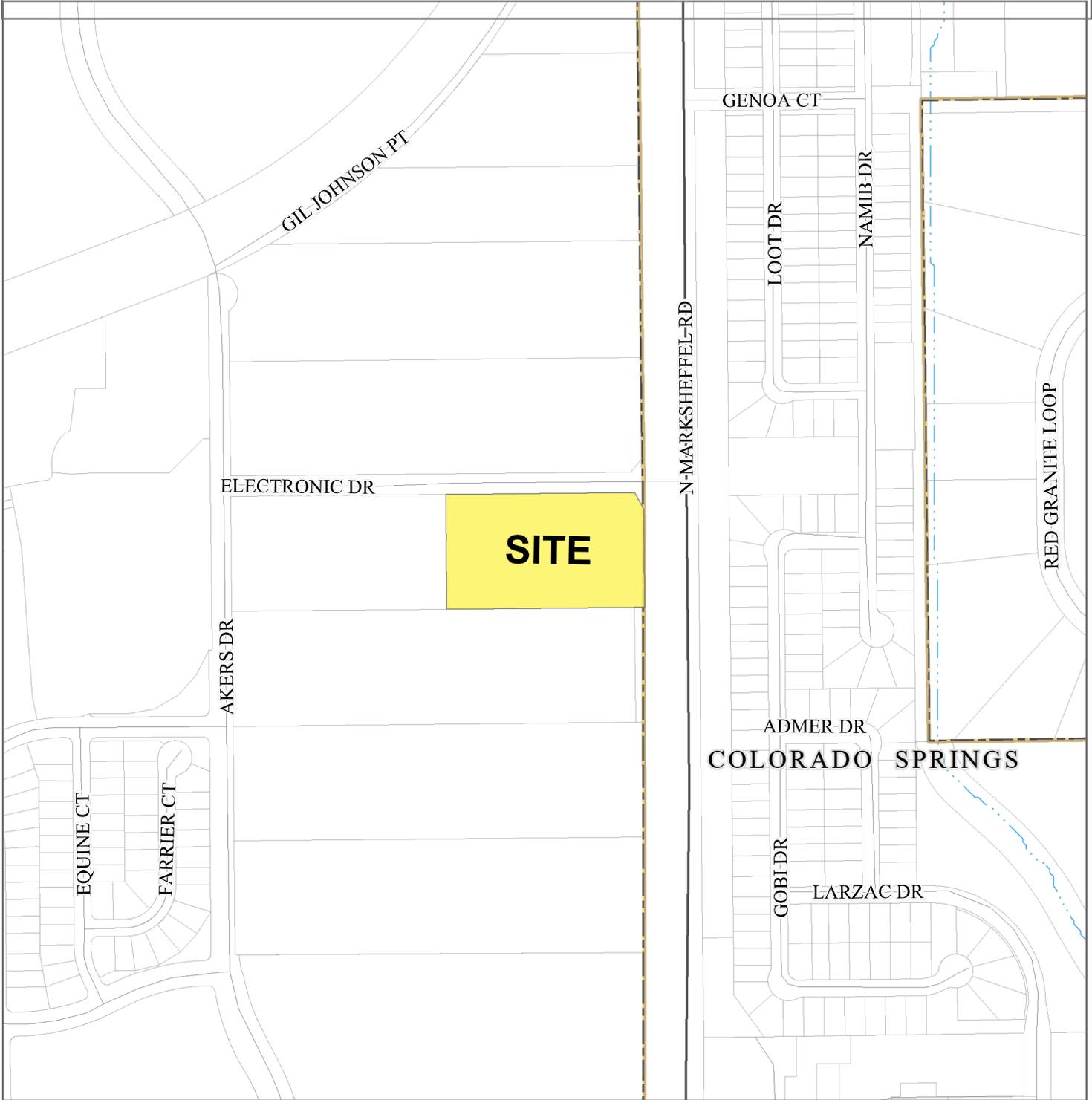
El Paso County Parcel Information

PARCEL	NAME
5332002019	BBP-740 LLC

File Name: VR-20-004

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
13 (719) 520-6600



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Mountain States Pipe and Supply

Letter of Intent

March 2021

Owners/Developers: Mountain States Pipe and Supply
7765 Electronic Drive
Colorado Springs, CO 80922
(719) 475-4020

Planner: Terra Nova Engineering, Inc.
721 S. 23rd Street
Colorado Springs, CO 80904
(719) 635-6422

Engineer: Terra Nova Engineering, Inc.
721 S. 23rd Street
Colorado Springs, CO 80904
(719) 635-6422

Tax ID Numbers: 5332002019

SITE LOCATION: Mountain States Pipe and Supply is located at 7765 Electronic Drive, Colorado Springs at the southwest corner of the intersection of Electronic Drive and Marksheffel Road.

INTRODUCTION: The parcel is currently unplatted and has been partially developed. The east portion of the site has a single building, stormwater pond, parking area, and a driveway, with the primary use being warehousing/storage. The west portion of the site is currently undeveloped. The parcel is proposed to be platted with the intent of selling the undeveloped portion of the parcel.

PROPOSAL: The applications covered by this Letter of Intent is for the platting of 4.48 acres as two lots.

THE PLAN: The site is zoned M – Industrial. The existing development on a portion of the parcel will remain as is, with no changes to this lot proposed. The undeveloped lot will be sold for future development.

Access to the site is from Electronic Drive. The existing development already has two driveways connecting to the street, the western of which is to be abandoned, and the undeveloped lot has one side with street frontage.

WAIVERS REQUESTS: None

ENVIRONMENTAL: The existing and proposed use for the site is industrial, as are most of the adjacent parcels. The relevant environmental conditions on the site (the biggest being drainage) have been identified and addressed.

TRANSPORTION: This subdivision will be accessed from the existing Electronic Drive, which is currently paved and public.

Traffic impact fees will be paid in full at time of building permit application submission. No inclusion into a PID or metro district is proposed.

DRAINAGE: A Drainage Report has been prepared to accompany the replat. As no physical changes to the site are proposed with the replat, there will be no changes to drainage conditions.

UTILITIES: A private wastewater septic system is currently in use on the parcel and future development is expected to use the same method. Mountain View Electric can provide electrical services. Colorado Springs Utilities can provide gas services. Cherokee Metro District can provide water services. Utility easements are existing or proposed to accommodate the proposed utility services.

WASTEWATER: A private wastewater septic system is currently in use on the parcel and future development is expected to use the same method.

GEOLOGY AND SOILS: A Subsurface Soil Investigation has been prepared for the site. This report identified some common geologic hazards and includes recommendation on how they could be mitigated. The report does not identify anything that would prevent development of the site.

CRITERIA FOR APPROVAL:

FINAL PLAT

- This plat conforms with the goals, objectives, and policies of the County Master Plans. No master plan has been found for this parcel.

- This plat is in substantial conformance with approved preliminary plans. No preliminary plan has been found for this parcel.
- This 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. County staff have reviewed the plans for consistency.
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code. Cherokee Metro District already supplies water services to this parcel and has stated they have capacity to continue to do so.
- Private wastewater septic systems are proposed for each proposed lot that comply with State and local laws and regulations [C.R.S. §30-28-133(6)(b)], and the requirements of Chapter 8 of the Land Development Code.
- The proposed subdivision was evaluated for soil and topographic hazards and was found to be compatible with the identified hazards. See Entech's Soil, Geology, and Geologic Hazard Evaluation.
- Adequate drainage improvements (water quality and detention basin and storm sewer) already exist for the portion of the property that is currently developed per the State and local standards. As no physical changes to the site are proposed with the replat, there will be no changes to drainage conditions. Future development on the site may require additional drainage improvements.
- This plat provides legal and physical access to all of the proposed lots per the Land Development Code and Engineering Criteria Manual. All of the proposed lots will have access to the existing Electronic Drive.
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are available or proposed to serve the proposed subdivision. The site is already served by a fire protection district and has access to existing public roads. Private wastewater septic systems are existing for the current development on the site and will be required for any future development.
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code. The site is currently served by the Falcon Fire Protection District.
- Offsite impacts were evaluated and no offsite improvements are required per Chapter 8 of the Land Development Code. This letter is for a replat, so it doesn't include any physical changes.

- Water Master Plan: The only Water Master Plan goal that appears to be relevant to this replat is “Goal 6.0 – Require adequate water availability for proposed development.” The County required a water commitment letter from the water district, and per Cherokee Metro District, they have adequate water availability for this property.
- Policy Plan: The only Policy Plan goal that appears to be relevant to this replat is “Goal 15.2 Ensure that applicants are responsible for a reasonable share of costs associated with processing applications and for the fiscal impacts from development while balancing the desire to limit the direct and indirect impacts of regulations on development.” The County required fees be paid before they would process the replat application.
- The County is charging various fees to mitigate the impacts of this proposed subdivision.
- No commercial mining deposits have been identified within the proposed subdivision.

ADDITIONAL CONDITIONS FOR APPROVAL PLACED ON THE FINAL PLAT:

- None

KNOW ALL MEN BY THESE PRESENTS:

That BBP-740, LLC, a Colorado limited liability company, being the owner of the following described tract of land to wit:

That portion of the East Half of Lot 5 in Aker's Acres Subdivision No. 1, El Paso County, Colorado described as follows:

Commencing at the southeast corner of said Lot 5; thence North 89 Degrees 37 Minutes 59 Seconds West, along the south line of said Lot 5 a distance of 50.36 feet to the point of beginning at the southwest corner of parcel of land described in a document recorded at Reception Number 210051876;

- 1) thence North 89 Degrees 37 Minutes 59 Seconds West, continuing along said south line 578.14 feet to the southwest corner of said East Half;
- 2) thence North 0 degrees 22 minutes 01 second East along the west line of said East Half 337.04 feet to the northwest corner thereof;
- 3) thence South 89 degrees 37 minutes 59 seconds East along the north line of said Lot 5 a distance of 551.66 feet to the northwest corner of said parcel described at Reception Number 210051876;
- 4) thence South 29 degrees 41 minutes 39 seconds East along the west line of said parcel 52.26 feet;
- 5) thence South 0 degrees 18 minutes 21 seconds West, continuing along said west line 291.81 feet to the point of beginning.

Containing a calculated area of 194,206 square feet (4.4584 acres), more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgages, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of **MOUNTAIN STATES PIPE AND SUPPLY**. 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.

Elizabeth L. Carroll, Manager of BBP-740, LLC, a Colorado limited liability company Date _____

STATE OF COLORADO }
COUNTY OF EL PASO } SS

Acknowledged before me this _____ day of _____, 2020 by Elizabeth L. Carroll as Manager of BBP-740, LLC

My commission expires _____

Witness my hand and official seal _____
Notary Public

LIEN HOLDER:

_____, has executed this instrument this _____ day of _____, 2020, A.D.

By: _____, as _____ of _____

NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

The above and aforementioned was acknowledged before me this _____ day of _____, 2020, by _____ as _____ of _____

Witness my hand and seal _____

Address _____

My Commission expires _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for **MOUNTAIN STATES PIPE AND SUPPLY** was approved for filing by the El Paso County Board of County Commissioners on the _____ day of _____, 2020, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of public utility and drainage easements 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. Aker's Acres Subdivision No. 1 in entirety 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, Plat Book H-2, Page 48.

Chair, Board of County Commissioners Date _____

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE:

This plat for **MOUNTAIN STATES PIPE AND SUPPLY** was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the _____ day of _____, 20____, subject to any notes or conditions specified hereon.

Planning and Community Development Director

SURVEYOR'S CERTIFICATION:

I, Mark S. Johannes, 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 the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.

I attest the above on this _____ day of _____, 2020.

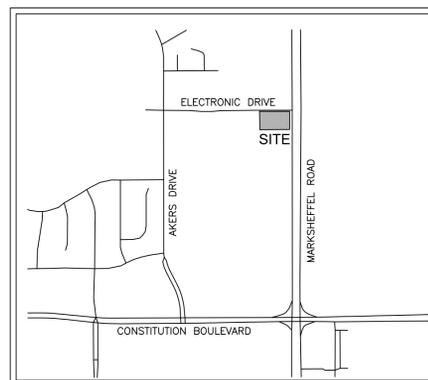
Mark S. Johannes
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying and Mapping, LLC

COMPASS SURVEYING & MAPPING, LLC
3249 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120
WWW.CSAMLIC.COM

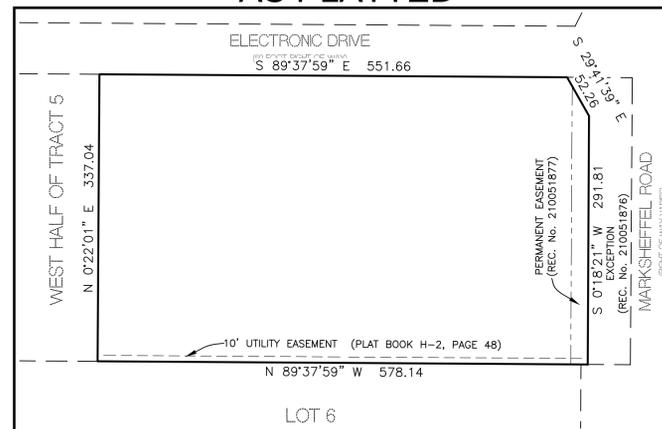
MOUNTAIN STATES PIPE AND SUPPLY

A VACATION AND REPLAT OF A PORTION OF THE EAST HALF OF TRACT 5 IN AKER'S ACRES SUBDIVISION No. 1 LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

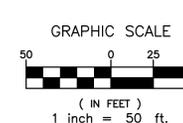
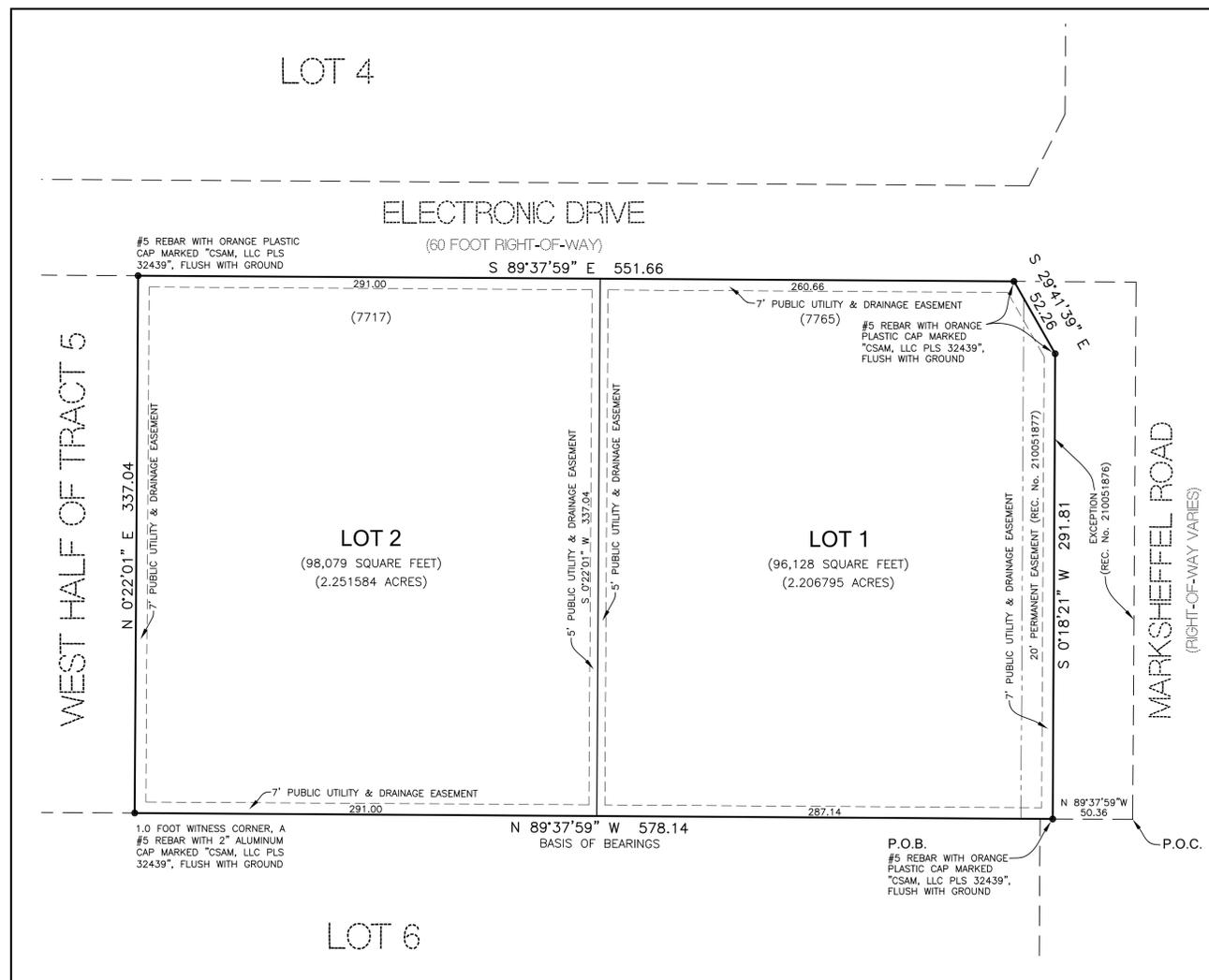
VICINITY MAP



AS PLATTED



AS REPLATTED



NOTES:

- 1) ● - Denotes found monument, marked as noted
(R) - Denotes record distance.
(7765) - Denotes street address.
- 2) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment for Title Insurance prepared by Land Title Guarantee Company, Order No. SC55069164-7 with an effective date of 05/19/2018 at 7:30 A.M.
- 3) Basis of bearings is the south line of the property, monumented as shown and assumed to bear North 89 degrees 37 minutes 59 seconds West.
- 4) This property is located within Zone X (areas determined to be outside the 500-year floodplain) as established by FEMA per FIRM panel 08041C0756G, effective date, December 7, 2018.
- 5) 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.
- 6) The linear units used in this drawing are U.S. Survey feet.
- 7) Water is to be provided by the Cherokee Metropolitan District.
- 8) Sewage treatment is the responsibility of the property owner. The El Paso County Department of Health and Environment must approve each system and in some areas and in some cases the Department may require an engineer designed system prior to permit approval.
- 9) Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on each side with a 5 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 7 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- 10) Mailboxes shall be installed in accordance with all El Paso County Department of Transportation and United States Postal Service regulations.
- 11) All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- 12) 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 or runoff shall not be placed in drainage easements.
- 13) The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- 14) The approval of this replat vacates all prior plats for the area described by this replat.
- 15) No driveway shall be established unless an access permit has been granted by El Paso County.
- 16) There shall be no direct lot access to Marksheffel Road.
- 17) NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT 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 purchasers considering the use of this property for residential and other purposes. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.
- 18) 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.
- 20) All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

RECORDING:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____M., this _____ day of _____, 2020, A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.

CHUCK BROERMAN, RECORDER

BY: _____
Deputy

SURCHARGE: _____

FEE: _____

PCD FILE No. VR204

REVISIONS:	
1	9/01/20 County comments.
2	10/26/20 County comments.
3	12/05/20 County comments.

PROJECT No. 19196
DECEMBER 18, 2019
SHEET 1 OF 1



June 3, 2021

El Paso County Planning Department
 2880 International Circle
 Colorado Spring, CO 80910

RE: Mt States Pipe and Supply Replat
 NE 1/4 SE 1/4 of Sec. 32, Twp. 13S, Rng. 65W, 6th P.M.
 Water Division 2, Water District 10
 CDWR Assigned Referral No. 27219

To Whom It May Concern:

We have received a referral regarding the above referenced proposal to subdivide an existing 4.48 acre tract of land currently known as Tract 5 of Akers Acres into two industrial lots. Lot 1 will be 2.208 ± acres and Lot 2 will be 2.252 ± acres. According to the submittal, the proposed supply of water is to be served by Cherokee Metropolitan District (“Cherokee”). Wastewater will be disposed of in a private wastewater septic system. This office previously provided comments on the proposed subdivision in a letter dated October 7, 2020. The water supply demand has since been revised.

Water Supply Demand

The Water Supply Information Sheet, Form no. GWS-76, provided with the submittal estimates a demand of 0.39 acre-feet per year for all intended uses within the subdivision, as shown in the table below.

Type	Area	Water Use Rate (AF/thousand square foot)	Water Demand (AF/year)
Commercial Use	83,000 square-feet	0.002	0.18
Irrigation	1.2 acres	0.004	0.21

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 will be Cherokee Metropolitan District. An updated letter of commitment from Cherokee, dated May 26, 2021, was provided with the referral materials indicating that Cherokee is committed to providing 0.39 acre-feet/year for existing and new uses on the proposed subdivision.

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



Additional Comments

If a storm water detention structure is constructed as a part of this project, 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*, attached, 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/gyh/?viewer=cswdif>, to meet the notification requirements.

State Engineer’s Office Opinion

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

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

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

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
Peter A. Lichtman
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

June 8, 2021

VR-20-4 Mountain States Pipe and Supply
Vacation and Replat

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

FINDINGS AND CONCLUSIONS:

1. This is a vacation and replat proposal by BBP-740, LLC a/k/a Mountain States Pipe and Supply ("Applicant") to replat an existing 4.48 acre parcel (the "Property") into 2 lots. The parcel is currently unplatted and has been partially developed. The east portion of the site has a single building, stormwater pond, parking area, and a driveway, with the primary use being warehousing/storage. The west portion of the site is currently undeveloped and is proposed to be platted with the intent of selling the undeveloped portion of the parcel. The property is zoned M (Industrial). Applicant indicates the currently undeveloped portion of the property will be utilized for mini-storage.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District", "Cherokee", or "CMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 0.39 acre-feet per year, which equates to 0.18 acre-feet for commercial use and 0.21 acre-feet for irrigation. The water demand reflects a proposed mini-storage facility on the undeveloped portion of the parcel with a water demand of 0.31 acre-feet/year. The existing lot uses an average of 0.08 acre-feet/year. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 117 acre-feet of water (0.39 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 of commitment dated May 26, 2021, in which the District commits to serve the development (referred to in the District letter as "Electronic Dr. Self-Storage") in the amount of 0.39 acre-feet/year. The District states that they have been serving the existing building on the property since 2002

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



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

and will continue to serve. They also state that it has been determined that “0.31 acre-feet per year will be sufficient for the new building on the property.” Therefore, the “expected combined water usage of both lots will be 0.39 acre-feet per year of which 0.31 acre-feet will be newly committed from Cherokee’s water balance.”

4. The District’s commitment is only a conditional commitment as the letter states: “[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.”

5. Applicant provided a *Water Provider’s Report for proposed Electronic Drive Self Storage at Mountain States Pipe and Supply*, dated May 28, 2021 (“*Report*”). The *Report* notes that the “proposed development will split the existing parcel into two new parcels with one containing an existing building and the other containing the proposed building. The existing building has received CMD water service since 2002 [and] is not undergoing any substantial change as part of this project. The new construction portion of this development is expected to include an enclosed self-storage center.” Further, the *Report* states that to be conservative, “the District committed one SFE or 0.31 AFY to this development.”¹ The *Report* notes that “CMD’s water commitments stand at 4,033 AFY before the addition of the proposed development.” Further, with “4,443.0 AFY of exportable supply and 4,033 AFY of commitments, CMD has a water balance of 410.0 AFY before the subject development.”

6. The State Engineer’s Office reviewed the water supply for this development on June 3, 2021. They reviewed Applicant’s proposal to subdivide the “4.48 acre tract of land currently known as Tract 5 of Akers Acres into two industrial lots. Lot 1 will be 2.208 +/- acres and Lot 2 will be 2.252 +/- acres.” Pursuant to the WSIS, the State Engineer identified the following water demand for the development:

<i>Type</i>	<i>Area</i>	<i>Water Use Rate (AF/thousand square foot)</i>	<i>Water Demand (AF/year)</i>
<i>Commercial Use</i>	<i>83,000 square-feet</i>	<i>0.002</i>	<i>0.18</i>
<i>Irrigation</i>	<i>1.2 acres</i>	<i>0.004</i>	<i>0.21</i>

The State Engineer noted the “source of water for the proposed development will be Cherokee Metropolitan District. A letter of commitment from Cherokee, dated May 26, 2021, was provided with the referral materials indicating that Cherokee is committed to providing 0.39 acre-feet/year for existing and new uses on the proposed subdivision.”

The State Engineer’s Office stated that based on their records “Cherokee has sufficient water resources to supply this development as described above.” Further, the

¹ This is interpreted to be 0.31 AFY for the new construction portion of the 4.48 acre parcel.

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

7. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.

8. Analysis: This review is based on the water demand of 0.39 acre-feet/year for the development which the District has committed to serve. The *Water Provider’s Report* detailed the water supply available to the Cherokee Metropolitan District, which exceeds the water demand for this development and the State Engineer concurred.

9. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, the commitment to serve by the District, but given the conditional nature of the commitment to serve, 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 Mountain States Pipe and Supply Replat.

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 (in this case, approval of this Vacation and Replat) and provide evidence thereof to the District within 12 months of the District’s commitment letter dated May 26, 2021 (approval must be provided by May 26, 2022), to retain the District’s water commitment. 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.

cc: John Green, Planner II

Mountain States Pipe and Supply, VR-20-4

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

- There is a finding for sufficiency in terms of water quality for drinking water obtained from Cherokee Metropolitan District, which is a Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The water system is assigned the PWSID# CO-0121125 from the Colorado Department of Public Health and Environment. A Commitment letter from the District dated 13Jan2020 indicates water and wastewater would be provided; however, only water service is planned for the site.
- Wastewater service proposed for the development is by an onsite wastewater treatment system (OWTS). The OWTS must be designed by a Colorado Registered Professional Engineer. The primary and secondary soil treatment areas (STA's), where Entech Engineering performed the two soil test pit excavations, must be protected from compaction during all construction activity. EPCPH encourages fencing the area during construction.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.

Mike McCarthy
El Paso County Public Health
719.575.8602
mikemccarthy@elpasoco.com
28Oct2020