SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners

FROM: Planning & Community Development

DATE: 11/13/2025

RE: VR251; Claremont Business Park 2 Filing No. 3

Project Description

A request by Brian Zurek for approval of a 1.808-acre Vacation and Replat creating two commercial lots, sized 0.855 acres and 0.771 acres, and a tract of 0.182 acres. The property is zoned CS (Commercial Service) and is located at 1541 El Jefe Heights. (Parcel No. 5405412013) (Commissioner District No. 2)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Schuettpelz moved / Whitney seconded for Approval of the Vacation and Replat utilizing the resolution attached to the staff report with seven conditions, three notations, and one waiver, that this item be forwarded to the Board of County Commissioners for their consideration. The motion for Approval was approved (5-0). The item was heard as a consent agenda item.

Discussion

There was no discussion.

Attachments

1. Planning Commission Minutes from 11/6/2025.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, November 6th, 2025, El Paso County Planning and Community Development Department

2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

REGULAR HEARING at 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY.

PC MEMBERS PRESENT AND NOT VOTING: BLAINE BREW.

PC MEMBERS ABSENT: JIM BYERS, ERIC MORAES, AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, JEN UHLER, LISA ELGIN, EDWARD SCHOENHEIT, JOE SANDSTROM, JOE LETKE, ERIKA KEECH, AND JESSICA MERRIAM.

OTHERS PRESENT AND SPEAKING: NONE.

1. REPORT ITEMS

Mr. Kilgore introduced new planning staff member Jen Uhler and advised the board that the next PC Hearing is Thursday, November 20th, 2025, at 9:00 A.M.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

NONE.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on October 16th, 2025.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (5 - 0)

IN FAVOR: (5) Brittain Jack, Carlson, Fuller, Schuettpelz, and Whitney.

IN OPPOSITION: (0) None.

B. SF2434 **PARSONS**

FINAL PLAT

SKYE VISTA SUBDIVISION FILING NO. 1

A request by Skye Vista LLC, for approval of a 36.19-acre Final Plat creating 13 single-family residential lots and 2 tracts. The property is zoned RR-2.5 (Residential Rural) and is located north of Hodgen Road and east of Settlers Ranch Road. (Parcel No. 6100000485) (Commissioner District No. 1)

NO STAFF & APPLICANT PRESENTATIONS OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER SF2434 FOR A FINAL PLAT, SKYE VISTA SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (5 - 0).

IN FAVOR: (5) Brittain Jack, Carlson, Fuller, Schuettpelz, and Whitney.

IN OPPOSITION: (0) None.

C. VR251 **ELGIN**

VACATION AND REPLAT

CLAREMONT BUSINESS PARK 2 FILING NO. 3

A request by Brian Zurek for approval of a 1.808-acre Vacation and Replat creating two commercial lots sized 0.855 acres and 0.771acres, and a tract of 0.182 acres. The property is

zoned CS (Commercial Service) and is located at 1541 El Jefe Heights. (Parcel No. 5405412013) (Commissioner District No. 2)

NO STAFF & APPLICANT PRESENTATIONS OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER VR251 FOR A VACATION AND REPLAT, CLAREMONT BUSINESS PARK 2 FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (5 - 0).

IN FAVOR: (5) Brittain Jack, Brew, Fuller, Schuettpelz, and Whitney.

IN OPPOSITION: (0) None.

RECUSED: (1) Carlson.

4. CALLED-UP CONSENT ITEMS:

NONE.

5. REGULAR ITEMS

A. VA253 LETKE

VARIANCE OF USE

PRO TRANS VARIANCE OF USE

A request by Pro Trans Plus for approval of a Variance of Use to permit a commercial vehicle repair garage within an existing hangar at the Meadow Lake Airport. The property is zoned R-4 (Planned Development) and is located within the GA-O (General Aviation Overlay District), which restricts non-aviation-related land uses. Additionally, Final Plat Meadow Lake Airport Filing No. 3, Note #1, limits all lots to “hangar and airport accessory uses only.” The hangar is

located south of Judge Orr Road and east of Highway 24. (Parcel No. 4304002080) (Commissioner District No. 2)

DISCUSSION: Mr. Kilgore requested that this item be postponed to a date certain of November 20th, 2025.

PC ACTION: BRITTAIN JACK MOVED / FULLER SECONDED TO CONTINUE THIS ITEM AT THE NOVEMBER 20TH, 2025 PLANNING COMMISSION HEARING.

IN FAVOR: (5) Brittain Jack, Carlson, Fuller, Schuettpelz, and Whitney.

IN OPPOSITION: (0) None.

6. NON-ACTION ITEMS

NONE.

MEETING ADJOURNED at 9:10 A.M.

Minutes Prepared By: Jessica Merriam

VACATION AND REPLAT (RECOMMEND APPROVAL)

Schuettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR251

CLAREMONT BUSINESS PARK 2 FILING NO. 3

WHEREAS, Brian Zurek did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to create two lots from one platted lot within the CS (Commercial Service) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on November 6, 2025; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public

officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the application meets the criteria of approval listed in Section 7.2.3.C.4 of the Land Development Code ("Code") (as amended), as follows:

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. 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 Replat has been resolved.

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

WHEREAS, the Planning Commission also finds that the proposed Waiver(s) from the Code Section 8.4.7.A.3 meet(s) the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Planning Commission recommends that the petition of Brian Zurek for approval of a Vacation and Replat to allow creation of two lots from one platted lot within the CS (Commercial Service) zoning district meets the criteria of approval

listed in Section 7.2.3.C.4 of the Land Development Code and be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provide 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 Final Plat.
4. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 13, 2025, as provided by the County Attorney's Office.
6. Applicant shall comply with comments provided by Colorado Springs Utilities to include CSU's Terms and Conditions via Rec. No. 224026331
7. Additional drainage basin and bridge fees that exceed those paid at the time of original plat recordation or exceed 80% impervious by lot must be paid with any future site development plan approval. Future drainage basin and bridge fees will be assessed based on the current fee schedule at the time of site development plan submittal.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation 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. 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 No. 24-377, 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.

BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends approval of the following Waivers from the Land Development Code:

A Waiver from Section 8.4.7.A.3 of the Code to allow a Waiver of the Code's water supply requirements related to Vacation and Replat of an existing lot.

BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein shall be forwarded to the El Paso County Board of County Commissioners for its consideration.

Whitney seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Sarah Brittain Jack	(aye) / no / non-voting / recused / absent
Blaine Brew	(aye) / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / (absent)
Jay Carlson	aye / no / non-voting / (recused) / absent
Becky Fuller	(aye) / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / (absent)
Bryce Schuettpelz	(aye) / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / (absent)
Christopher Whitney	(aye) / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 6th day of November 2025 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____

Chair

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4 SE 1/4) OF SECTION 5 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO.

SAID PARCEL BEING LOT 2 "CLAREMONT BUSINESS PARK 2 FILING NO. 2" RECORDED UNDER RECEPTION NO. 223715236 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

SAID PARCEL CONTAINS A CALCULATED AREA OF 78,767 SQUARE FEET (1.808 ACRES, MORE OR LESS).

BASIS OF BEARINGS: THE NORTH LINE OF LOTS 5, 6, AND 7 "CLAREMONT BUSINESS PARK 2 FILING NO. 1" RECORDED UNDER RECEPTION NO. 221714714 IN THE RECORDS OF EL PASO COUNTY, COLORADO, MONUMENTED AT THE NORTHEAST CORNER OF LOT 5 WITH A NO. 5 REBAR WITH ORANGE SURVEYOR'S CAP STAMPED "M&S CIVIL PLS 25966", FROM WHICH THE NORTHWEST CORNER OF LOT 7, MONUMENTED WITH A NO. 5 REBAR WITH ORANGE SURVEYOR'S CAP STAMPED "M&S CIVIL PLS 25966", BEARS S89°44'12"W, A DISTANCE OF 578.27 U.S. SURVEY FEET.

TO: **El Paso County Planning Commission**

Jay Carlson, Chair

FROM: **Lisa Elgin, Senior Planner**

Ed Schoenheit, Associate Engineer

RE: **Project File Number: VR251**

Project Name: Claremont Business Park 2, Filing No. 3

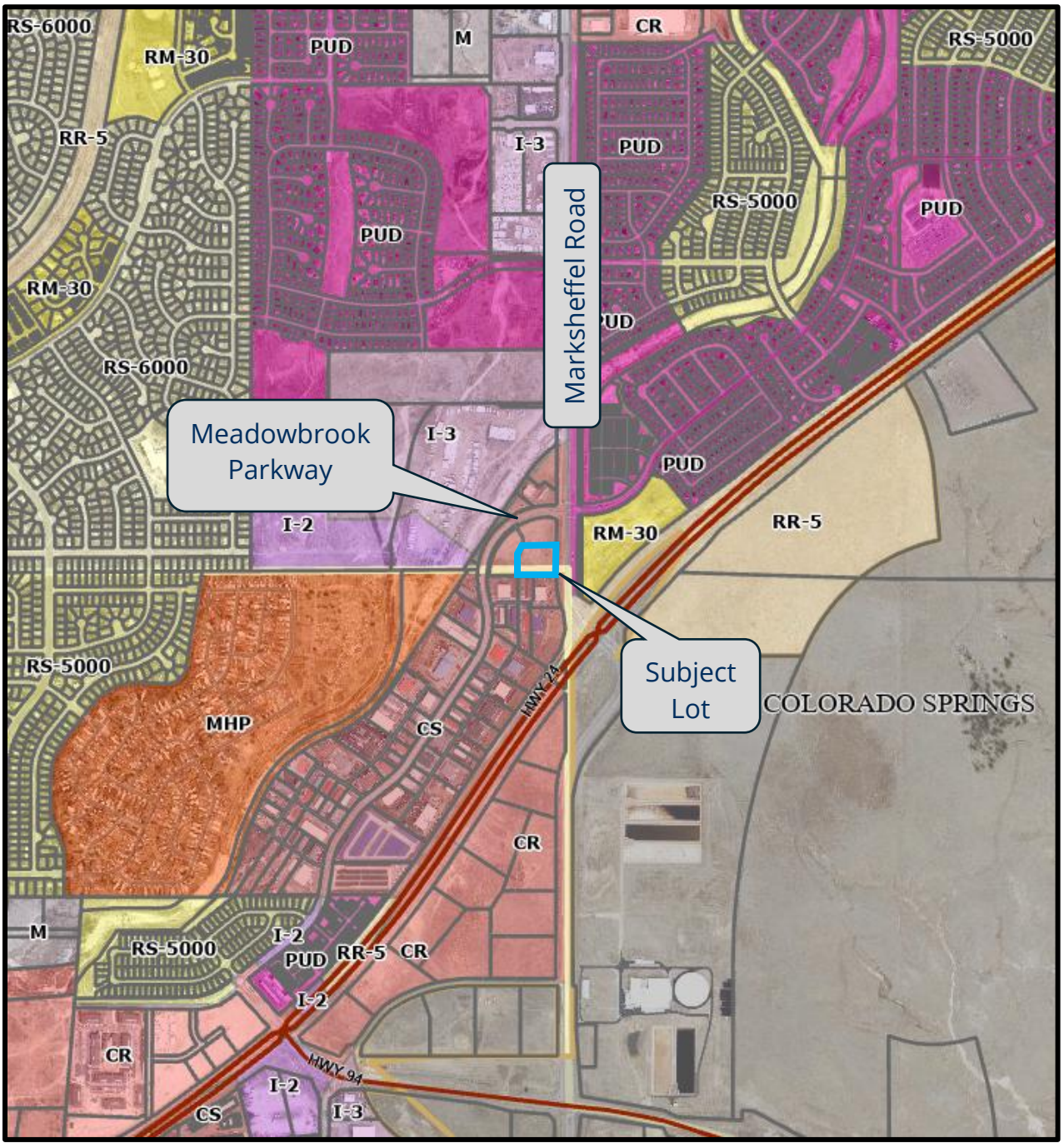
Parcel Number: 5405412013

Commissioner District: 2

OWNER:	**REPRESENTATIVE:**
Brian Zurek DTV Meadowbrook, LLC 4148 N. Arcadia Dr. Chandler, AZ 85018	M&S Civil Consultants 212 N. Wahsatch Ave Colorado Springs, CO 80903
Planning Commission Hearing Date:	10/16/2025
Board of County Commissioners Hearing Date:	11/13/2025

EXECUTIVE SUMMARY

A request by Brian Zurek for approval of a 1.808-acre Vacation and Replat creating two commercial lots, sized 0.855 acres and 0.771 acres, and a tract of 0.182 acres. The property is zoned CS (Commercial Service) and is located at 1541 El Jefe Heights. (Parcel No. 5405412013) (Commissioner District No. 2)



Vicinity/Zoning Map

A. AUTHORIZATION TO SIGN: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

The Planning Commission and Board of County Commissioners (BoCC) shall determine that the following criteria for approval outlined in Section 7.2.3.C of the El Paso County Land Development Code (as amended) have been met to approve a Vacation and Replat:

- *The replat complies with this Code, and the original conditions of approval associated with the recorded plat;*
- *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;*
- *The replat is in keeping with the purpose and intent of this Code;*
- *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;*
- *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 approval 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 replat has been resolved*

C. LOCATION

North:	CS (Commercial Service)	Vacant
South:	CS (Commercial Service)	Warehouse/Storage
East:	RM-30 (Residential Multi-Dwelling)	Vacant
West:	CS (Commercial Service)	Vacant

D. BACKGROUND

In January 2005, the property was rezoned from MHP (Mobile Home Park) to PBD (Planned Business District). As a result of a nomenclature change in 2007, the PBD zoning district was renamed to CS (Commercial Service) zoning district.

The property was approved as a part of the Sketch Plan SKP03003 in May 2004, depicting commercial uses. It was platted as a tract in January of 2007 (Claremont Business Park Filing No. 2, SF06007), then replatted as a lot in March of 2021 (Claremont Business Park 2 Filing No. 1, SF2014). It was replatted once again in December 2023 to modify the lots and relocate the water quality pond (Claremont Business Park 2 Filing No. 2, VR233).

E. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

The proposed Vacation and Replat will create two lots and one tract for an existing sand filter pond. The two lots, as proposed, will conform to the standards of the CS (Commercial Service) zoning district. There is no minimum lot size in the CS zoning district. Future development will need to show conformance with setbacks, parking, and landscape requirements. The CS (Commercial Service) zoning district density and dimensional standards are as follows:

	Zoning District Area Minimum	Minimum Setbacks			Maximum Lot Coverage	Maximum Height
		Front	Rear	Side		
CS	2 acres	25 ft[1,3,11]	25 ft[1,2,3,11]	25 ft[1,2,3,11]	-	45 ft

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

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

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

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

In order to initiate any new commercial uses on the property, the applicant will need to obtain a Site Development Plan approval. All plans will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Land Development Code ("Code") and the Engineering Criteria Manual requirements.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. **Placetype Character**: Employment Center

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

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

Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The property is located within the Employment Center Placetype. The proposed Vacation and Replat is located very near the intersection of Marksheffel Road and Highway 24, creating a potential for employment opportunities. The location also provides good access for business customers and employees.

b. Area of Change Designation: Transition

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

Analysis:

The property is located within the Transition Area of Change. The property and the two lots to the north and west are all vacant and zoned CS (Commercial Service). No change is anticipated to occur in terms of a transition since the zoning is commercial and is not changing.

c. Key Area Influences: Enclaves or Near Enclaves

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized

community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These include roadway improvements, storm-water improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.

Analysis:

The property is located in the Key Influence Area of Enclaves. It is located in an area surrounded by the City of Colorado Springs. Colorado Springs Planning and Community Development was sent a referral for comment, but no comments were received. Colorado Springs Public Works was sent a referral for comments; the review was returned with no comment. The applicant does not wish to annex the property into the City as it is a part of an existing development.

2. Water Master Plan Analysis

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

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

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.*

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 5 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 5 for central water providers:

> The Plan identifies the current demand for Region 5 to be 4,396 acre-feet per year (AFY) with a current supply of 4,849 AFY. The projected demand in 2040 for Region 5 is 6,468 AFY, with a projected supply of 6,800 AFY in 2040. The projected demand at build-out in 2060 for Region 5 is 9,608 AFY, with a projected supply of 10,131 AFY in 2060. This means that by 2060, a surplus of 523 AFY is anticipated for Region 5.

See the Water section below for a summary of the water findings and recommendations.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the lots as having a low wildlife impact potential on the majority of the parcel. The northeastern corner (approximately 0.10 of an acre) is located in an area of moderate wildlife impact potential. El Paso County Environmental Services was sent a referral and have no outstanding comments.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the development area that would preclude development if mitigation measures identified in the Updated Geotechnical & Geologic Report, written by UES, dated May 20, 2025, are followed. The Colorado Geological Survey had the following two comments:

"Hydrocompactive soil is a geologic constraint impacting this site due to the eolian sand mapped in the site and should be listed as a geologic hazard/constraint on the final plat."

"CGS recommends that a note be added to the final plat requiring site-specific geotechnical investigations once building locations have been determined."

2. Floodplain

The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0756G, effective on December 7th, 2018. The property is located in Zone "X," which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

3. Drainage and Erosion

The property is located in the Sand Creek drainage basin. Drainage basin fees in the amount of $27,554 and bridge fees in the amount of $11,270 per impervious acre will be assessed and paid at the time of Site Development Plan approval for any impervious increase above 80% value as stipulated on the Final Plat. Previous plats of the development area paid drainage and bridge fees based on a lower commercial impervious percentage value. Drainage on the lot flows from north and east to the southwest. A privately maintained pond will be constructed to provide water quality as part of the development. Per BoCC Resolution 16-426, on-site water quality is required, but on-site stormwater detention was not required. A drainage report was submitted for the development by MS Civil Consultants Inc. The drainage report concluded that the proposed

development will not result in adverse impacts to downstream and adjacent properties with respect to stormwater runoff.

4. Transportation

The property is located adjacent to the intersection of Meadowbrook Parkway and Marksheffel Road, which is a County-maintained urban major collector road. Marksheffel Road is a City of Colorado Springs-maintained principal arterial road. Access to the development area from Meadowbrook Parkway will be provided by El Jefe Heights, a private paved local road. A Traffic Impact Study was prepared by LSC Transportation Consultants Inc. The planned two-lot commercial development area by itself is expected to generate approximately 2,150 daily trips to the surrounding road network. No public improvements are proposed with this Vacation and Replat. The property is located in the Central Marksheffel Metro District and is not subject to the El Paso County Road Impact Fee project as approved by BoCC Resolution 12-387.

H. SERVICES

1. Water

The applicant has requested a Waiver of the Land Development Code ("Code") water supply requirements related to the Vacation and Replat of an existing lot. The Waiver is discussed below in Section K, Waiver Requests.

The Colorado Division of Water Resources Engineer's review of this application does not include a new finding, as the current referral does not change the water supply requirements for the subdivision. The review letter refers to the two previous letters provided for prior projects for the overall development, which are included as an attachment to this staff report.

The County Attorney's Office Water Supply Review and Recommendations Memo recommends a finding of sufficient water quantity and dependability for Claremont Business Park 2, Filing No. 3 based on the current estimated demand as stated within the Water Resources Report dated February 2025, of 11.58 acre-feet per year. This is a decrease in the demand amount by 0.61 acre-feet per year. The Water Supply Review and Recommendations Memo is included as an attachment to this staff report.

The County Public Health Department Comments Memo states there is a finding of sufficiency in terms of water quality for drinking water. The Public Health Department Comments Memo is included as an attachment to this staff report.

2. Sanitation

Wastewater is provided by Cherokee Metro District.

3. Emergency Services

The property is within the Cimarron Hills Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and responded that they have no concerns or additional comments with this application.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA), and natural gas service is provided by Colorado Springs Utilities (CSU). Condition of Approval No. 6 requires the applicant to include CSU's Terms and Conditions via Rec. No. 224026331.

5. Metropolitan Districts

The property is located within the Cherokee Metro District service area, and the District has provided a commitment letter to serve the property with water and sewer service.

6. Schools

The subject property is situated within the Colorado Springs District No. 11 School District. Land dedication and/or school fees are not required with commercial development.

I. STATUS OF MAJOR ISSUES

No major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C of the El Paso County Land Development Code (as amended), staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provide 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 Final Plat.
4. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 13, 2025, as provided by the County Attorney's Office.
6. Applicant shall comply with comments provided by Colorado Springs Utilities to include CSU's Terms and Conditions via Rec. No. 224026331
7. Additional drainage basin and bridge fees that exceed those paid at the time of original plat recordation or exceed 80% impervious by lot must be paid with any future site development plan

approval. Future drainage basin and bridge fees will be assessed based on the current fee schedule at the time of site development plan submittal.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation 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. 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 No. 24-377, 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.

K. WAIVER REQUESTS

Should the Planning Commission and the Board of County Commissioners find that the Waiver request meets the criteria for approval outlined in Section 7.3.3 of the El Paso County Land Development Code (as amended), the following Waivers will be considered for approval:

A Waiver from Section 8.4.7.A.3 of the Code to allow a Waiver of the Code's water supply requirements related to Vacation and Replat of an existing lot.

The applicant submitted a Waiver request within their Letter of Intent, requesting a Waiver of the Code's water supply requirements related to a Vacation and Replat of an existing lot. The Waiver request states that the Vacation and Replat of one existing lot into two lots will not result in

significantly greater water total use than previously anticipated for the subdivision. The water demand for the entirety of Claremont Business Park 2, as anticipated in the previous review of the Preliminary Plan dated October 23, 2020, was 12.19 acre-feet per year. The current estimated demand following approval of this application, as stated within the Water Resources Report dated February 2025, provides a water demand of 11.58 acre-feet per year, which is a decrease in the amount by 0.61 acre-feet per year.

Under state law, the Board of County Commissioners ("Board") is required to find that a Final Plat application proposes a water supply that is sufficient in terms of quality, quantity, and dependability. This finding cannot be waived. The Board may, however, waive any of the Code provisions it adopted to implement this statutory requirement. These include, but are not limited to, requirements regarding documentation and the content of applications, as well as the requirement that evidence be provided that the proposed water supply is sufficient to serve the subdivision for 300 years.

The County Attorney's Office recommends that the Board grant a Waiver of the water supply requirements pursuant to Section 8.4.7 (A)(3) of the Code, as the current Vacation and Replat will not result in significantly greater total water usage, but actually decreases.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 18 adjoining property owners on October 22, 2025 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series

Vicinity Map

Letter of Intent

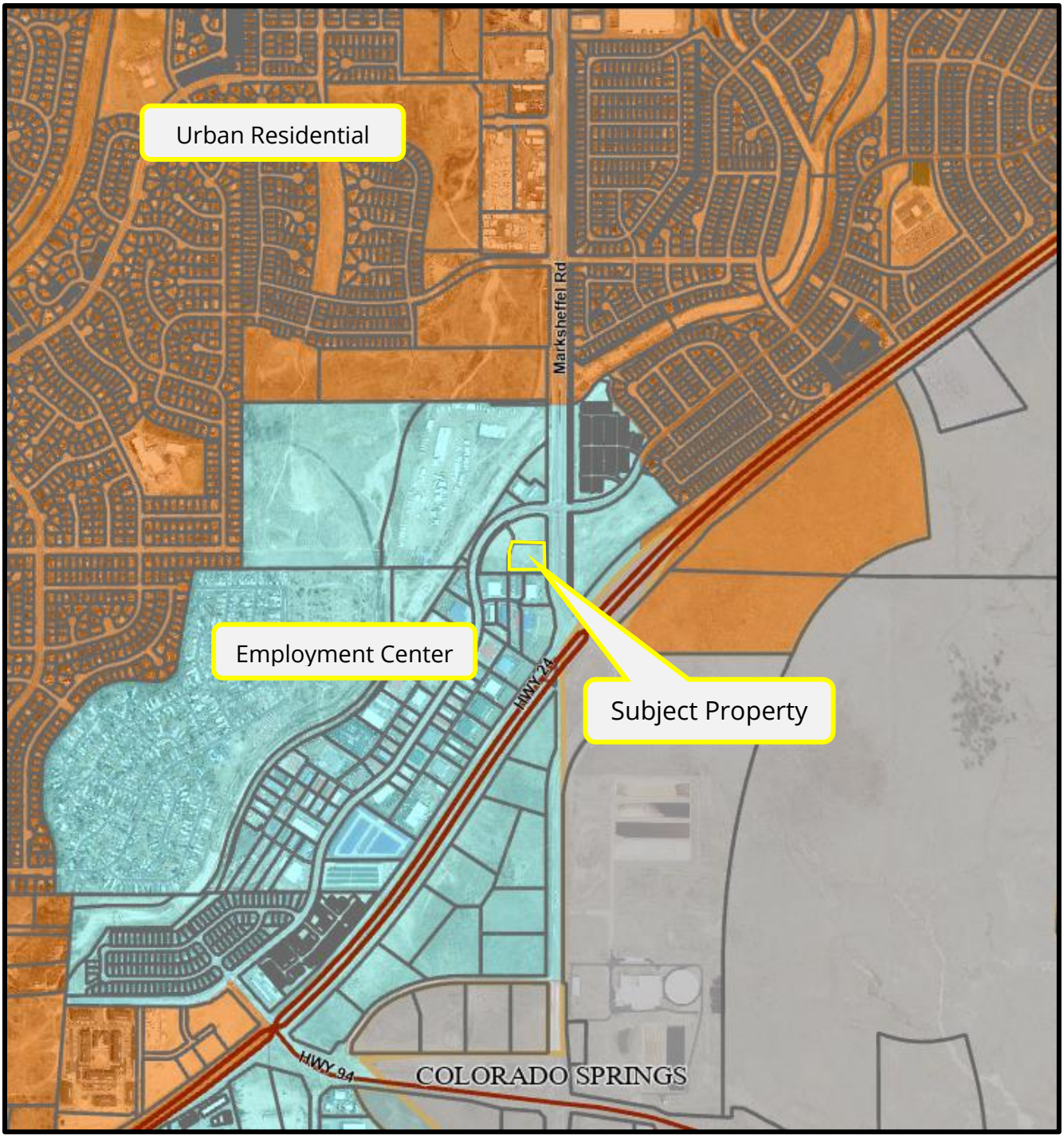
Plat Drawing

State Engineer's Letter

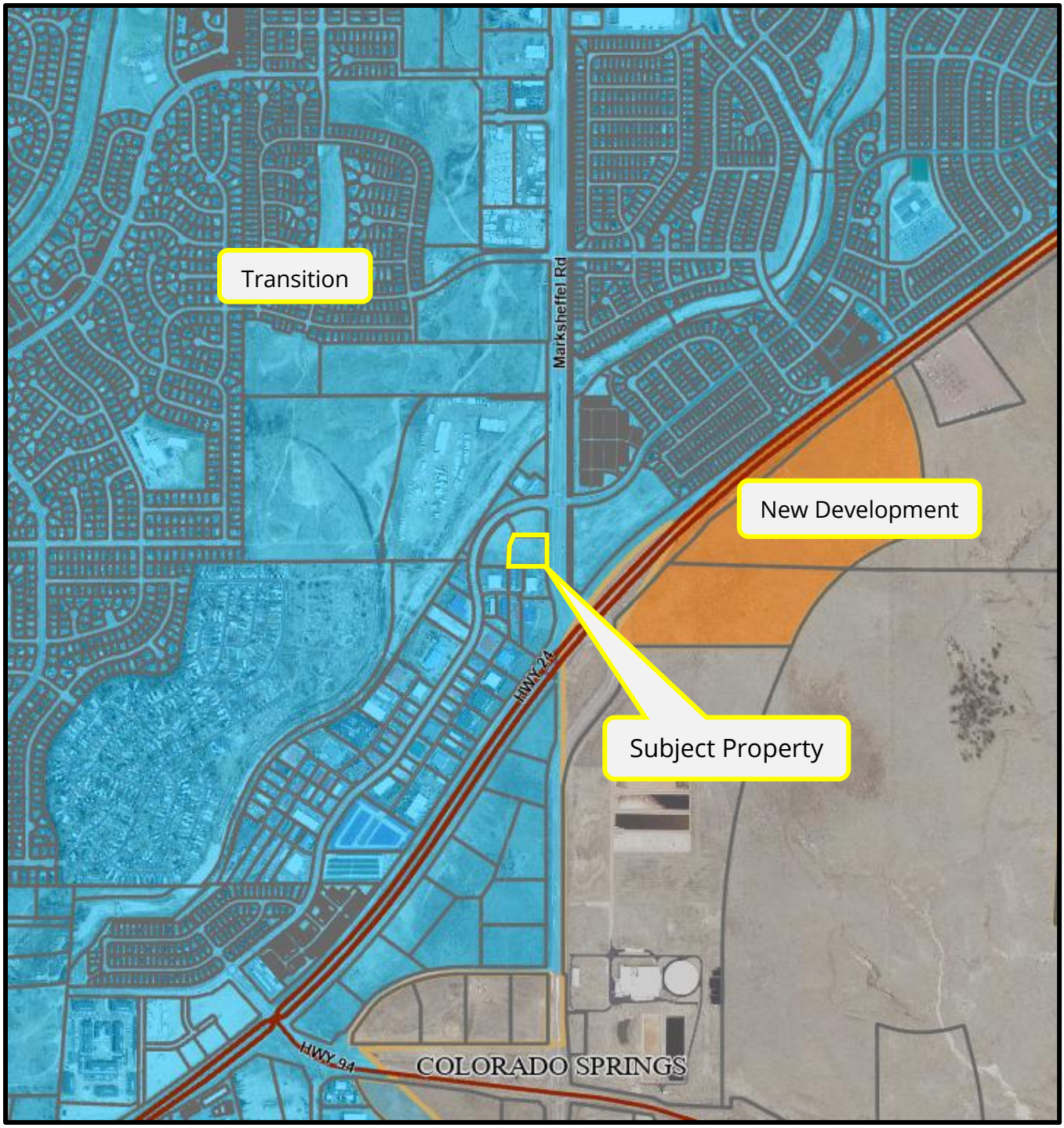
County Attorney's Letter

Public Health Comments

Draft Resolution



PLACETYPE MAP – VR251



AREA OF CHANGE MAP – VR251

Vicinity Map - VR251

9/8/2025, 8:22:05 AM

1:45,090

0 0.3 0.6 1.2 mi

0 0.5 1 2 km

Claremont Business Park 2 Filing No. 3
(A Replat of Lot 2 of Claremont Business Park 2 Filing No. 2)
Letter of Intent

EPC FIL. NO. VR251

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER
DTV MEADOWBROOK LLC
PO Box 220
Scottdale, AZ 85252

ENGINEERING
M&S CIVIL CONSULTANTS, INC.
212 N. WAHSATCH AVE, STE 305
COLORADO SPRINGS, CO 80903

SURVEYING
M&S CIVIL CONSULTANTS, INC.
212 N. WAHSATCH AVE, STE 305
COLORADO SPRINGS, CO 80903

SITE/BACKGROUND INFORMATION

The Claremont Business Park 2 Filing No. 3 Replat application involves a 1.808-acre lot, previously designated as Lot 2 of Claremont Business Park 2 Filing No. 2. This lot is situated near the southwestern intersection of Meadowbrook Parkway and Marksheffel Road. The proposed replat aims to reconfigure the existing Lot 2 from Claremont Business Park 2 Filing No. 2, which was previously recorded under Reception No. 223715236 with the El Paso County Records and is identified under TSN 5405412013. The property is located within the Commercial Aviation District Overlay (CAD-O), meaning that all future land use actions will be subject to the restrictions and limitations imposed by the Airport Overlay.

Request & Justification

DTV Meadowbrook LLC (“The Applicant”) is requesting approval for the replat of Lot 2 of Claremont Business Park 2 Filing No. 2. The proposal involves subdividing the current lot into two commercial lots and a tract for the existing sand filter pond. The current Lot 2 encompasses an area of 1.808 acres.

The replat will create the following:
- Tract A, which will be a parcel of 0.182 acres to encompass the existing sand filter pond.
- Lot 1, which will consist of 0.771 acres.
- Lot 2, which will consist of 0.855 acres.

These subdivisions will total the original 1.808 acres currently designated as Lot 2. The new subdivision shall be known as Claremont Business Park 2 Filing No. 3.

The two subdivided lots will share an existing 32-foot driveway access from the private road of El Jefe Heights, in which the access drive entrance was constructed under EPC project number VR233. An existing sand filter water quality pond has also been constructed on the southwest side of the existing Lot 2. With this replat application, the existing pond shall lie within the proposed Tract A with Claremont Business Park 2 Filing No. 3. The pond was designed to serve both replatted lots and the runoff from the El Jefe Heights roadway. This water quality pond was designed and constructed under EPC File No. VR233. Both lots have existing utility stubs for water, sewer, and storm drainage, so no new utility services are needed for the replat request.

This proposed application is for the replat of an existing lot, proposing to replat the existing lot into two commercial lots. With the increase in the number of lots from the original water summary report, the additional water demand for the new lot does not qualify for administrative approval. CMD has reissued an updated commitment dated February 3, 2025. With this in mind, the applicant respectfully requests a waiver of the water supply requirements in the Land Development Code pursuant to § 8.4.7 (A)(3), which allows the BoCC to grant an exception for a vacation and replat of existing lots which will not result in significantly greater total water use than previously anticipated for the subdivision.

DRAINAGE AND BRIDGE FEES

This subject site was a portion of a larger parcel originally reviewed and discussed under the approved Final Drainage Report for Claremont Business Park Filing No. 2 under EPC file number SF6007 by Matrix Design Group dated “Revised November 2006”, where the drainage and bridge fees, were initially paid with the recording of the Claremont Business Park Filing No. 2 plat, (for a total 62.967 ac) the Drainage and Bridge fees were based on 80% overall imperviousness.

Future commercial developments within the Claremont Business Park 2 Filing No. 3 replat shall be required to stay under the original 80% imperviousness per the previous SF6007 drainage report and plat. Should either future development exceeds 80% of impervious areas, then additional drainage and bridge fees shall be assessed on current fees at the time of site development plan application.

ZONE DISTRICT COMPLIANCE

The proposed two replatted commercial lots are in the CS CAD-O zone. The proposed lots are designed to meet the bulk, density, and dimensional requirements of the respective underlying zones and are able to meet the required landscaping, buffering, and screening requirements for the proposed uses and buffering and screening against adjacent and differing uses per Section 6.2.2 of the Code.

REVIEW/APPROVAL CRITERIA & JUSTIFICATION

Water Master Plan Conformance:

The development area is 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.

Water supplies in Region 5, and specifically from CMD, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full project development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partners and/or neighboring water providers.

On August 6, 2020, CMD issued a letter committing to providing water and sewer services to the ten lots of the Claremont Business Park 2 Preliminary Plan submittal, allocating 12.19 AF/YR (acre-feet per year).

With the current Lot 2 replat application, which involves dividing a single lot into two commercial lots, CMD has reissued an updated commitment dated February 3, 2025.

The two lots being replatted in this application will be known as Claremont Business Park 2 Filing No. 3. Consequently, the number of proposed lots will increase from an overall count of 10 to 11, and the anticipated water usage has been updated, as detailed in the February 2025 Water and Wastewater Report included with this replat application.

The revised anticipated demand allocation has been slightly reduced compared to the original calculations due to the smaller building square footage for the two future lots associated with this replat application. Thereby resulting in a decrease in the annual water demand from 12.19 acre-feet per year (AF/YR) to 11.58 AF/YR. The CMD commitment letter, dated February 3, 2025, indicates a water allocation of 12.06 acre-feet, slightly exceeding the anticipated demand of 11.58 acre-feet.

Your El Paso Master Plan Conformance:

The Minor Site Development/Final Plat subdivision generally conforms to the goals conformance with the goals, objectives, and policies of the Your El Paso Master Plan. This project site lies within the "Enclaves or Near Enclaves" (E or NE) combined in the

"Colorado Springs Airport/Peterson Air Force Base" (CSA/PAFB) "Key Areas" of Your El Paso Master Plan. This project proposal conforms with the planned intent of both areas' descriptions. The (CSA/PAFB) "Key Area" was primed for commercial and industrial development to attract local businesses and trigger new development on available land. This project meets this role as there is planned to be a local car wash and several drive-through-style restaurants. The other "Key Areas" are the (E or NE) areas surrounded by incorporated municipalities with the majority or partially developed sites. This project meets this role as planned, as it complements the existing gas station and convenience store just to the north of the site and provides additional services for local residents and surrounding businesses to patronize these small commercial services.

This project site also lies within the "Transition" category of the "Area of Change" of the Your El Paso Master Plan. This site is currently undeveloped and not necessarily a place that fits

the Area of Change Transition Description, as it's not changing from one type of development to another. However, this proposed project will be newly developed to current standards with

street and utility improvements and new building site construction to include parking, lighting, and landscape that will progress the area. These improvements and further development meet the intent of the "Transition" character.

This project site also lies within the "Employment Center" group of the "Placetypes" of the Your El Paso Master Plan. This project development would conform to the Employment Center, as depicted in the Placetype chart indicates, Restaurant, Commercial Retail, and Commercial Services, as a "Supporting Land Use" that supports the primary land use of Office. Light Industrial/Business Park & Heavy Industrial. This project meets this role as a planned support service of a drive-through-style restaurant for the surrounding Employment Center designation.

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

The BOCC made a finding of compatibility with the established character of the area by

their approval for the preliminary plan (SP19-007) on 12/08/2020 (Resolution No. 20-421). This replat submittal demonstrates infrastructure capacity for drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection).

Urban services which include, but not necessarily limited to water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services are currently available.

Water/sewer services will be provided service by Cherokee Metropolitan District. Private

stormwater facilities for El Jefe Heights runoff will be provided and managed by the developer DTV Meadowbrook. Electric and natural gas service will be provided by CSU. Fire protection will be provided by the Falcon Fire Protection District. Police and related public safety services will be provided by the El Paso County Sheriff. Compulsory education services are provided by Colorado Springs School District No. 11.

Public parks, open space, and recreation services are provided by EL Paso County, City of Colorado Springs, and Cherokee Metropolitan District via existing network of regional and urban parks, trails, and open spaces.

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

The City of Colorado Springs has not indicated any desire to annex the development area.

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

The replat application includes two commercial services lots from a replat of Lot 2 of the

Claremont Business Park 2 Filing No. 2, within a CR zone and will be platted to support permitted commercial uses in that district.

- ***Goal 1.4 - Continue to encourage policies that ensure "development pays for itself".***

The replat of Lot 2 does not propose any development on the replat Lot 2 to the north side of this replat. However, there is currently a coffee drive-through style restaurant under PPR2345, which includes a complete financial assurance estimate for required

improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement.

When new development occurs on the north lot, the developer will be responsible for all design documents, reports, and construction activities related to development engineering. Additionally, they will be required to adhere to the terms and conditions of a Subdivision Improvements Agreement and obtain the necessary permits for future development.

- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

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

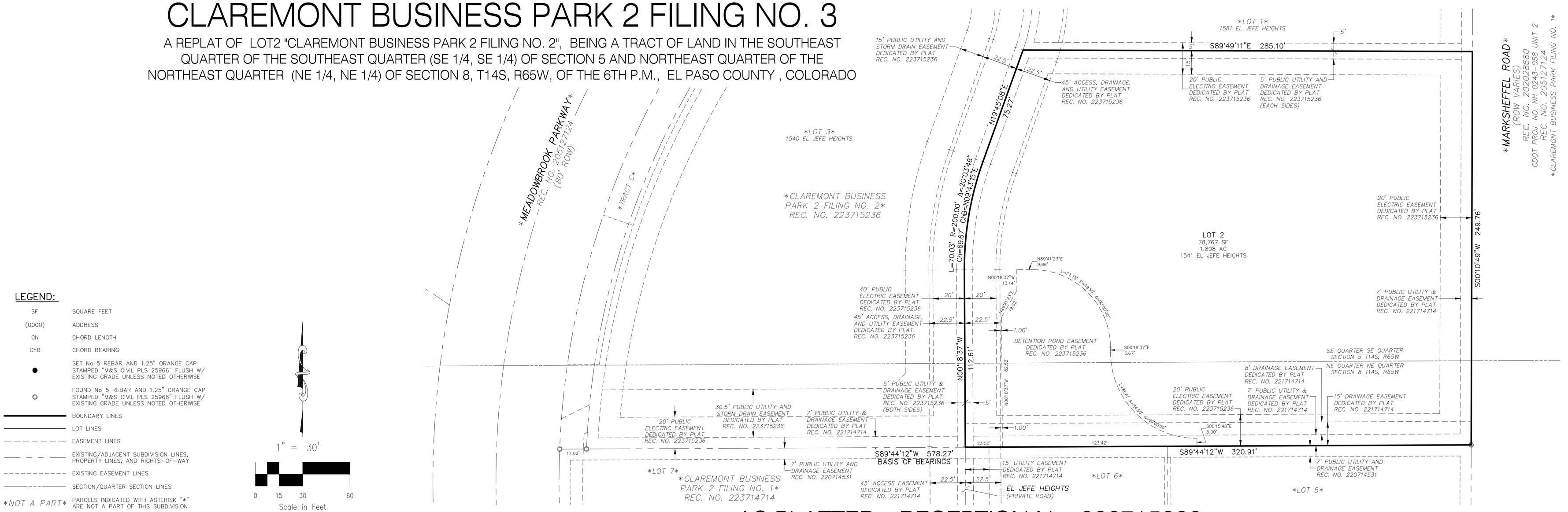
requirements of the County Code and ECM. A detention facility is designated within the south end of Lot 2 of the Claremont Business Park 2, Filing No 2. The developer, DTV Meadowbrook LLC, shall provide and maintain ownership and maintenance of all drainage facilities and improvements.

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

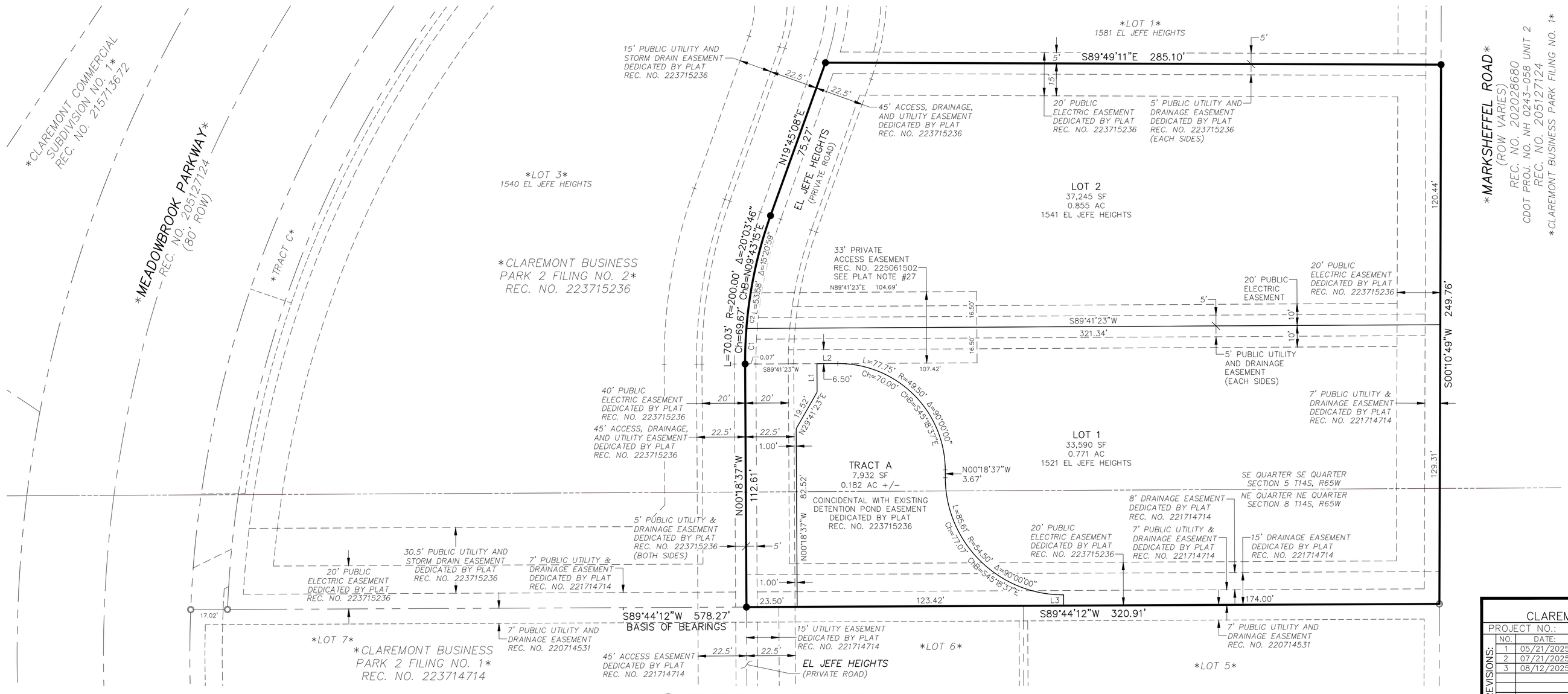
Legal and physical access is and will be provided by the public right of way of Meadowbrook Parkway and a private road known as El Jefe Heights. The El Jefe Heights private road is currently constructed under EPC project number VR233. All access points are legal and by the provisions and allowances in the LDC and ECM. Access to US 24 is from the connections of Meadowbrook Parkway and Marksheffel Rd, located on the western edge of the property.

CLAREMONT BUSINESS PARK 2 FILING NO. 3

A REPLAT OF LOT2 "CLAREMONT BUSINESS PARK 2 FILING NO. 2", BEING A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4, SE 1/4) OF SECTION 5 AND NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 8, T14S, R65W, OF THE 6TH P.M., EL PASO COUNTY , COLORADO



AS PLATTED - RECEPTION No. 223715236



AS REPLATTED

LEGEND:

SF	SQUARE FEET
(0000)	ADDRESS
Ch	CHORD LENGTH
ChB	CHORD BEARING
●	SET No 5 REBAR AND 1.25" ORANGE CAP STAMPED "M&S CIVIL PLS 25966" FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
○	FOUND No 5 REBAR AND 1.25" ORANGE CAP STAMPED "M&S CIVIL PLS 25966" FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
———	BOUNDARY LINES
———	LOT LINES
– – – – –	EASEMENT LINES
——— – – ———	EXISTING/ADJACENT SUBDIVISION LINES, PROPERTY LINES, AND RIGHTS-OF-WAY
——— ———	EXISTING EASEMENT LINES
——— ———	SECTION/QUARTER SECTION LINES
NOT A PART	PARCELS INDICATED WITH ASTERISK "*" ARE NOT A PART OF THIS SUBDIVISION

1" = 30'

0 15 30 60

Scale in Feet

LOT & TRACT CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	16.45	200.00	4°42'47"

LOT & TRACT LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N00°18'37"W	13.14
L2	N89°41'23"E	9.66
L3	S00°15'48"E	5.00

FINAL PLAT			
CLAREMONT BUSINESS PARK 2 FILING NO. 3			
PROJECT NO.: 10-025	DATE OF PREPERATION: 02/04/2025		
REVISIONS: NO.	DATE:	BY:	DESCRIPTION:
1	05/21/2025	ELY	ADDRESS EL PASO COUNTY 1st REVIEW COMMENTS
2	07/21/2025	ELY	ADDRESS EL PASO COUNTY 2nd REVIEW COMMENTS
3	08/12/2025	ELY	ADDRESS EL PASO COUNTY 3rd REVIEW COMMENTS
DRAWN BY: ELY	CHECKED BY: VPT	PCD FILE No.: VR251	

212 N. WAHSATCH AVE., STE 305
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485
CIVIL CONSULTANTS,INC.

COLORADO
Division of Water Resources
Department of Natural Resources

April 20. 2023

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

RE: Claremont Business Park Lot 2
Replat of Lot 2
Sec. 8, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 26915

Dear Ms. Bagley;

We have received a referral concerning the above-referenced proposal to divide a 1.67 +/- acre tract of land into 3 lots. According to the submittal, the tract of land is described as Lot 2, Claremont Business Park Filing No. 2. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

This office provided written comments, dated October 14, 2020 and January 21, 2021 regarding the entire proposed development of the Claremont Business Park. The current referral does not change the water supply requirements for the subdivision; therefore please refer to the previous comments attached to this letter.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,

Melissa A. van der Poel

Melissa A. van der Poel, P.E.
Water Resource Engineer

cc: Rachel Zancanella, Division 2 Engineer
Jacob Olson, District 10 Water Commissioner

COLORADO
Division of Water Resources
Department of Natural Resources

January 21, 2021

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

RE: Claremont Business Park 2 Filing 1
Sec. 5 and Sec. 8, Twp. 14S, Rng. 65W, Sixth P.M.
Water Division 2, Water Districts 10
CDWR Assigned Subdivision No. 24047

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal to approve a Final Plat for Claremont Business Park 2 Filing 1. This would approve the proposal to divide 13.72 +/- acres into 10 lots. The proposed supply of water is to be served by and wastewater is to be disposed of by Cherokee Metropolitan District ("Cherokee").

This office most recently previously provided written comments, dated October 14, 2020, regarding the proposed development during the preliminary planning stage. The current referral does not change the water supply requirements for the subdivision; therefore, please refer to our previous comments attached to this letter.

Should you or the applicant have questions regarding any of the above, please feel free to contact me at this office.

Sincerely,

K. Fuller

Kate Fuller, P.E.
Water Resource Engineer

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

October 14, 2020

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

RE: Claremont Commercial Subdivision, Filing No. 2
Preliminary Plat - Amendment
Sec. 5 and Sec. 8, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24047

Dear Ms. Darden;

We have received a referral concerning the above-referenced proposal to divide a 13.72 +/- acre tract of land into 10 lots. According to the submittal, the tract of land is currently described as Tract C, Claremont Business Park Filing No. 2. This office previously provided written comments, dated June 18, 2020, regarding the proposed development. The current referral changes the water supply requirements for the proposed development; therefore this letter will supersede and replace the previous letter. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Claremont Business Park (CBP) has been the subject of several proposed and revised subdivision filings. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee"). Cherokee has dedicated 58 acre-feet/year of water from the Kane Water Right to service the entire Claremont Business Park, which includes Padmark Business Park.

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, and the Water/Wastewater Report dated August 2020 included with the submittal provide an estimated demand 12.19 acre-feet/year as shown in the table, below.

Use	Area (square feet)	Water Use Rate (gallons/day per square feet)	Water Use Rate (AF/year per 1000 square feet)	Demand (AF/year)
Commercial Space	22,500	0.1	0.112	2.52
Irrigation	95,832	0.024	0.026	2.53
Industrial/Warehouse	63,750	0.1	0.112	7.14
Total				**12.19**

It should be noted that standard water use rate, as found in the *Guide to Colorado Well Permits*, *Water Rights*, *and Water* Administration, for lawn and garden irrigation is 0.05 acre-foot per year for each 1,000 square feet, which is significantly higher than the water use rate used for irrigation in the Applicant's estimate. The applicant has indicated that they intend to apply xeriscaping. In other proposals, the applicant has referenced documents supporting a lower estimation of an average weighted water use coefficient demand of 0.034 gallons/day/square-foot for warehouse use and 0.046 gallons/day/square-foot for commercial use. Their current estimated water demand is more conservative.

Source of Water Supply

The proposed source of water is to be served by Cherokee Metropolitan District. A letter dated August 6, 2020 included a spreadsheet depicting the breakdown of the water rights for use within the Claremont Business Park, Filing No. 2, the Claremont Commercial Subdivision, Filing No. 2 and the Padmark Business Park, Filing No. 1.

According to this office's records and the Water Information Summary Sheet, it appears that Cherokee has adequate water resources to serve the estimated demand of 12.19 acre-feet/year for the proposed development.

Additional Comments

The application materials indicate that the project will collect storm flows in an onsite drainage pond in the southwest corner of the development. 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*, 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

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Claremont Commercial Subdivision No. 2 is adequate and can be provided without causing injury to decreed water rights.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,

Kate Fuller, P.E.
Water Resource Engineer

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

EL PASO COUNTY
Office of the County Attorney
Civil Division

KENNETH R. HODGES, COUNTY ATTORNEY

Nathan J. Whitney, First Assistant County Attorney | Steven A. Klaffky, Chief Deputy County Attorney

August 13, 2025

VR-25-1 Claremont Business Park 2 Filing No. 3

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of Claremont Business Park 2 Filing No. 3, an application by DTV Meadowbrook LLC ("Applicant") to replat Lot 2 of Claremont Business Park 2 Filing No. 2 into two commercial lots (the "property"). The property is zoned CS CAD-O (Commercial Service - Commercial Aviation District Overlay).

Waiver Request

2. Applicant submitted a waiver request within their Letter of Intent requesting a waiver of the Land Development Code ("Code") water supply requirements related to vacation and replat of an existing lot. The waiver request states that the vacation and replat of one existing lot into two lots will not result in significantly greater water total use than previously anticipated for the subdivision. The water demand for the entirety of Claremont business Park 2 as anticipated in the previous review of the preliminary plan dated October 23, 2020, was 12.19 acre-feet per year. The current estimated demand following approval of this application, as stated within the Water Resources Report dated February 2025, provides a water demand of 11.58 acre-feet per year, which is a decrease in the amount by 0.61 acre-feet per year.

3. Under state law, the Board of County Commissioners ("Board") is required to find that a final plat application proposes a water supply that is sufficient in terms of quality, quantity and dependability. This finding cannot be waived. The Board may, however, waive any of the Code provisions it adopted to implement this statutory requirement. These include, but are not limited to, requirements regarding documentation and the content of applications, as well as the requirement that evidence be provided that the proposed water supply is sufficient to serve the subdivision for 300 years.

4. The County Attorney's Office recommends that the Board grant a waiver of the water supply requirements pursuant to Section 8.4.7 (A)(3) of the Code, as the current vacation and replat will not result in significantly greater total water usage, but actually decreases.

Recommended Findings

5. Quantity and Dependability. **Based on the foregoing discussion, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Claremont Business Park 2 Filing No. 3.**

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated February, 2025, the Water Supply Information Summary, the State Engineer's Office Opinion dated October 14, 2020, and the waiver request within the Letter of Intent. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

.

cc: Lisa Elgin, Project Manager, Planner

El Paso County, CO
Public Health
Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Claremont Business Park 2, Filing 3, VR-25-1

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

- **No issues noted with vacating lot 2 and the creation of 2 lots.**
- **There is a finding for sufficiency in terms of water quality for drinking water obtained from this 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.**
- **There is sufficient wastewater treatment capacity at the Cherokee Water and Sanitation District wastewater treatment facility to treat the projected wastewater flows from this proposed business lot.**
- **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.**

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
14Mar2025

RESOLUTION NO. 25-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO, STATE OF COLORADO

APPROVE VACATION AND REPLAT FOR

CLAREMONT BUSINESS PARK 2 FILING NO. 3 (VR251)

WHEREAS, Brian Zurek did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to replat one lot into two lots and one tract within the CS (Commercial Service) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 6, 2025, upon which date the Planning Commission did by formal resolution recommend approval of the Vacation and Replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 13, 2025; and

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

comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;

2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County;

3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings;

4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations;

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

WHEREAS, this Board further finds that the application meets the criteria of approval listed in Section 7.2.3.C.4 of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;

2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;

3. The Replat is in keeping with the purpose and intent of the Code;

4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;

5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the Engineering Criteria Manual ("ECM");

6. The approval will not adversely affect the public health, safety, and welfare;

7. 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 Replat has been resolved; and

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

WHEREAS, this Board further finds that the proposed Waiver from the Code meets the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of Claremont Business Park 2 Filing No. 3;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

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 provide 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 Final Plat.

4. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.

5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 13, 2025, as provided by the County Attorney's Office.

6. Applicant shall comply with comments provided by Colorado Springs Utilities to include CSU's Terms and Conditions via Rec. No. 224026331.

7. Additional drainage basin and bridge fees that exceed those paid at the time of original plat recordation or exceed 80% impervious by lot must be paid with any future site development plan approval. Future drainage basin and bridge fees will be assessed based on the current fee schedule at the time of site development plan submittal.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.

2. Site grading or construction, other than installation 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. 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 No. 24-377, 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.

DONE THIS 13th day of November, 2025, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS

OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

Chair

By: _____

County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4 SE 1/4) OF SECTION 5 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO.

SAID PARCEL BEING LOT 2 "CLAREMONT BUSINESS PARK 2 FILING NO. 2" RECORDED UNDER RECEPTION NO. 223715236 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

SAID PARCEL CONTAINS A CALCULATED AREA OF 78,767 SQUARE FEET (1.808 ACRES, MORE OR LESS).