


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Mark Waller, Chair

FROM: Nina Ruiz, Planner III
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: CC-18-001
Project Name: Winsome Commercial Rezone
Parcel No.: 51000-00-439

OWNER:	REPRESENTATIVE:
McCune Ranch LLC PO Box 36 Arrowhead Drive Elbert, CO 80106	NES Inc. 619 N Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	6/4/2019
Board of County Commissioners Hearing Date:	7/9/2019

EXECUTIVE SUMMARY

A request by McCune Ranch, LLC, for approval of a map amendment (rezone) of 7.88 acres from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district. The applicant has submitted concurrent applications for a rezoning of a separate portion of the property to the RR-2.5 (Residential Rural) zoning district as well as an overall preliminary plan for the 766.66 acre property. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection and is within Sections 13, 19, and 24, Township 11 South, Range 65 West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987). Please see the Small Area Plan Analysis section below for additional information regarding small area plan consistency.

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



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

The concurrently proposed Winsome preliminary plan request is to create 143 single family residential lots with an overall density of one (1) dwelling unit per five (5) acres, one (1) commercial lot 4.36 acres in size, and 151.238 acres of open space, drainage tracts, and right-of-way. The overall development is proposed to include the following proposed zoning districts: CC (7.88 acres), RR-2.5 (350.26 acres), and RR-5 (408.52 acres).

The applicant is proposing to preserve areas having floodplain, wetlands, and other significant natural features in an open space tract. The applicant is also proposing to construct a trail to allow for pedestrian movement throughout the open space areas. If the rezoning and preliminary plan requests are approved, the applicant is proposing to submit an application for approval of a service plan to form a CRS Title 32 special district. The purpose of the district would be to provide services to the future residents within the district boundary. These services would include, but not necessarily be limited to, the installation of public infrastructure as well as the ongoing maintenance of open space, trails, drainage ways, and floodplain areas.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by McCune Ranch, LLC, for approval of a map amendment (rezoning) of 7.88 acres from A-35 (Agricultural) to CC (Commercial Community).

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: As a Regular item at the June 4, 2019 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing and minutes are attached from the June 4, 2019 hearing.

Legal Notice: Advertised in Shopper's Press on or before June 19, 2019.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), 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:	RR-5 (Residential Rural)	Vacant agricultural
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The property was zoned A-35 (Agricultural) on September 21, 1965, when zoning was first established for this area of the County. The applicant has requested approval of a map amendment (rezone) of 7.88 acres from the A-35 zoning district to the CC (Commercial Community) zoning district. The applicant has also submitted concurrent applications to rezone other portions of the parcel from the RR-5 (Residential Rural) and A-35 (Agricultural) zoning districts to the RR-2.5 (Residential Rural) and for approval of a preliminary plan. The proposed preliminary plan includes 766.66 acres and is proposed to create 143 single-family residential lots, one (1) commercial lot, open space and drainage tracts, and right-of-way.

F. ANALYSIS

1. Land Development Code Analysis

The subject parcel is primarily surrounded by properties zoned RR-5 (Residential Rural). In addition to the RR-5 zoned properties, the subject parcel is also bordered by approximately 1,175 linear feet of A-35 (Agricultural) zoned property along the northern boundary. Those previously developed parcels immediately adjacent to the subject parcel have been developed as rural residential lots.

Section 3.2 of the Code states the following as the intent of the CC zoning district:
 “[T]o accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.”

This means that the CC zoning district is specifically tailored towards serving the needs of the local residents.

Should the rezone application, preliminary plan and future filing of the final plat be approved, the applicant will need to complete a site development plan demonstrating compliance with the dimensional standards as well as the development standards included in Chapter 6 of the Land Development Code (2019). Some of these

standards include landscaping, lighting, signage, and parking standards and are in place to ensure that the potential offsite impacts associated with new uses can be mitigated. The Code requires specific buffering and landscaping areas along rights-of-way and between differing land uses. The development standards are in place to help limit potential impacts to adjacent property owners and to promote proper buffering and transitions from use to use.

2. Zoning Compliance

The applicant is requesting to rezone 7.88 acres to the CC (Commercial Community) zoning district. The density and dimensional standards for the CC (Commercial Community) zoning district are as follows:

Minimum lot size requirement: 1 acre

Minimum setback requirements: 25 feet on all sides

Maximum height: 40 feet

A site development plan or plans 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 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 5.1 *Maintain a land use environment, which encourages quality economic development that is compatible with surrounding land uses.*

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 6.2.12 *Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

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 Winsome development is primarily surrounded by properties zoned RR-5 (Residential Rural). In addition to the RR-5 zoned properties, the subject parcel is also bordered by approximately 1,175 linear feet of A-35 (Agricultural) zoned property along the northern boundary. Those previously developed parcels immediately adjacent to the subject parcel have been developed as rural residential lots.

Per Section 3.2.5 of the Land Development Code (2019):

The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.

The CC zoning district is specifically tailored towards serving the needs of the local residents. The preliminary plan proposes that the commercial area be one 4.36 acre lot and one 2.84 acre tract designated as a drainage facility that is not eligible for a building permit.

As discussed above, 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.

The proposed map amendment (rezone) can be found to be in general conformance with the Policy Plan.

4. Small Area Plan Analysis

The parcel is included within the boundaries of the Black Forest Preservation Plan (1987), specifically the Meridian-Eastonville Corridor planning area.

Relevant goals and policies are as follows:

1.B Uphold the adopted Land Use Scenario and Concept Plan which identifies areas to be used for agricultural and range lands, low and higher density residential development, commercial and industrial uses, and mixed, recreational, open space and semi-public uses.

4.1 Restrict new commercial uses within the forested and low density residential areas to existing or proposed commercial nodes as defined in the approved Land Use Scenario and Concept Plan. Within these areas

infill should be encouraged rather than expansion. Strip commercial is not desired.

4.4 Maintain the scale of new commercial uses so that it is in balance with existing uses.

The Plan identifies a potential location for commercial uses at the Hodgen Road and Meridian Road intersection where the applicant is requesting to rezone 7.88 acres to the CC (Commercial Community) zoning district. The plan further explains that the commercial uses should be specifically geared towards the needs of local residents.

Section 3.2.5 of the Land Development Code (2019) states the following:

“The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.”

The specific intent of this zoning district is to accommodate the needs of local residents. The proposed preliminary plan identifies that the commercial area will be made up of a 4.36 acre lot and a 2.84 acre tract to be designated as a drainage facility and not eligible for a building permit

The Black Forest Land Use Committee was sent a referral for the preliminary plan and concurrently submitted rezoning requests. They responded with the following statement:

“The Black Forest Land Use Committee recommends approval of the preliminary plan. We commend the planners and developers for working closely with us on this development. The development conforms well to the Black Forest Preservation Plan.”

Staff recommends that the map amendment (rezone) can be found 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 moderate wildlife impact potential. El Paso County Environmental Division of Community Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits, valley fill, and upland deposits in the area of the subject parcels. A mineral rights

certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Wildlife

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

3. Floodplain

FEMA Flood Insurance Rate Map panel number 08041C0350G shows that the 100-year floodplain (Zone A) of West Kiowa Creek flowing through the site. The floodplain is planned to be located in a tract to be owned and maintained by the anticipated Winsome Metropolitan Districts Nos. 1, 2, 3, and 4. The applicant is currently processing a Conditional Letter of Map Revision with FEMA to adjust the floodplain boundary and establish base flood elevations (CLOMR Case No. 19-08-0185R).

4. Drainage and Erosion

The project is located within the West Kiowa drainage basin (KIKI0200), which is unstudied and has no associated drainage or bridge fees.

The applicant has submitted a preliminary drainage report with the concurrent preliminary plan application (PCD File No. SP186). The preliminary drainage report identifies specific solutions to on-site and off-site drainage problems resulting from the development of the subdivision.

5. Transportation

Access to the development is via three proposed rural local roadways along Hodgen Road and one rural local road on Meridian Road. All the streets within the subdivision are planned to be public roads and will be dedicated to the County. The traffic impact study concluded that Hodgen Road and Meridian Road are expected to continue to operate at a Level of Service (LOS) of C or better with the rezone request.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 18-471).

H. SERVICES

1. Water

Water service is proposed to be provided by wells.

2. Sanitation

Wastewater service is proposed to be provided by onsite wastewater treatment systems (OWTS).

3. Emergency Services

The property is located within the Falcon Fire Protection District.

4. Utilities

Electrical service is proposed to be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy.

5. Metropolitan Districts

The property is not within a metropolitan district, but the applicant anticipates future formation of a title 32 Special 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

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should 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 CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified thirty (30) adjoining property owners on May 16, 2019 and June 13, 2019, for the Board of County Commissioners' hearing. Responses received to date will be attached; others may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Adjacent Property Owner Responses
Planning Commission Draft Minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

SP-18-006

File Name: CC-18-001/P-18-006

PARCEL	NAME
5100000493	MCCUNE RANCH LLC

Zone Map No. --

ADDRESS	CITY	STATE
PO BOX 36	ELBERT	CO

ZIP	ZIPLUS
80106	0036

Date: MAY 16, 2019



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



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WINSOME: REZONE AND PRELIMINARY PLAN

LETTER OF INTENT

OCTOBER 2018, REVISED MARCH 2019

PROPERTY OWNER

McCune Ranch LLC
PO BOX 36 Arrowhead Dr.
Elbert CO 80106

APPLICANT:

PT McCune LLC
1864 Woodmoor Dr, Ste 100
Monument, Colorado 80132

CONSULTANT:

N.E.S. Inc.
619 North Cascade Ave,
Colorado Springs, CO 80903

REQUEST

PT McCune LLC requests approval of the following applications:

1. A rezone of 350 acres from RR-5 (Residential Rural, 5-Acre Lots) and A-35 (Agricultural, 35-acre lots) to RR-2.5 (Residential Rural, 2.5 acre lots);
2. A rezone of 7.9 acres from A-35 (Agricultural, 35-acre lots) to CC (Commercial Community); and
3. A Preliminary Plan for Winsome, consisting of 143 single-family lots and one commercial lot on approximately 766.66 acres.
4. A Waiver of 8.4.3(C)(2)(e) of the Land Development Code: Lots required to have access from a public road. Lots 44 and 92 do not have direct access from a public road and will be accessed via a shared access easement over the adjacent lot.
5. A Waiver of 6.3.3(c)(j) of the Land Development Code: Turnouts or turnarounds required where driveway exceeds 300 feet. The driveways that serve lots 44 and 45, lot 50, and lots 92 and 93 exceed 300 feet.

The justification for these requests is provided in this Letter of Intent.

SUPPORTING DOCUMENTS

The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by Kellar Engineering
 - Soils, Geology and OWTS Report prepared by Entech Engineering, Inc.
 - Natural Features and Wetlands Report prepared by Ecosystem Services, LLC (ECOS)
 - Wildland Fire & Hazard Mitigation Plan prepared by Ecosystem Services, LLC (ECOS)
 - Water Resources and Wastewater Report prepared by JDS Hydro Consulting, Inc.
 - Preliminary Drainage Report prepared by The Vertex Companies, Inc.
 - Stormwater Management Plan prepared by The Vertex Companies, Inc.
 - FEMA CLOMR Report prepared by The Vertex Companies, Inc.
-

SITE LOCATION AND DESCRIPTION



McCune Ranch is located northwest of the intersection of Hodgen Road and Meridian Road in northeast El Paso County. 120 acres of the original ranch was recently sold off as three 40-acre parcels. The purchasers of these properties were made aware of the proposed plans to subdivide the remainder of the property into 2.5 and 5+ acre lots. The remaining 766.66 acres is the subject of the proposed rezone and preliminary plan applications. The surrounding properties include:

North: To the north west, the Country Squire Estates 5-acre single-family residential lot subdivision; directly to the north, undeveloped agricultural land; to the northeast, three 40-acre parcels formerly part of McCune Ranch.

East: The Forest Green 5-acre lot residential subdivision.

South: The small (seven lots) Bison Meadows 5-acre lot subdivision; a 35-acre single-family residential parcel; and undeveloped agricultural/forest land.

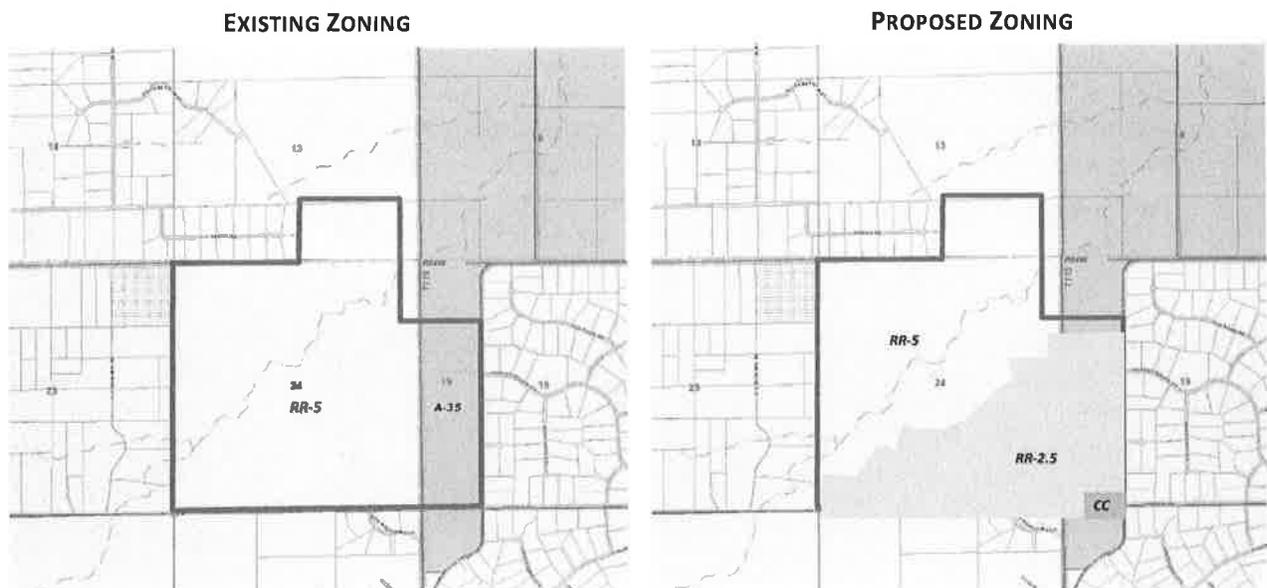
West: Six 20-acre and one 40-acre single-family residential lot.

The site is mainly native prairie grassland, with a concentration of Ponderosa Pine trees in the northwest corner of the property and along the southern boundary. The West Kiowa Creek runs through the property from the northeast to the southwest corner, with a minor tributary running to the south. There are wetlands in the low areas adjacent to the creek where alluvial deposits have formed. To the south and east of the creek the property is gently undulating. To the northwest of the creek there is more significant slope, with some deep ravines running into the creek. The eastern part of the site has been plowed for crop farming in the past, with the remainder primarily being used as grazing land.

PROJECT DESCRIPTION

Zone Change

The property is currently divided into two zones, separated by the Section line. The majority of the site is zoned RR-5, with an area adjacent to Meridian Road zoned A-35. The request is to rezone the eastern 350 acres of the property, generally east and south of the creek, to RR-2.5 to accommodate lots of a minimum of 2.5 acres. The western 409 acres of the site will remain in its current RR-5 zoning to accommodate lots of 5-acres or larger. A 7.9-acre rezoning to CC is proposed northwest of the intersection of Hodgen Road and Meridian Road to provide a small neighborhood serving center, consistent with the recommendations of the Black Forest Preservation Plan (see justification below).



The CC zone allows by right a wide range uses, some of which the Applicant considers to be inappropriate for a neighborhood serving commercial center in a rural location. For this reason, the developer proposes to restrict some of the uses that would otherwise be allowed in the CC zone. These restrictions will be imposed and enforced by the proposed Metropolitan District via the Winsome Covenants, Conditions and Restrictions (CC&R's) and will include:

- Bar
- Billiard Parlor
- Inert Materials Disposal Site
- Parking Garage/Lot
- Rehabilitation Facility
- Sexually Oriented Business

Unless specifically restricted or modified by the CC&R's, all other uses allowed in the CC zone will be subject to the relevant provisions of the County's Land Development Code.

Access and Traffic

There will be three new full movement access points off Hodgen Road, one of which will line up with Bison Meadows Court. There will also be a new point of access off Meridian Road, which will line up with Woodridge Terrace. Both Hodgen Road and Meridian Road are classified as two-lane rural minor arterials on the 2040 Major Transportation Corridors Plan (MTCP). Additional right-of-way dedication for the required 100-foot right-of-way is identified on the Preliminary Plan. The MTCP also identifies additional right-of-way preservation requirements for Hodgen Road by 2060. The Preliminary Plan includes an additional 40-foot right-of-way preservation on Hodgen Road for potential future widening to a 180-foot 4-lane minor arterial. The lots on the southern boundary of the project include this preservation area within the identified lot acreage.

The Traffic Impact Study (TIS) prepared by Kellar Engineering assesses the trips generated by the proposed development in the context of 2020 short-term and 2045 long-term background traffic. The TIS identifies road improvements at two of the proposed access points on Hodgen Road to provide eastbound left turn lanes into the site, as the majority of site traffic will be entering the subdivision from the west. These improvements will be phased with the development phases as indicated in the Study and on the Preliminary Plan. No improvements are required on Meridian Road and no improvements or traffic signals are warranted at other existing intersections in the study area, as these will continue to operate at acceptable levels of service with the proposed development traffic.

Open Space and Trails

151-acre of the property, almost 20%, is proposed to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands and to preserve existing vegetation. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. A network of looping trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points. An interim trail is also proposed on part of the preserved right-of-way along Hodgen Road, until it is needed for road widening. The open space and trails will be owned and maintained by the proposed Metropolitan District (via easements where on residential lots). Discussions with Parks Department staff has indicated that there is no desire for a County regional trail on this property, as it is not identified in the Parks Master Plan.

Drainage

The Preliminary Drainage Report prepared by Vertex analyses the existing drainage characteristics of the site and any required improvements. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full spectrum detention ponds. All the detention ponds outfall the detained water into West Kiowa Creek at controlled rates. The proposed ponds are designed to reduce peak stormwater flow rates, down below historic rates before leaving the site. With the proposed drainage system, stormwater will be controlled and drainage will not have an impact on properties downstream from this development.

In the upper reaches of the property, individual lot owners will be responsible for maintaining proper stormwater drainage in and through their property. In lower reaches, public drainage easements are shown, which will be maintained by the Metropolitan District. Structures, fences, materials or landscaping that could impede the flow of runoff will not be permitted in the drainage easements.

Utilities

Water: The Water Resources and Wastewater Report prepared by JDS Hydro indicates that water service will be provided by individual domestic wells on the residential lots and by a commercial well on the commercial lot. The wells will be drilled into the Dawson Aquifer. Water rights in the Dawson Aquifer of 232.50 acre-feet annually were allocated in Water Decree No. 1692-BD and will be transferred to the McCune Ranch development following the completion of a water contract between McCune Ranch and PT McCune, LLC. The proposed development will generate an annual demand of approximately 90.8 acre-feet, for which there is sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. McCune Ranch also has water rights in the Denver, Arapahoe and Laramie-Fox aquifers, but this development is not relying on this water as most of these rights have been sold to Sterling Ranch Metropolitan District for municipal water. Water quality testing of the Dawson Aquifer wells has been undertaken and is addressed in the Water Resources and Wastewater Report.

Wastewater: Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. The Report identifies areas that are not suitable for OWTS. Some lots are impacted but still have sufficient space for OWTS due to the size of the lot. The report recommends individual soils investigations for septic systems prior to construction and that location of OWTS must ensure that well sites are a minimum of 100 feet from the OWTS absorption fields. Further detailed analysis of OWTS locations will be undertaken with the Final Plat.

Gas: Gas Service will be provided by Black Hills Energy and a Will Serve letter is provided.

Electric: Electric Service will be provided by Mountain View Electric Association and a Will Serve letter is provided.

Natural Features

The topography of the property is characterized by rolling hills and valleys with deep ravines drainage to the creek. The West Kiowa Creek, its associated floodplain and wetlands and ravines, is the principal natural feature on the property. In some instances, the wetlands and tails of the ravines are within lots and in these situations the areas are to be protected by "no build" easements. The general extent of these are identified on the Preliminary Plan but detailed evaluation and plotting will take place with the Final Plats.

Vegetation

The majority of the site is vegetated by short grass prairie, with wetlands alongside the creek and Ponderosa Pine in the northwest corner and along the southern property line. The area southeast of the creek has been heavily grazed, which has degraded the vegetation and allowed the establishment of invasive weeds. The eastern part of the site has been plowed in the past. The ECOS Natural Features and Wetlands Report report notes that there will be little impact on vegetation due to the large lot format of the development and the extensive area protected as open space. There is the potential to improve the vegetation with the proposed noxious weed management plan and native plant restoration outlined in the ECOS Natural Features Report.

Noxious Weeds

The noxious weeds on the site are mainly contained within the proposed open space areas. ECOS have provided a noxious weed management plan within the Natural Features Report, which recommends weed control prior to and during construction to eliminate existing weeds and to prevent introducing new weeds. Following construction, the Metropolitan District and/or Home Owners Association will be responsible for weed control in the open space. With the individual lots, weed control will be the responsibility of the individual home owner and will be enforced through covenants.

Floodplain

Portions of the site adjacent to the West Kiowa Creek are mapped within Zone A of the FEMA Floodplain Map No. 08041C0350G, dated December 7, 2018. Zone A indicates that Base Flood Elevations have not been determined. A floodplain boundary has been assessed by Vertex as described in the FEMA CLOMR Report and is depicted on the Preliminary Plan. The proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained mostly within the open space areas and only impacts one lot, where the floodplain will be within a no build easement.

Wildlife

The ECOS report indicates that the site currently provides good habitat for a variety of wildlife. Birds are the most common wildlife, with mammals in the treed areas and reptiles and amphibians in and around the creek. The extensive area of open space proposed on the Preliminary Plan will provide a wide upland buffer for wildlife along the creek and the large lot configuration will minimize impact on wildlife. There will be low to no impact on protected species. The noxious weed management plan and recommended native plant revegetation will improve the wildlife habitat. Post and rail fencing is proposed on the perimeter of the subdivision and similar fencing will be the standard for the individual lots, which will be enforced by the Metro District and/or Home Owners Association.

Wetlands

The delineation of the wetlands on the site was undertaken by ECOS. The wetlands around the West Kiowa Creek, its tributaries and ravines, are jurisdictional and are mapped on the Preliminary Plan. There are also some isolated wetlands and upland swales that are determined to be non-jurisdictional. The jurisdictional wetlands are almost wholly within the open space area. Where the wetlands impact proposed lots, these areas are protected as no build easements (Lots 24, 26 and 68). The only construction impact on the wetlands is the proposed street crossings and associated culverts. If wetland disturbance is cumulatively less than 0.5 acres, it will be covered by the Nationwide Permit #29 for residential development. If the impact is greater than 0.5 acres then a specific 404 Permit will be required from the US Army Corps of Engineers. This will be obtained prior to Final Plat if required.

Soils and Geology

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains. Lot 55 is impacted by an area of unstable slope and a "no build" easement 30-feet around the unstable slope is recommended and is shown on the Preliminary Plan. This lot has adequate buildable area outside the "no build" zone.

Wildfire Hazard Mitigation

The treed areas on the property lie within an area mapped as High Hazard for wildfire. The current owners of the property undertook fire mitigation in 2013 and 2015, which included thinning trees, removing ladder fuels and modifying stand structure. The covenants for the subdivision will set out standards for fire mitigation to ensure that this is a Firewise community and meets the County Development Standards for Fire Protection. Additional fire mitigation may be required on the individual lots to bring them into compliance with these standards. The location and type of new landscaping on individual lots will also be controlled to minimize wildfire risks. The Wildland Fire & Hazard Mitigation Plan prepared by ECOS provides more detail on the potential wildfire fuels on the property and suggested mitigation measures. This is a draft report and more detailed analysis of mitigation will be necessary as home locations are defined.

PROJECT JUSTIFICATION

Zone Change

The proposed rezoning to RR-2.5 and CC as described above complies with the Map Amendment (Rezoning) Criteria in Chapter 5.2.5.B of the Land Development as follows:

- 1. 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;**

County Policy Plan

The following County Polices are relevant to the requested rezoning:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.13: Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.4.4: Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.

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.

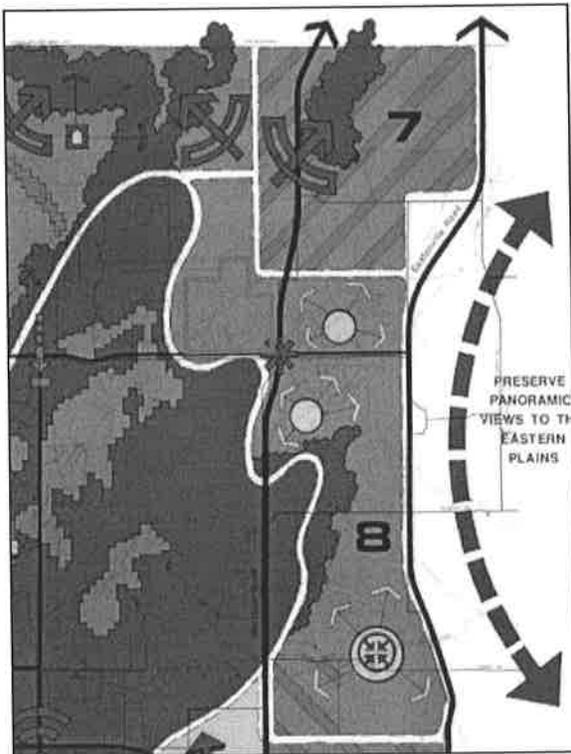
Policy 6.5.1: Allow for the location of limited supporting commercial uses at locations convenient to serve the needs of rural County residents provided that the requisite level of services are available or will be available in a timely fashion.

The proposed zone change to RR-2.5 is consistent with the policies of the County Plan that encourage rural residential development in locations contiguous to existing rural residential subdivisions and that include clustering concepts to conserve open space and natural features. Compatibility is defined as "a state in which two things are able to exist or occur together without problems or conflict." It does not mean that the two things have to be identical. The proposed rural residential development with lots ranging from 2.5 to 10-acres at a 5-acre lot density is compatible with the adjacent previously developed areas as it will not create any notable change in the rural residential character of the area or result in any problems or conflicts. On the contrary, the project will add significantly to the amenities and rural character of the area by preserving a substantial area of natural open space with public access.

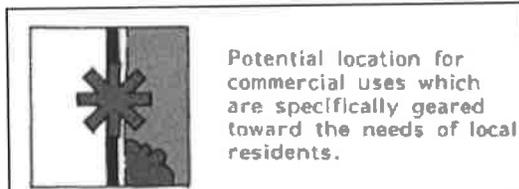
Notwithstanding the Applicant's opinion that this project is compatible with the surrounding area, the County Plan defines land use buffering as "the effective incorporation of open space, natural features, rights-of-way, phased gradations of densities, or use of screening with vegetation or topography, to either transition between potentially incompatible uses or to define or distinguish developed areas." This project includes phased gradation of densities by bordering the development to the north, east and west with 5-acres lots. It also uses open space and natural features to transition internally between the 5-acre and 2.5-acre zoning. The extensive Hodgen Road right-of-way also provides a buffer to the development to the south.

The proposed commercial zone will accommodate uses that support the surrounding residential areas in a convenient and accessible location at the intersection of two proposed minor arterial roads, which is consistent with the policies of the County Plan referred to above.

Black Forest Preservation Plan



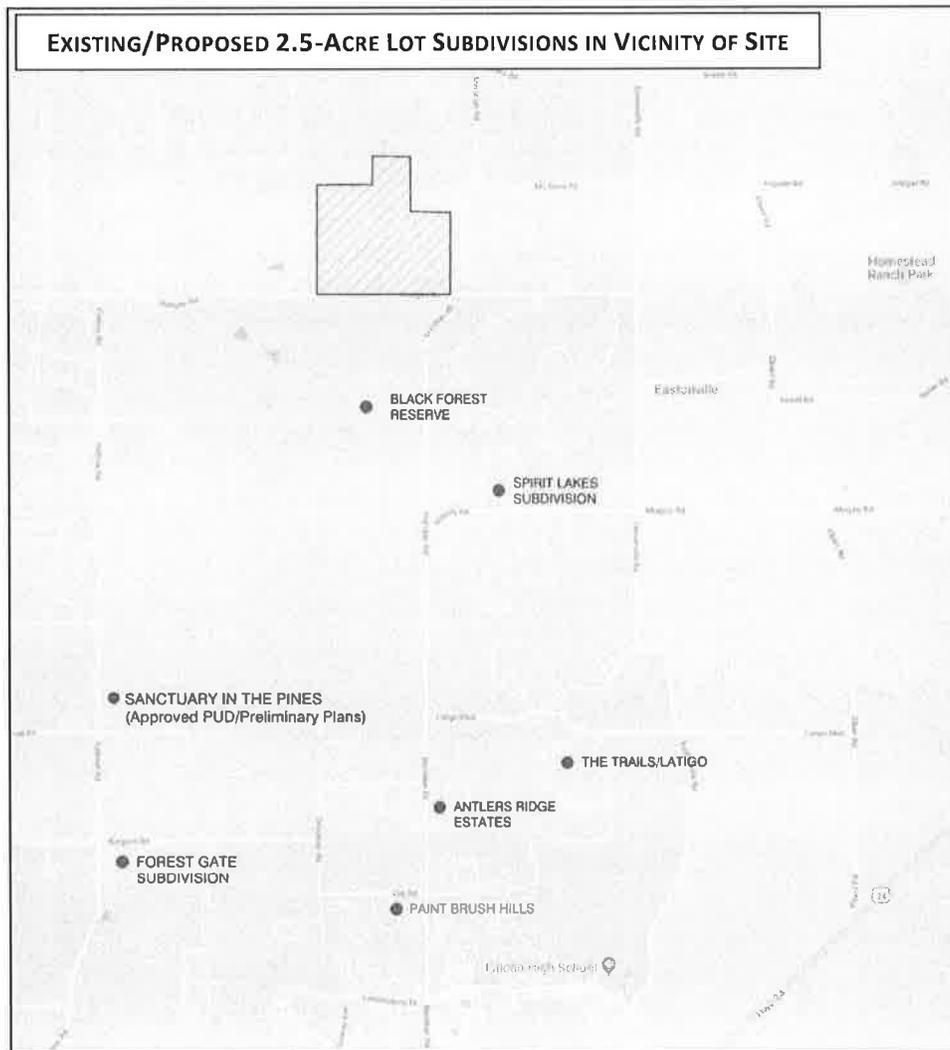
EXTRACTS FORM THE BLACK FOREST PRESERVATION PLAN



- 8 Meridian-Eastoville Corridor**
- Large lot residential development that is consistent with existing subdivisions should be encouraged.
 - Currently unzoned areas should be zoned A-4 (Agricultural).
 - Commercial development should be limited to the nodes designated for this unit.
 - Meridian Road should be considered as a potential major north-south transportation corridor, and adequate right-of-way should be protected.

McCune Ranch is located within the area covered by the Black Forest Preservation Plan (BFPP). The site is within Area 8, where large lot residential development consistent with existing subdivisions is encouraged. Residential Goal 3A of the Plan seeks to perpetuate the rural residential character of the Black Forest. The subsequent policies that support this goal encourage clustered development to preserve open space and protect natural features, with a 5-acre overall density and a minimum lot size of 2.5-acres.

In this regard, it is relevant to note that within Area 8 and the adjacent Black Forest area, there are a number of existing and proposed 2.5-acre subdivisions that have been approved since the adoption of the BFPP in the context of these objectives of the plan. The plan below identifies the location of these 2.5-acre subdivisions, which have been found to be "consistent with existing subdivisions". Many of these 2.5-acre lot subdivisions were also approved on the basis of the clustering concept in the BFPP. The proposed Winsome subdivision, with 2.5 to 10-acre rural residential lots and a substantial area of accessible open space, is equally consistent with the residential goals of the Preservation Plan, with existing subdivisions, and with approved subdivisions elsewhere in the Plan area.



The northwest corner of Hodgen Road and Meridian Road is identified in the Plan as a potential location for neighborhood serving commercial. Commercial Goal 4A allows for limited commercial development that supports the Black Forest Planning Area. The policies that support this goal aim to limit commercial activities to those that accommodate the needs of local residents, are limited in scope and scale, and are compatible with the visual character of the area. The proposed rezoning to CC is consistent with the potential neighborhood location identified in the Plan and will be limited to uses that are appropriate for a rural neighborhood center and are compatible with the area in scale, scope, and visual appearance.

2. 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;

As the proposed rezoning fulfils the goals of the County Master Plan and is compatible with adjacent subdivisions, by default it also complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

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

As noted above, compatibility is defined as *"a state in which two things are able to exist or occur together without problems or conflict."* It does not mean that the two things have to be identical. The proposed rezoning to RR-2.5 for large residential lots is compatible with the existing large lot character of residential development in the area. There are several 2.5-acre lot subdivisions in this part of the County adjacent to 5-acre lot subdivisions. While some of the proposed lots will be smaller than the adjacent 5-acre lots, the proposed clustering of development will maintain a 5-acre lot density while also preserving open space and protecting natural features. The project retains 5-acre lots adjacent to all boundaries, except Hodgen Road, which is consistent with the existing RR-5 zoning. Hodgen Road itself, and the preserved 40-foot right-of way to expand the road to a 4-lane arterial road, provides a transition to the RR-5 zoning to the south. There is an isolated strip of A-35 zoning along the eastern side of the property, extending north and south. This A-35 zoning is otherwise surrounded by RR-5 zoning, so the proposed rezoning at 5-acre lot density with 5-acre lots along the boundary is a comparable zoning transition.

The proposed zone change to CC is compatible with the surrounding land uses and zone districts by providing the opportunity for a neighborhood serving commercial center to offer convenient services and facilities that are not currently available in the area. The proposed commercial center will be compatible with its rural location in terms of the type of uses, the scale of buildings and the architectural and lighting on the site, which will be controlled by the Metro District or Home Owners' Association. It is intended to retain the character of this lot by preserving existing trees as part of the future commercial development to provide a buffer and enhance the visual character of the site.

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

The site is suitable for the proposed large lot residential and neighborhood commercial center. The site has some limitations to development but these have been minimized by containing the natural features

and constrained areas within the designated open space or within no build/drainage easements on the individual lots. The site has adequate access off Hodgen Road and Meridian Road and has access to adequate utilities, including water. The proposed lots will meet the use and dimensional standards for the respective zones as set out in Chapter 5 of the Land Development Code (LDC).

Preliminary Plan

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

The Master Plan comprises the County Policy Plan and Black Forest Preservation Plan. The same policies that support the proposed rezoning to RR-2.5 and CC, also support the Preliminary Plan. The proposed rural residential development is in a location contiguous to existing rural residential subdivisions where large lot residential development is encouraged by the Master Plan. The Master Plan also encourages clustering concepts to conserve open space and natural features. The lots proposed on the Preliminary Plan range from 2.5 to 10 acres, with a total of 143 lots, which is less than a 5-acre lot density for the site. Including smaller 2.5-acre lots within the development provides the ability to cluster the lots and protect the principal natural feature on the site, the West Kiowa Creek and its associated wetlands.

The proposed CC zoning will accommodate commercial uses that support the surrounding residential areas in a convenient location at the intersection of two proposed minor arterial roads. This is consistent with the goals and policies of the Master Plan.

2. The subdivision is consistent with the purposes of this Code;

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed subdivision of rural residential lots and a neighborhood commercial center is consistent with the County Master Plan and is compatible with the surrounding 5-acres single family lots and rural character of the area.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards other than the two requested waivers, which are discussed in more detail below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- adequate provision for traffic, drainage, open space, recreation and parks;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;

- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code; Water service will be provided by individual domestic wells on the residential lots and by a commercial well on the commercial lot. The wells will be drilled into the Dawson Aquifer. Water rights in the Dawson Aquifer of 232.50 acre-feet annually will be transferred to the McCune Ranch for the proposed development, which will generate an annual demand of approximately 90.8 acre-feet. Water quality testing of the Dawson Aquifer wells has been completed and is of sufficient quality to serve the proposed residential development.

5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code; Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. The Report identifies areas that are not suitable for OWTS. Some lots are impacted but still have sufficient space for OWTS due to the size of the lot.

6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)]; The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains. Lot 55 is impacted by an area of unstable slope and a "no build" easement 30-feet around the unstable slope is recommended and is shown on the Preliminary Plan. This lot has adequate buildable area outside the "no build" zone.

7. 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; These matters are addressed in the Preliminary Drainage Report prepared by Vertex Engineering. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full spectrum detention ponds. All the detention ponds outfall the detained water into West Kiowa Creek at controlled rates. The proposed ponds are designed to reduce peak stormwater flow rates, down below historic rates before leaving the site. These measures comply with the requirements of the LDC and ECM.

8. 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;

The majority of lots will be accessible by new public streets that will comply with the LDC and ECM. The lots that do not have direct access to a public street will be accessed by a shared/common access easement, in order to preserve topography and natural features. A waiver of 8.4.3(C)(2)(e) of the LDC is requested to address this condition. Street names have been approved by El Paso–Teller County 911 Authority.

9. The proposed subdivision has established an adequate level of compatibility by

1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;

A 148-acre area of open space, almost 20% of the property, is proposed to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. The open space will be owned and maintained by the proposed Metropolitan District.

2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost-effective delivery of other services consistent with adopted plans, policies and regulations of the County;

A network of looping 8' breeze trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points. An interim trail is also proposed on part of the preserved right-of-way along Hodgen Road, until it is needed for road widening. The trails will be owned and maintained by the proposed Metropolitan District (via easements where on residential lots).

3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

The proposed mix of 2.5 acre to 10-acre residential lots is compatible with the existing large lot character of residential development in the area. There are several 2.5-acre lot subdivisions in this part of the County adjacent to 5-acre lot subdivisions. While some of the lots will be smaller than the adjacent 5-acre lots, the proposed clustering of development allows for the preservation of open space and the protection of natural features. The project retains 5-acre lots adjacent to all boundaries, except Hodgen Road, which provides an appropriate transition. Hodgen Road itself, and the preserved 50-foot right-of way to expand the road to a 4-lane arterial road, provides a transition to the south.

With regard to the adjacent A-35 zoning along the eastern side of the property, the proposed rezoning at 5-acre lot density and inclusion of 5-acre lots along the boundary is a comparable to the transition between the A-35 zoning and existing 5-acre lots surrounding it, so no additional design features are considered necessary.

The proposed commercial lot will provide the opportunity for a neighborhood serving commercial center to offer convenient services and facilities that are not currently available in the area. The developer will ensure that commercial uses are compatible with the rural location in terms of the type of uses, the scale of buildings and the architectural and lighting on the site, which will be controlled by the Metro District or Home Owners' Association. It is intended to retain the character of this lot by preserving existing trees as part of the future commercial development to provide a buffer and enhance the visual character of the site.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The preserved open space adjacent to the West Kiowa Creek will protect the existing wetlands and will conserve wildlife habitat. The control of noxious weeds through the development of the site and management of the open space will improve wildlife habitat.

5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads and proposed access improvements on Hodgen Road will accommodate the site development traffic. The development will be served by well and septic systems and will have no negative impact on existing County services and facilities.

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

The site will be served by well and septic as described above. Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. Adequate open space and streets are provided to serve the future residents of the subdivision.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The Falcon Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter from the Fire Chief is included with this submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The proposed subdivision meets the applicable sections of the Code, subject to the requested waivers, which are justified in the context of preserving the existing topography and natural features on the site.

Waivers

1. Waiver of Chapter 8.4.3(C)(2)(e) of the LDC:

Chapter 8.4.3(C)(2)(e) of the LDC states requires lots to have access from a public road. Lots 44 and 92 do not have direct access from a public road and will be accessed via a shared access easement over the adjacent lot. The requested waiver will help to protect existing topography and natural features by avoiding unnecessary extension of public roads. Section 7.3.3 of the LDC states that a waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code;**
The most relevant purpose of the code in this regard is to “establish reasonable standards of design and procedures for subdivision”. The requirement for lot access to a public road is a reasonable standard but, in this case, access is to be established by a specific easement that

provides shared access and maintenance responsibilities over an adjacent lot. This is a common solution where topography and natural features limit the ability to extend public roads due to right-of-way width and grade requirements.

- **The waiver will not result in the need for additional subsequent waivers;**
This request is limited to two conditions within the proposed subdivision, which will not be repeated elsewhere in the subdivision.
- **The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;**
The shared access scenario is a common arrangement between two privately owned properties and is controlled through an easement that will run with property. There will be no harm to the public or other property.
- **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;**
The requested waiver will help to protect existing topography, natural features and vegetation by avoiding unnecessary extension of public roads. While this is not necessarily unique to this property, it is a primary objective of the Black Forest Preservation Plan and can be achieved by this waiver without harm to the public or other property.
- **A particular non-economical hardship to the owner would result from a strict application of this Code;**
The owner has sought to create a subdivision that protects the existing topography, natural features and vegetation by clustering development and limiting grading by reducing the extent of the roadways. The shared driveways will provide lot access without needing the right-of-way or grade standards of a public street.
- **The waiver will not in any manner vary the zoning provisions of this Code;**
The density proposed by this subdivision is consistent with the current RR-5 zoning. The requested waiver does not allow the developer any greater density than could be achieved without it.
- **The proposed waiver is not contrary to any provision of the Master Plan.**
The proposed waiver is consistent with the goal of the Black Forest Preservation Plan to encourage rural residential development that preserves existing topography, natural features and vegetation by clustering development.

2. Waiver of Chapter 6.3.3(c)(j) of the LDC

Chapter 6.3.3(c)(j) of the LDC requires turnouts or turnarounds where driveways exceed 300 feet. The driveways that serve lots 44 and 45, lot 50, and lots 92 and 93 exceed 300 feet. The requested waiver will help to protect existing topography and natural features by not expanding the driveway area more than necessary to provide adequate access. Section 7.3.3 of the LDC states that a waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code;**
The most relevant purpose of the code in this regard is to “establish reasonable standards of design and procedures for subdivision”. The requirement for turnouts or turnarounds where driveways exceeds 300 feet is a reasonable standard but, in this case, the Falcon Fire Chief has approved the proposed plans on the basis that residential driveways will provide adequate turnaround and the proposed driveway width and surface material meets Fire Code standards.

- **The waiver will not result in the need for additional subsequent waivers;**
This request is limited to five conditions within the proposed subdivision, which will not be repeated elsewhere in the subdivision.
- **The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;**
The proposed driveways have been reviewed and approved by the Falcon Fire Chief to ensure safe access to these lots. There will be no harm to the public or other property.
- **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;**
The requested waiver will help to protect existing topography, natural features and vegetation by avoiding unnecessary extension of public roads where a driveway will suffice. While this is not necessarily unique to this property, it is a primary objective of the Black Forest Preservation Plan and can be achieved by this waiver without harm to the public or other property.
- **A particular non-economical hardship to the owner would result from a strict application of this Code;**
The owner has sought to create a subdivision that protects the existing topography, natural features and vegetation by clustering development and limiting grading by reducing the extent of the roadways. The extended driveways will provide lot access without needing the right-of-way or grade standards of a public street.
- **The waiver will not in any manner vary the zoning provisions of this Code;**
The density proposed by this subdivision is consistent with the current RR-5 zoning. The requested waiver does not allow the developer any greater density than could be achieved without it.
- **The proposed waiver is not contrary to any provision of the Master Plan.**
The proposed waiver is consistent with the goal of the Black Forest Preservation Plan to encourage rural residential development that preserves existing topography, natural features and vegetation by clustering development.

LEGAL DESCRIPTION

LEGAL DESCRIPTION: COMMUNITY COMMERCIAL ZONE (CC)

A TRACT OF LAND BEING A PORTION OF SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 11, SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARS OF ABANDON: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 4 AS RECORDED UNDER RECEPTION NUMBER 2189892 SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°23'00"W 20.00 FEET TO THE NORTHERLY BOUNDARY OF SAID PARCEL 4; A DISTANCE OF 452.4 FEET; THENCE N07°14'00"E 452.4 FEET; THENCE S89°23'00"W 20.00 FEET TO THE POINT OF BEGINNING; A DISTANCE OF 452.4 FEET TO THE EAST LINE OF SAID PARCEL 4; ALSO BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 24, THENCE S00°00'00"W 452.4 FEET TO THE POINT OF BEGINNING.

BEARING AT THE WEST QUARTER CORNER OF SAID SECTION 24, THERE IS A 100' X 100' DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF PARCEL 4 AS RECORDED UNDER RECEPTION NUMBER 2189892 SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°23'00"W 20.00 FEET TO THE NORTHERLY BOUNDARY OF SAID PARCEL 4; A DISTANCE OF 452.4 FEET; THENCE N07°14'00"E 452.4 FEET; THENCE S89°23'00"W 20.00 FEET TO THE POINT OF BEGINNING; A DISTANCE OF 452.4 FEET TO THE EAST LINE OF SAID PARCEL 4; ALSO BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 24, THENCE S00°00'00"W 452.4 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 243,446 SQUARE FEET OR 5.56 ACRES

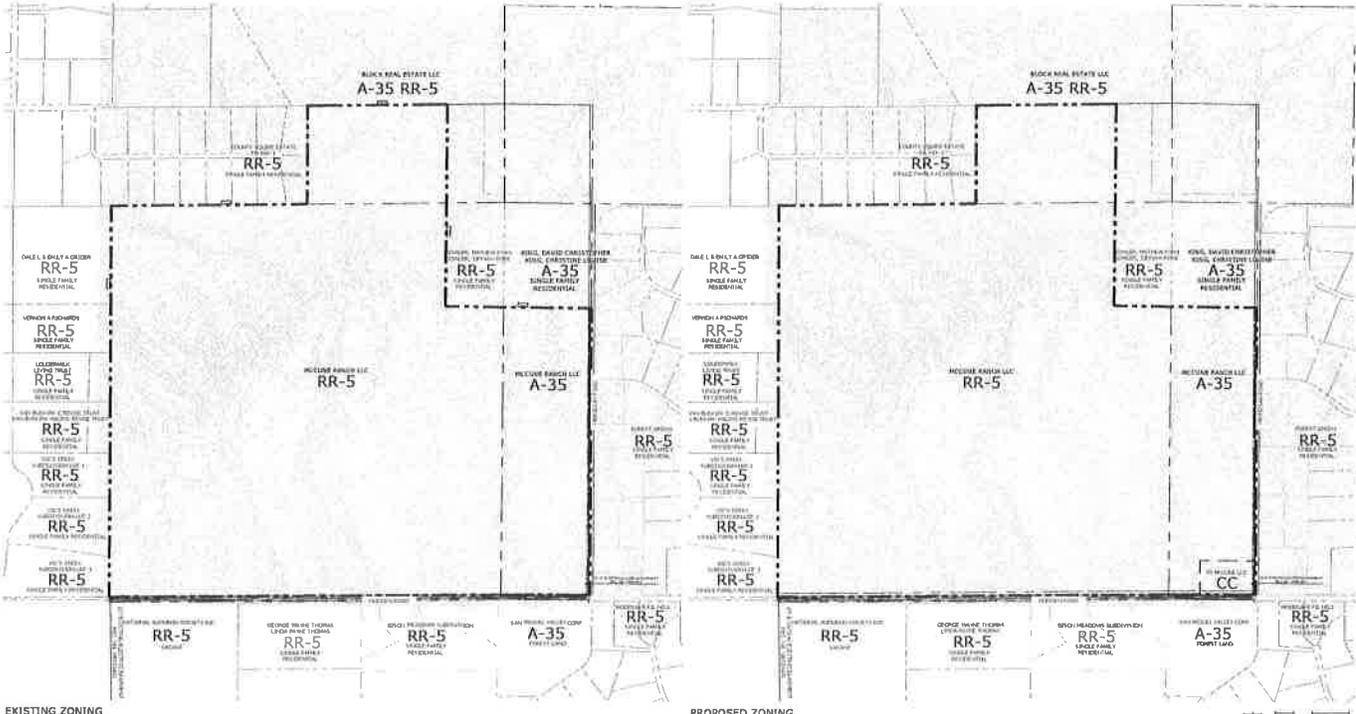
SITE DATA

OWNER:	McGraw-Hill LLC 1700 W. Wacker Dr Chicago, IL 60601
SUBDIVISION / PROJECT:	PT McGraw-Hill LLC 1500 Woodward Drive, Suite 100 Wheatridge, CO 80152
PREPARED BY:	J.E.B. Inc. 8175 Colorado Ave., Suite 200 Colorado Springs, CO 80901
TAXID NUMBER:	510000000
SITE ADDRESS:	100 W. 4th St.
EXISTING ZONING:	RR-5 & A-35
PROPOSED ZONING:	RR-5 & A-35, CC
Comments:	7.89 ac

Land Planning
Development
Analysis
Urban Design



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80905
Tel: 719-421-0971
Fax: 719-421-0867
www.nesinc.com
Date: 07/24/2008

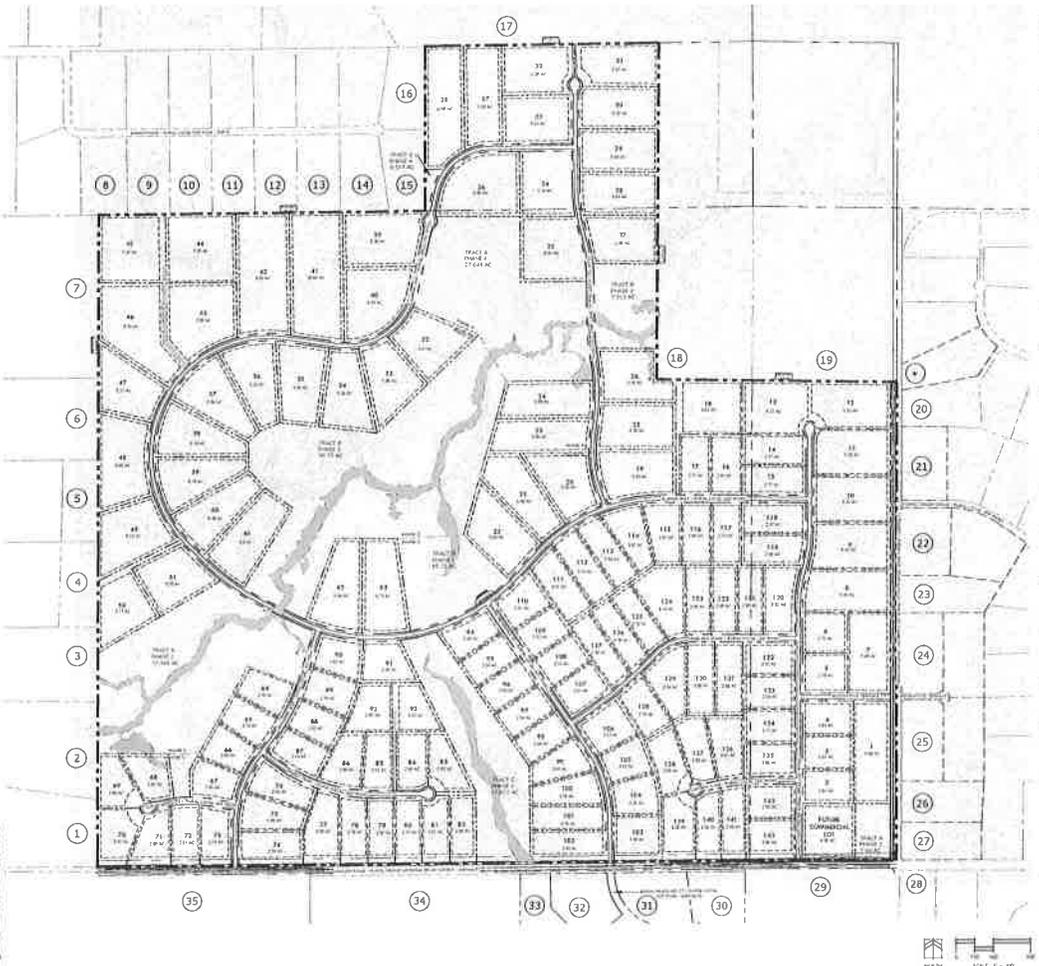


Winsome

ENTITLEMENT

COMMUNITY COMMERCIAL ZONING PLAN

PCD File No. SP 18 006



ADJACENT OWNER:

1. 812000003
Mick Voncken
725 1/2 LILAC DR
WINDSOR SPRINGS CO 80540
2. 812000008
Mick Voncken
725 1/2 LILAC DR
WINDSOR SPRINGS CO 80540
3. 812000019
Janey A Perry Weber
1875 E GARDNER RD
WINDSOR SPRINGS CO 80540
4. 812000024
Dana L & Chris A Garber
1875 GARDNER RD E
WINDSOR SPRINGS CO 80540
5. 812000032
Mark Warner
1875 GARDNER RD
WINDSOR SPRINGS CO 80540
6. 812000051
Toby Conant
1875 GARDNER RD
WINDSOR SPRINGS CO 80540
7. 812000062
Mark Warner
1875 GARDNER RD
WINDSOR SPRINGS CO 80540
8. 812000063
Mark Warner
1875 GARDNER RD
WINDSOR SPRINGS CO 80540
9. 812000064
Mark Warner
1875 GARDNER RD
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1875 GARDNER RD
WINDSOR SPRINGS CO 80540
35. 812000090
Mark Warner
1875 GARDNER RD
WINDSOR SPRINGS CO 80540

Land Planning
Architects
Lohan Design

NES

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Fax: 719.491.0747
www.nes-land.com
E-mail: info@nes-land.com

Winsome

ENTITLEMENT

NO.	DATE	DESCRIPTION

ADJACENT PROPERTY OWNERS

PZ22 File No. 09 18-008

El Paso County Parcel Information

File Name: **SP-18-006**
CC-18-001/P-18-006

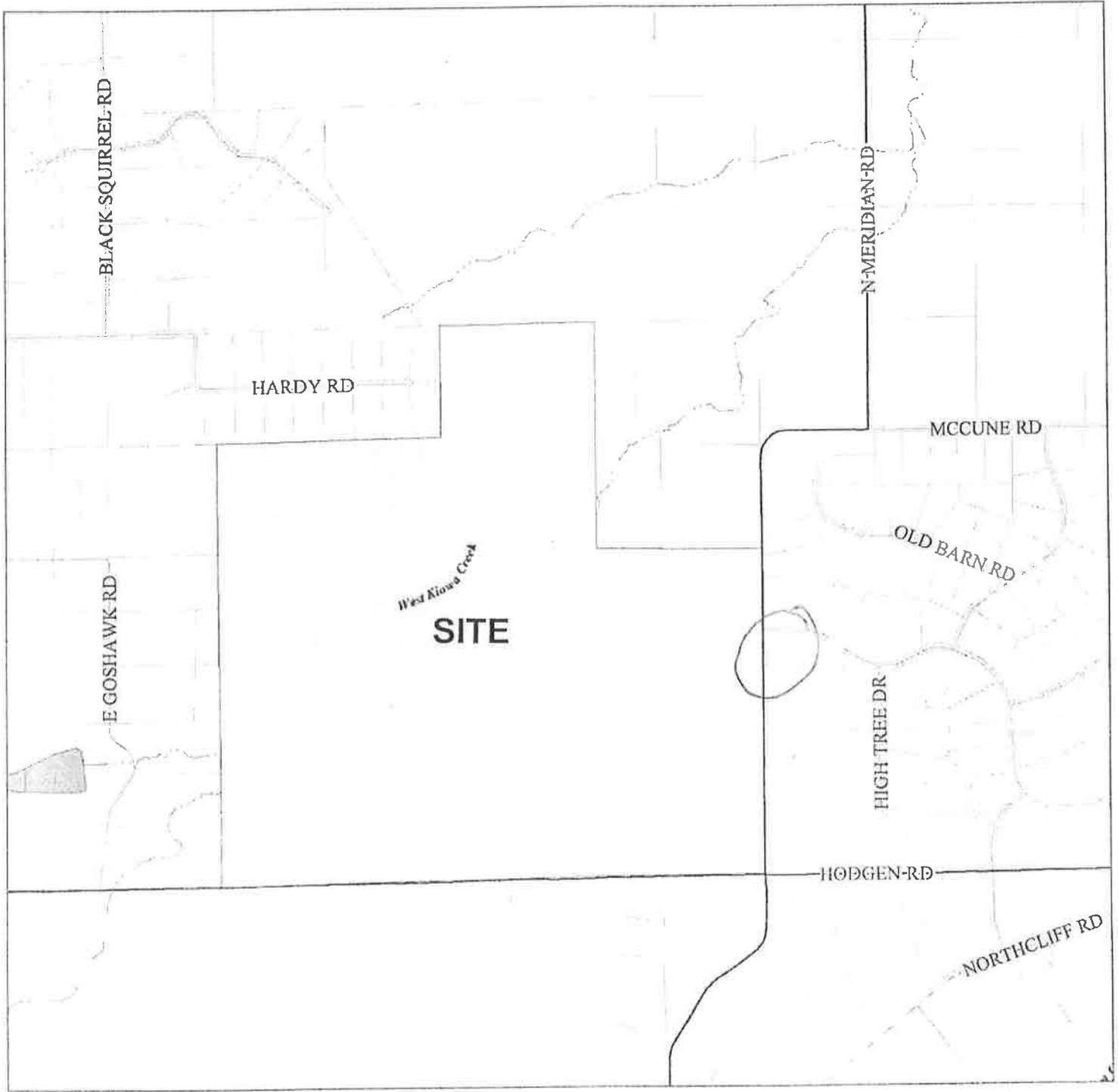
Zone Map No. **-**

PARCEL	NAME
510000493	MCCUNE RANCH LLC

ADDRESS	CITY	STATE
PO BOX 36	ELBERT	CO

ZIP	ZIPLUS
80106	0036

Date: **MAY 16, 2019**



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



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EL PASO COUNTY



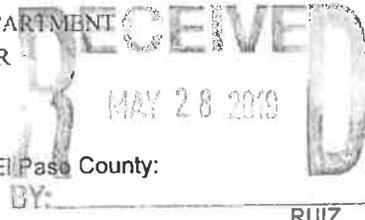
COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

May 15, 2019



This letter is to inform you of the following petition which has been submitted to El Paso County:

CC-18-001

MAP AMENDMENT (REZONE) WINSOME

A request by McCune Ranch, LLC, for approval of a map amendment (rezoning) of 7.88 acres from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

For

Against

No Opinion

RUIZ

P-18-006

MAP AMENDMENT (REZONE) WINSOME

A request by McCune Ranch, LLC, for approval of a map amendment (rezoning) of 350.26 acres from the RR-5 (Residential Rural) and A-35 (Agricultural) zoning districts to the RR-2.5 (Residential Rural) zoning district. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

For

Against

No Opinion *See Comments*

RUIZ

SP-18-006

PRELIMINARY PLAN WINSOME

A request by McCune Ranch, LLC, for approval of a preliminary plan of 766.66 acres to create 143 single family residential lots with an overall density of one dwelling unit per five acres, one commercial lot, 151.238 acres of open space, and right-of-way. The property is presently split zoned between the RR-5 (Residential Rural) zoning district and the A-35 (Agricultural) zoning district. The applicant has submitted concurrent applications for two map amendments to the RR-2.5 (Residential Rural) and CC (Commercial Community) zoning districts. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

For

Against

No Opinion *See Comments*

RUIZ

Comments: see attached

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

Your Name: CHRISTINE POSTHUMUS *Christine Posthumus*
(please print) (signature)
Address: 12215 Old Barn Rd, Elbert, CO 80106
Property Location: see attached Phone: 719-440-6208

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



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

WWW.ELPASOCO.COM

El Paso County Parcel Information

File Name: **SP-18-006**
 CC-18-001/P-18-006
 Zone Map No. **-**

PARCEL	NAME
5100000493	MCCUNE RANCH LLC

ADDRESS	CITY	STATE	ZIP	ZIPLUS	Date:
PO BOX 36	ELBERT	CO	80106	0036	MAY 16, 2019



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5-24-19

The 143 lots as planned are okay with me.

I am not in support of the commercial lot. It is a highly used corner where animals frequent and would be better served as a community park. Having business established there will take away from the country setting that so many of us in the area moved here to enjoy.

Respectfully,

Christine Pothumus
Property owner of
12275 Old Barn Rd
Elbert, CO 80106



David & Christine King
11920 Quiet Waters Point
Elbert, CO 80106
Ph # 719-491-3274
Ourredbarnfarm@gmail.com



May 23rd, 2019

Dear El Paso County Planning Commission and County Commissioners,

Thank you for allowing us the opportunity to express our strong opposition to any rezoning of the McCune Ranch. As adjacent property owners we will be directly and hugely impacted by the decision that you make.

A year ago, we (Christine {a pastor} and I {an educator}) invested our life savings to purchase the original McCune Ranch headquarters. Since then, we have completely restored the historic 1914 farmhouse and have put the beautiful old barns back into use for our small family farm which produces pork, eggs, produce, and a whole lot of fun for our family and friends. Living close to the land and raising our 3 daughters and son in an authentically rural and self-sustaining environment has been a lifelong dream that is now coming to fruition. Just like Mr. McCune and his father, I will live out the rest of my days enjoying and caring for this ranch.

MarySue (McCune) and Jason Liss have been nothing but wonderful to us and we consider ourselves very blessed to know them. However, we are surprised that the ranch is under contract to be developed. It's just a very sad thing to imagine 143 homes being built in what is currently one of the most beautiful and serene landscapes in our county. While we understand that we can't stop the progress of developers, I absolutely believe in and appreciate the democratic process and know that my voice and the voices of our neighbors are important ones to be heard in this process.

At the public meeting that was held on Dec 4th at Latigo, there was not a single person that I heard out of 75+ neighbors who supported any rezoning of the McCune Ranch. We (the collective neighbors) are exceptionally opposed to all 3 of the proposals being considered. If you were there, you likely heard some of these concerns raised from our community:

1. **We live here for the rural and open spaces, and will not support any rezoning** (whether the ultimate density for the entire project is the same or not)... we don't want to look at 143 houses many/most of which will be sitting on 2.5 acre lots. It would be extremely impactful to us if any of these rezoning proposals were granted.
2. We don't want a "convenient store," and anyone who lives out here will tell you, that we're used to planning ahead, and we don't want or need that corner store drawing strangers into our community. There are a lot of mule deer, antelope, and elk that call that corner their home, and we've moved here to enjoy them, not a convenient store. As was said at the meeting... **those who want convenience should live closer to town, but please... do not bring the town to us, we don't want it!** This entire project (rezoning or not) would/will change our community and landscape drastically enough... but please do not rezone any of the McCune ranch.

3. We all know that this developer could still make millions subdividing the ranch within the current zoning... but **please do not depreciate our homes and underappreciate our way of life just so this developer can make a few million dollars more.** And yes, we realize that the homes that would be built will likely be huge beautiful homes that would increase our property values in terms of dollars, but again... we are rural people who do not plan to sell, and who value enjoying our views of the country side far more than the esteem of our property values. We do not have any interest in overlooking a "Flying Horse North" type development... no matter how nicely it may turn out.
4. We are nature lovers, conservationists, and hunters. This development will forever disrupt the wildlife that we've moved here to live among.
5. There are many neighbors concerned about depleting the aquifers as well. We do not value the "overall density will be the same" argument. We've known too many families who were in this exact situation and were told by the "experts," "there's plenty of water..." only to be trucking in their water after a couple short years. We do not approve of the rezoning or the project overall.

I really do appreciate each of you who have taken the time to read through my input! Before you cast your vote, **please consider who your constituents are (they are honest country people). Who you are most devoted to represent... is it the hundreds of opposing honest country people from Northeast El Paso County, or is it the single millionaire developer.** Please do not base your decision solely on the extra tax dollars a denser development will generate. I believe we both know that if these house are not built here, they'll be built somewhere else in the county and generate the same dollars. This has nothing to do with dollars for us, but it has everything to do with us needing your help upholding the zoning that we agreed to live next to. While I may be the new guy on the block, we were still here first, and we bought next to property that was zoned a certain way... and we'd appreciate it dearly if you'd hold your ground and maintain the zoning exactly as is despite the sales pitches of the developer and attorneys.

Thank you for your service to our community and your support of our concerns! Please give me a call if there is any way that I might be of assistance. I do plan to attend both of the upcoming meetings to reiterate my concerns.

Respectfully,



David, Christine, Taylor, Hunter, Reagan, & Landon King



El Paso County Parcel Information

SP-18-006

File Name: CC-18-001/P-18-006

PARCEL	NAME
5100000493	MCCUNE RANCH LLC

Zone Map No. -

ADDRESS	CITY	STATE
PO BOX 36	ELBERT	CO

ZIP	ZIPLUS
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Date: MAY 16, 2019



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COMMISSIONERS:
MARK WALLER (CHAIR)
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COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, June 4, 2019
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

REGULAR HEARING

9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, KEVIN CURRY, JOAN LUCIA TREESE, SHARON FRIEDMAN, ALLAN CREELY, JANE DILLON

PRESENT AND NOT VOTING: SARAH BRITTAIN JACK AND BECKY FULLER

ABSENT: GRACE BLEA-NUNEZ AND PETER AURICH

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, NINA RUIZ, KARI PARSONS, JEFF RICE, GILBERT LAFORCE AND EL PASO COUNTY ATTORNEY COLE EMMONS

OTHERS SPEAKING AT THE HEARING: JOHN MAYNARD, MARK BELLES, JUDY VON AHELFELDT, DAVE ELLIOTT, ANDREA BARLOW, MARY SUE McCUNE, BRUCE McKEAN, KENT GEIB, AND DAVID KING

Report Items

1. Annual Meeting and Election of Officers

The Sunshine Law was presented at the first of the year and therefore did not need to be reviewed at this time.

The voting members for Election of Officers are **Curry, Creely, Lucia-Treese, Brittain Jack, Fuller, Bailey, Friedman, and Dillon.**

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



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

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Ms. Lucia-Treese nominated **Mr. Risley** as Planning Commission Chair. **Mr. Risley** accepted the nomination. Ms. Friedman nominated **Mr. Curry** as Chair. **Ms. Dillon** made a motion to close nominations and **Ms. Lucia-Treese** seconded. Motion passed unanimously to close nominations. Motion passed 6-2 to appoint **Mr. Risley** as Planning Commission Chair. **Ms. Friedman** nominated **Mr. Curry** as Vice Chair. **Ms. Lucia-Tresse** nominated **Mr. Bailey** as Vice Chair. **Mr. Curry** and **Mr. Bailey** accepted the nominations. **Ms. Dillon** made a motion to close nominations and **Ms. Lucia-Treese** seconded the motion. Motion passed to close nominations. The motion passed 5-3 for **Mr. Bailey** as Vice Chair.

2. Report Items -- Planning and Community Development Department – Mr. Dossey

- A.** The next scheduled Planning Commission meeting is for **Tuesday, June 18, 2019.**
- B.** New login and password information will be coming soon for the OnBoard Passageways portal.
- C.** **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting as well as a Planning and Community Development progress report of permits and projects in process.
- D.** The Board of Adjustment is open to one more Planning Commission member to serve on both Commissions. Please let Ms. Garcia know if you are interested in serving on the BOA.

3. Consent Items

- A. Approval of the Minutes – May 7, 2019**
The minutes were approved as presented. (7-0)

REGULAR ITEMS

Regular Items

4. SKP-18-004

PARSONS

**SKETCH PLAN
MEADOWLAKE RANCH**

A request by Daniel Ferguson for approval of a sketch plan for 307 acres zoned A-35 (Agricultural). The property is located at the northwest corner of the Judge Orr

Road and Highway 24 intersection. (Parcel No. 42000-00-264) (Commissioner District No. 2)

Ms. Parsons asked **Mr. Emmons** to go over the review criteria for a sketch plan and then gave her presentation to the Planning Commission.

Mr. John Maynard, NES, Inc., representing the owners gave his presentation to the Planning Commission.

Ms. Friedman – Thank you for your clear and comprehensive presentation. What are the transitions between urban development and industrial? **Mr. Maynard** – The wetlands will create a buffer between the developments. There will be internal buffering, and the open space may also become some of the buffer.

Mr. Curry – Do you have a will serve letter from Woodmen Hills? **Mr. Maynard** – Not at this point. It's not a commitment until we do more engineering. We have asked if they can serve, and they have responded they can, but we do not have a will serve letter at this point.

Mr. Risley – Do you anticipate the densities will change when you get the flight path data? **Mr. Maynard** – There will be no significant changes.

Mr. Curry – We have to weigh in on what is presented to us today and not what was discussed, is that correct? **Mr. Emmons** – The sketch plan is conceptual. I don't think that the information with regards to what it may become is set in stone yet, so the best consideration is the plan in front of you. It won't change much; the western boundary line of the industrial may shift slightly. It will not affect the substantive design.

Mr. Dossey – We have the authority to do administrative amendments of sketch plans if the acreage hasn't changed or its minor revisions to lots, etc.

Ms. Parsons gave her full presentation to the Planning Commission.

Mr. Jeff Rice gave the engineering report/findings to the Planning Commission.

IN FAVOR: NONE

IN OPPOSITION:

Mr. Mark Belles – I'm a northern adjacent property owner. I have objections to some of the details. I am not in favor of the expansion of the area to the north. The five County policies that are detailed, in my opinion, are not met. The buffer area is barely one lot to the north. Properties are not protected from industrial impacts. Hard line boundaries should be met with regard to industrial and commercial lines.

Preserve visual resources such as Pikes Peak is not considered. Open space should be placed along the ridge line for more buffer.

Ms. Judy Von Ahelfeldt – I wanted to speak on trails and wetlands. I understand the ability of trails to connect to the regional trail, but I don't see how there will be connections within the industrial or commercial areas. With regard to wetlands, there is a culvert blowout to the east. I did not see that addressed. There is a high alluvial area that needs addressed. I would recommend that this not be approved today and that the issues be resolved prior to approving the sketch plan. The wetlands and drainage areas need further study as well as the buffer areas.

Mr. Dave Elliott – I want to express gratitude for the cooperation that we have had with the applicants. There are compatible uses of land around airports. Our airport master plan was signed off on last week, so we will be moving forward to establish with the County those compatible uses. We have safety concern. This area is right off the end of the runway. The runway protection zone is where crashes occur. This property is off airport landings. We want to see an appropriate plan of development that allows an escape avenue for pilots and protects those on the ground.

Mr. Creely – What is the time period that you are showing your data? Mr. Elliott – this is just general info, not actual data. There is no statistical data on this particular property, but we have had to rescue pilots in this area.

Mr. Maynard had an opportunity for rebuttal. The wetlands report showed delineated results. The wetlands are not within the commercial area. There is a drainage channel and it has been addressed. We would work with the airport in creating a road system within those areas that Mr. Elliott spoke about. That is a design detail that will occur at a later date. Regarding trails, the map shows how that access is obtained through the residential and open space as well as around the commercial area. We agree with the conditions and notations.

DISCUSSION:

Mr. Creely – As explained by the attorney, we are to focus on review criteria, I believe they have addressed the criteria. There are ways to argue the small area plans and whether it meets the surrounding area, but I think there are some issues that we will see in the next phase of the application process. For example, the buffer between industrial and residential will be something I watch for. Open space and safety areas for the airport will also be areas that I will be watching for in the future.

Ms. Lucia-Treese – Based on the criteria presented to us today as a conceptual plan, I believe staff and NES have made a good presentation. We are here to discuss the criteria on a conceptual plan not the issues down the road.

Ms. Friedman – I agree with my colleagues. This is conceptual. The public meeting and the business meeting in Falcon for the County Master Plan showed strong support for commercial nodes in the area.

Mr. Curry – I take a slightly different approach to this. I am acutely aware of safety in takeoff and landing around airports. I am strongly encouraged by all the discussion. Had I seen the revised sketch plan as it was discussed, I might have had a different view. We have residential plans directly under flight paths. But based on what I've been presented according to our criteria, I am concerned about safety and I will be voting against this project.

Mr. Bailey – Clarification brought up by Mr. Curry's comments, we have the ability to approve the sketch plan with the changes that were discussed. The industrial and residential areas would be revised slightly. **Ms. Parsons** – That is correct.

PC ACTION: LUCIA-TREESE MADE A MOTION/DILLON SECONDED TO APPROVE REGULAR ITEM #4 FOR SKP-18-004 FOR A SKETCH PLAN FOR MEADOWLAKE RANCH UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-034 WITH EIGHT (8) CONDITIONS AND THREE (3) NOTATIONS NOTING A REVISION TO CONDITION NO. 7 AS PRESENTED AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-1) MR. CURRY WAS THE NAY VOTE.

5. CC-18-001

RUIZ

**MAP AMENDMENT (REZONE)
WINSOME COMMERCIAL**

A request by McCune Ranch, LLC, for approval of a map amendment (rezoning) of 7.88 acres from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

Ms. Ruiz asked **Mr. Emmons** to go over the review criteria for a map amendment and preliminary plan and then gave her combined presentation to the Planning Commission.

Ms. Andrea Barlow, NES, Inc. gave her presentation to the Planning Commission.

Mr. Curry – Is the plan viable if the Title 32 Special District is disapproved? **Ms. Barlow** – We do not believe there is any reason for it to be disapproved. We are moving forward on the assumption that it will be approved. In our opinion, we are meeting all the requirements.

Mr. Curry -- MVEA opposes the application, could you explain why? **Ms. Barlow** – There is an ongoing situation between MVEA and the County regarding right of ways. We have proposed an easement for MVEA that is in addition to the required amount.

Ms. Friedman – The southwest corner looks like it's buffered with power lines. **Ms. Barlow** – There is a 300 foot utility easement for power lines. Those lots are around 4 acres to accommodate the utility easement.

Ms. Friedman – Regarding traffic, isn't it hard to predict the traffic if you don't know what kind of commercial users you'll have? **Ms. Barlow** – There are notes in the traffic report that give that assessment based on mixed commercial users.

Mr. Risley – The lots that you are seeking shared driveways, would one lot actually own the driveway and one not? **Ms. Barlow** – The driveway would be owned by one lot or the other and the other would have an easement. Having the shared driveways limits the access.

Ms. Ruiz gave her full presentation to the Planning Commission.

Mr. Gilbert LaForce gave his engineering report and findings to the Planning Commission with regard to floodplain, transportation, and drainage.

Ms. Friedman – Hodgen Road is a minor arterial, and I understood that we were trying to minimize access points off Hodgen. **Mr. LaForce** – As long as they are ¼ mile away, they are approved for that road classification. The deviation that was approved is about an 1/8 of a mile with off-site improvements as their justification.

IN FAVOR:

Ms. Mary Sue McCune – We are the property owners of the property and have been for over 100 years. We believe that this is the highest and best use of the property.

Ms. Von Ahelfeldt – I think this overall an excellent plan. I do have concerns regarding the elk and wildlife in the area as well as the promised expansion of Hodgen Road. The trails continue to be an issue. I'd like to see a perimeter trail and not just the use of roads. The lack of emergency egress is a concern.

IN OPPOSITION:

Mr. Bruce McKean – I am very concerned about the safety of the intersections and traffic at Hodgen and Meridian. We need to consider widening and extending Meridian. I am also concerned about water and septic. Regarding the commercial

property, it needs moved to the west part of the property for traffic and safety sake. In summary, high speed, low-visibility hills are problems.

Mr. Kent Geib – In addition to the other concerns, it's about a quality of life for me. There is a difference in the attitudes of people in a 5 acre subdivision versus those who live in a 2.5 acre subdivision. I do want to say that the applicants' representative and staff have done a great job of mitigating concerns.

Mr. David King – Our objection is not to go against the owners. We appreciate the changes that the developers have brought forward. I'm still in strong opposition of the rezone. We have unobstructed views of the mountains and prairies. I also understand that you can't stop progress. I'm advocating that there be no rezone. There will be significance difference in the people that are attracted to the area based on size of lots proposed. The planned open space is appreciated.

Ms. Barlow had an opportunity for rebuttal. She clarified the number of 5-acre parcels. With regard to trails, the County dictates what goes in the right of way. We are planning on those trail connections both internally and externally. The Metro District will maintain the trails and open space. Regarding emergency access, we left a tract purposely to provide an outlet to the edge of the property. With regard to wildlife, the main corridor is maintained throughout the open space. Traffic levels are low levels based on the assessment of levels of service. Blind hills and sight access have been considered in placement of intersections and access. All traffic requirements have been met. Water sufficiency in Dawson aquifer has been established. We are proposing less lots than the actual 5 acres allowed. The open space will be protected. Road impact fees will be paid for County road improvements.

Mr. Dossey – With regard to MVEA and 1041 regulations, we are currently in litigation. We made a request of the developer, essentially at the last minute, for a conceptual easement that affords MVEA to comply with the County's 1041 requirements. I greatly appreciate the developer working with the County. That improves our relationship with the developer, but it also works with MVEA.

Mr. Risley – Even if it doesn't get used by the utility provider, it still provides an additional buffer.

DISCUSSION:

Ms. Lucia-Treese – I'd like to make a comment that when you make generalizations about people that RR-5 people are rural and RR-2.5 are city. My lot is considerably smaller than 2.5 acres, but we moved out there for the quality of life in not living in the City of Colorado Springs. I caution you to not make division between lot size owners. It's not a fair generalization.

Ms. Friedman – I think density is the issue. And if you think about wells and septics, then you see how many wells and septics. The environmental standpoint is still the same. The feeling is different because of the density. No matter how lots are clustered, it's about how it feels too. The road is absolutely horrible. There are huge trucks and bicycles at the same area. We need to get a higher priority to get those roads addressed sooner.

Mr. Curry – I have serious concerns about the traffic, particularly with left turns into that area. When I look at the review criteria and master plan compliance, the lots are considered rural in size, the commercial area will be small and serve the community, and I look at it with reservations to the access and the 2060 MTCP. However, overall the application conforms with the Master Plan and have maintained the rural nature. There may be time to improve the traffic issues later. I will be voting in favor.

Mr. Creely – I agree with Mr. Curry. I too have issues with the traffic. We get to view this traffic at this level, and then we get to see the next one. We start adding them together and we may have a serious problem. I agree with Mr. Curry.

Mr. Emmons – There are three separate applications, a rezone for commercial, a rezone for residential, and a preliminary plan. If either of the rezones are denied, the preliminary plan may not be approved.

PC ACTION: CURRY MADE A MOTION/LUCIA-TRESE SECONDED TO APPROVE REGULAR ITEM #5 FOR CC-18-001 FOR A MAP AMENDMENT (REZONE) OF WINSOME COMMERCIAL UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-035 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (7-0)

6. P-18-006

RUIZ

**MAP AMENDMENT (REZONE)
WINSOME RESIDENTIAL**

A request by McCune Ranch, LLC, for approval of a map amendment (rezoning) of 350.26 acres from the RR-5 (Residential Rural) and A-35 (Agricultural) zoning districts to the RR-2.5 (Residential Rural) zoning district. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM #6 FOR CC-18-001 FOR A MAP AMENDMENT (REZONE) OF WINSOME RESIDENTIAL UTILIZING RESOLUTION PAGE 27,

MORE PARTICULARLY DESCRIBED ON PAGE 19-036 WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (7-0)

7. SP-18-006

RUIZ

**PRELIMINARY PLAN
WINSOME**

A request by McCune Ranch, LLC, for approval of a preliminary plan of 766.66 acres to create 143 single family residential lots with an overall density of one dwelling unit per five acres, one commercial lot, 151.238 acres of open space, and right-of-way. The property is presently split zoned between the RR-5 (Residential Rural) zoning district and the A-35 (Agricultural) zoning district. The applicant has submitted concurrent applications for two map amendments to the RR-2.5 (Residential Rural) and CC (Commercial Community) zoning districts. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection. (Parcel No.: 51000-00-493) (Commissioner District No. 1)

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM #7 FOR SP-18-006 FOR A PRELIMINARY PLAN FOR WINSOME UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-037 WITH FIVE (5) CONDITIONS AND THREE (3) NOTATIONS AND TWO (2) WAIVERS AND A DELAY OF THE FINDING OF SUFFICIENCY FOR WATER QUANTITY, QUALITY, AND DEPENDABILITY DEFERRED TO FINAL PLAT AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (7-0)

8. El Paso County Master Plan – Informational Update – No Action Needed

Information regarding the survey and/or community meetings can be located at <https://elpaso-hlplanning.hub.arcgis.com/>

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Curry moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. CC-18-001
Winsome Commercial Rezone**

WHEREAS, McCune Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CC (Commercial Community) zoning district; and ~~RR-5 (Residential Rural)~~ ^{A-35}

WHEREAS, a public hearing was held by this Commission on June 4, 2019; 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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. That 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. The proposed map amendment (rezoning) 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. 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.
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of McCune Ranch, LLC for an amendment to the El Paso County Zoning Map to rezone the following described property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CC (Commercial Community) zoning district be approved by the Board of County Commissioners:

See Exhibit A

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

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 CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Creely	aye
Commissioner Dillon	aye
Commissioner Friedman	aye
Commissioner Curry	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: June 4, 2019

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION: COMMERCIAL

A TRACT OF LAND BEING A PORTION OF SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11, SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S68°17'00"E A DISTANCE OF 6,891.25 FEET TO THE SOUTHEAST CORNER OF PARCEL 4 AS RECORDED UNDER RECEPTION NUMBER 218900072 SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°55'06"W ON THE SOUTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 757.65 FEET; THENCE N01°17'14"E A DISTANCE OF 457.57 FEET; THENCE S89°31'37"E A DISTANCE OF 756.62 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 4 ALSO BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19; THENCE S00°17'06"W ON SAID EAST LINE A DISTANCE OF 450.25 FEET TO THE POINT OF BEGINNING:

CONTAINING A CALCULATED AREA OF 343,440 SQUARE FEET OR 7.884 ACRES

RESOLUTION NO. 19-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF THE WINSOME COMMERCIAL MAP AMENDMENT
(REZONING) (CC-18-001)**

WHEREAS McCune Ranch, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 4, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on July 9, 2019; 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 Board of County Commissioners.
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. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of McCune Ranch, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district;

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

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 CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 9th day of July, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION: COMMERCIAL

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COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24;
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S68°17'00"E A DISTANCE OF 6,891.25 FEET TO THE SOUTHEAST CORNER OF PARCEL 4 AS RECORDED UNDER RECEPTION NUMBER 218900072 SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°55'06"W ON THE SOUTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 757.65 FEET; THENCE N01°17'14"E A DISTANCE OF 457.57 FEET; THENCE S89°31'37"E A DISTANCE OF 756.62 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 4 ALSO BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19; THENCE S00°17'06"W ON SAID EAST LINE A DISTANCE OF 450.25 FEET TO THE POINT OF BEGINNING:

CONTAINING A CALCULATED AREA OF 343,440 SQUARE FEET OR 7.884 ACRES