

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

**FROM: Gabe Sevigney, Planner II
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: CR-19-001
Project Name: Falcon Field Map Amendment
Parcel Nos.: 43070-00-001, 43072-00-015**

OWNER:	REPRESENTATIVE:
Falcon Field, LLC 3230 Electra Drive Colorado Springs, CO 80906	N.E.S Inc Attn: Jon Romero 619 N. Cascade Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	4/7/2020
Board of County Commissioners Hearing Date:	4/28/2020

EXECUTIVE SUMMARY

A request by Falcon Field, LLC, for approval of a map amendment (rezoning) of 57.67 acres from the RR-5 (Residential Rural) zoning district to the CR (Commercial Regional) zoning district. The property is located on the southeast side of the Highway 24 and East Woodmen intersection and is within Section 7, Township 13 South, Range 64 West of the 6th P.M., El Paso County, Colorado. The property is located within the Falcon/Peyton Small Area Master Plan (2008).

The property is bisected by a significant natural feature consisting of a drainageway, floodplain, and wetlands. Access to the subject parcels is proposed from Highway 24, which is a Colorado Department of Transportation (CDOT) owned and maintained right-of-way. As noted in the applicant’s letter of intent, the proposed layout may require public roads with future applications for a preliminary plan and final plat. No applications for a preliminary plan or final plat have been submitted to date, however, a Condition of Approval is being recommended stating that any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to initiating land disturbing activities, unless approval of a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.

The Board of County Commissioners approved the formation of the Falcon Field Metropolitan District on February 25, 2020 (BoCC Resolution No. 20-80). The finalization of the proposed District is awaiting formation by district court, which has yet to be scheduled. The District is proposed to provide services within the District boundaries to include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Falcon Field, LLC, for approval of a map amendment (rezoning) of 57.67 acres from the RR-5 (Residential Rural) zoning district to CR (Commercial Regional) zoning district.

Waiver(s)/Deviation(s): There are no associated waivers being requested.

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

B. Planning Commission Summary

Request Heard: [Click here to enter text.](#)

Recommendation: [Click here to enter text.](#)

Waiver Recommendation: [Click here to enter text.](#)

Vote: [Click here to enter text.](#)

Vote Rationale: [Click here to enter text.](#)

Summary of Hearing: [Click here to enter text.](#)

Legal Notice: [Click here to enter text.](#)

C. APPROVAL CRITERIA

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

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

D. LOCATION

North:	CC (Commercial Community)	Residential/Commercial
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	CR (Commercial Regional)	Commercial

E. BACKGROUND

The property was initially zoned A-4 (Agricultural) on September 21, 1965, when zoning was first established for this area of the County. Due to changes in nomenclature, the A-4 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The applicant is requesting approval of a map amendment (rezone) of 57.67 acres from the RR-5 zoning district to the CR (Commercial Regional) zoning district. The Board of County Commissioners approved the formation of the Falcon Field Metropolitan District on February 25, 2020 (BoCC Resolution No. 20-80). The finalization of the proposed District is awaiting formation by district court, which has yet to be scheduled. The purpose of the District will be to provide services within the District boundaries. These services would include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

Condition of Approval No. 12 of the Board of County Commissioners Resolution No. 20-080 approving the District service plan states:

“Following the election, applicant shall take no further steps to create the district, including seeking a court order declaring the organization of the district, until the pending rezone of the property has been approved by the BoCC.”

Additionally, Notation No. 1, under the same resolution, states:

“Approval of the service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the District.”

This notation provides guidance that the approval of the special district does not require the BoCC, or any other authority, to approve any subsequent applications for a rezone, preliminary plan, final plat, or any other applications necessary to develop the subject parcels.

The Board of County Commissioners adopted the subdivision regulations on July 17, 1972. The term “subdivision” is defined as the following:

“Any parcel of land in unincorporated El Paso County which is divided into 2 or more parcels (not to include parcels of 35 acres or more), separate interests, or interests in common, including land to be used for condominium, apartments or any multiple dwelling units, unless the land when previously subdivided was accompanied by a filing complied with the provisions of the Code with substantially the same density.”

Both parcels, which are currently comprised of less than 35 acres, were created by deed outside the El Paso County subdivision process as metes and bounds parcels on April 3, 2006. This occurred after the adoption of the subdivision regulations, which makes these parcels an illegal subdivision of land.

If the application for a map amendment is approved, a recommended condition of approval is proposed to be added to this application stating that any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to initiating any land disturbing activities, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.

F. ANALYSIS

1. Land Development Code Analysis

The subject parcel is currently zoned RR-5 (Residential Rural) and is adjacent to other RR-5 zoned parcels to the east and south, a CC (Commercial Community) zoned property to the north, and CR (Commercial Regional) zoned properties to the west. The applicant is proposing a map amendment (rezone) from the RR-5 zoning district to the CR zoning district. The CR zoning district is a commercial zoning district designated to serve the needs of the community and region.

The intent of the CR zoning district is to:

“[A]ccommodate regional centers providing ease of pedestrian and vehicular circulation, unity of architectural design, and best serving the convenience of the public and aesthetic enhancement of the community and region.

There are properties located directly across Highway 94 to the northwest that are zoned CR and PUD (Planned Unit Development), both of which allow commercial uses. There are also properties located directly adjacent to the north of the subject properties that also allow commercial uses pursuant to the current CC zoning. Therefore, the proposed map amendment (rezoning) application is a logical

extension of both the current commercial zoning and existing developed conditions in the area.

Should the map amendment (rezone) request be approved, the applicant will need to complete a preliminary plan and final plat. The applicant will also need to complete a site development plan prior to the initiation of any new use. Each site development plan will need to demonstrate compliance with the dimensional standards as well as the development standards included in Chapter 6 of the Land Development Code.

Some of these include landscaping, lighting, signage, and parking standards and are in place to mitigate the potential impacts of new uses to those existing uses in the area. A 15-foot buffer is required with plantings of 1 tree every 25 feet, with 1/3 of the trees being evergreen when commercial uses are proposed to be located adjacent to residential properties. A 25-foot landscape buffer is required with plantings of 1 tree per 20 feet along the Highway 24 frontage. The development standards are in place to limit potential impacts to adjacent property owners and promote proper buffering and transitions from use to use.

2. Zoning Compliance

The applicant is requesting to rezone 57.67 acres to the CR (Commercial Regional) zoning district. The CR (Commercial Regional) zoning district is intended to accommodate regional centers providing ease of pedestrian and vehicular circulation, unity of architectural design, and best serving the convenience of the public and aesthetic enhancement of the community and region. The density and dimensional standards for the CR (Commercial Regional) zoning district are as follows:

Minimum lot size requirement: 5 acres

Minimum setback requirements: 50 feet front setback, 25 feet for sides and rear setbacks.*

Maximum height: 45 feet

- * The side and rear setback requirements are from the perimeter boundary of the zoning district. There are no minimum setbacks required from any side or rear lot line within the same district.

A site development plan(s) will be required prior to building permit authorization to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

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 6.1.6 – Direct development towards areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Policy 6.1.7 – Encourage infill development which complements existing uses, is consistent with Small Area Plans and other adopted plans.

Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.2.1 – Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

Policy 6.4.6 Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.

The proposed Falcon Field development is adjacent to RR-5 zoned parcels to the east and south, a CC (Commercial Community) zoned property to the north, and CR (Commercial Regional) zoned properties to the west. The Board of County Commissioners approved the formation of the Falcon Field Metropolitan District on February 25, 2020 (BoCC Resolution No. 20-80). The finalization of the proposed District is awaiting formation by district court, which has yet to be scheduled.

The purpose of the District will be to provide services within the District boundaries. Supporting facilities and services will be developed as the project continues. The successful creation of the metropolitan district will be consistent with Goal 6.1.B above. The installment and maintenance of public infrastructure within the parcel boundaries would be completed by the district by mil levies on future proposed lots.

This application is consistent with Policies 6.1.6 and 6.1.7 as the proposed development is a logical extension of development within the area and the proposed development is anticipated to extend all necessary public services concurrent with future development applications. The proposed development is anticipated to also address some of the extensive drainage issues in the immediate area that currently affect downstream properties located further to the south and east.

Lastly, there are several dwellings on properties zoned RR-5 located to the south and east of the proposed development. The purpose of the site development plan review is to ensure the commercial development is functionally and aesthetically integrated within the context of adjoining properties and uses. This will include the incorporation of buffers and/or transition areas between varying uses as required by the Land Development Code.

If the current application is approved, future applications for a preliminary plan(s), final plat(s), and site development plan(s), will address issues such as, but not limited to, traffic, drainage, and buffering issues/concerns to mitigate any impacts and ensure continued compatibility with the nearby residential uses.

4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008), specifically the Highway 24 Corridor.

Relevant goals and policies are as follows:

Table 4-5 Potential Nodes and Corridors of Activity- Areas where future development and infrastructure is expected to be concentrated in the future. The nodes signify the location of future town centers, which could be rural or urban in nature, and should include primary employers, commercial services, and public services.

Section 4.4.5.1 - Allow for potential commercial development south of Highway 24 near its intersection with Woodmen Road, provided the adequate transportation improvements are made, utility extensions can be made, and adjoining existing land uses are adequately buffered.

Section 4.5.2.5 - Allow for additional secondary commercial centers at designated intersections with major arterial roadways and U.S. 24, including

Stapleton/Curtis, and Peyton Highway, assuming adequate facilities and services can be provided, and the functional of U.S. 24 can be maintained.

The Plan identifies the intersection of Woodmen and Highway 24 as a potential node and corridor of activity which signify the location of future town centers. This intersection is the exact location of the properties included in this map amendment (rezoning) request. The Plan further identifies the subject properties specifically as being appropriate for commercial development if utility extensions can be made, which is proposed to occur following the formation of the Falcon Field Metropolitan District and concurrent with site development.

One of the purposes of the District is to extend water and sewer across Highway 24 to the proposed development. Water service will be provided by the Woodmen Hills Metropolitan District, via a proposed Intergovernmental Agreement which is anticipated to memorialize the terms of the Inclusion Agreement. The proposed District is requesting authority to finance, design, and construct water service lines into and within the Falcon Field development. The infrastructure will be dedicated to the Woodmen Hills Metropolitan District for ongoing maintenance and ownership.

The traffic study submitted with this application identifies the primary access to the site as an eastern extension of Woodmen Road beyond the current Highway 24 intersection. The study indicates that there will be additional public roads within the site as well as internal private drives for site circulation based on the current proposed development. Any future applications for preliminary plan(s), final plat(s), and site development plan(s) will be required to address any identified transportation impacts and associated public improvements.

Staff recommends that the map amendment (rezoning) can be found to be in general conformance with the Plan.

5. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal 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

The property contains a significant natural feature, which includes a drainageway, wetland, and the 100-year floodplain, however, no soils and geology report or base flood elevation is required for a map amendment (rezone). Future applications for a preliminary plan and final plat will require reports to further identify and delineate hazards located within the boundaries of the subject parcels.

2. Wildlife

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

3. Floodplain

FEMA Flood Insurance Rate Map panel numbers 08041C0553G and 08041C0561G show that a 100-year floodplain (Zone A) flows through the site. The applicant will be required to process a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) with FEMA for any modifications to the floodplain.

4. Drainage and Erosion

The property is located within the Falcon (CHWS1400) drainage basin, which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment requests but will be due at the time of final plat recordation. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required with the subsequent land use applications.

5. Transportation

The property is located southeast of the intersection of Woodmen Road and Highway 24. The submitted traffic study identifies that the primary access to the site will be a new southeast leg of Woodmen Road at the Highway 24 intersection. The new public roadway is anticipated to be classified as an Urban Non-Residential Collector. The study indicates that there will be additional public roads within the site as well as internal private drives for site circulation. A concept site plan was provided in the traffic study showing the location of these roadways. Recommended off-site and on-site improvements were also provided. Further analysis of the improvements, roadway designs, cost estimates and escrow amounts will be provided with additional traffic impact studies associated with the subsequent land use applications.

Per Resolution 13-041, the El Paso County Road Impact Fee does not apply at this time since the property is within the Woodmen Road Metropolitan District service area. The property will be subject to the road impact fee beginning January 1, 2021, as indicated in Resolution 13-041.

H. SERVICES

1. Water

A finding of water sufficiency is not required for a map amendment (rezone) application. Water service will be provided by the Woodmen Hills Metropolitan District via a proposed Intergovernmental Agreement between the two Districts. The proposed District is requesting authority to finance, design, and construct water service lines into and within the Falcon Field development. The infrastructure will be dedicated to the Woodmen Hills Metropolitan District for ongoing maintenance and ownership.

2. Sanitation

Wastewater service will be provided by the Woodmen Hills Metropolitan District. The proposed District is requesting authority to finance, design, and construct wastewater service lines into and within the Falcon Field development. The infrastructure will be dedicated to the Woodmen Hills Metropolitan District for ongoing maintenance and ownership.

3. Emergency Services

The property is within the Falcon Fire Protection District. The fire district was sent a referral and has no objections or concerns with the map amendment (rezone) request.

4. Utilities

Colorado Springs Utilities (CSU) will provide natural gas service and Mountain View Electric Association (MVEA) will provide electrical service to the anticipated development.

5. Metropolitan Districts

The subject parcels are within the proposed Falcon Field Metropolitan District and within the boundaries of the Woodmen Hills Metropolitan District.

6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

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Disapproval Page 28

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. CONDITIONS AND NOTATIONS

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CR (Commercial Regional) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to initiating any land disturbing activities, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.

NOTATIONS

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

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty (20) adjoining property owners on March 23, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map