

EL PASO COUNTY



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COLORADO

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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Senior Planner
 Edward Schoenheit, E.I., Associate Engineer
 Meggan Herington, AICP, Executive Director

RE: Project File Number: CS243
 Project Name: UDON Rezone
 Parcel Number: 4400000185

OWNER:	REPRESENTATIVE:
Thani Holdings, LLC 12265 State Highway 94 Colorado Springs, CO, 80929	Kimley-Horn and Associates, Inc. 2 North Nevada Ave, Suite 300 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	9/5/2024
Board of County Commissioners Hearing Date:	9/26/2024

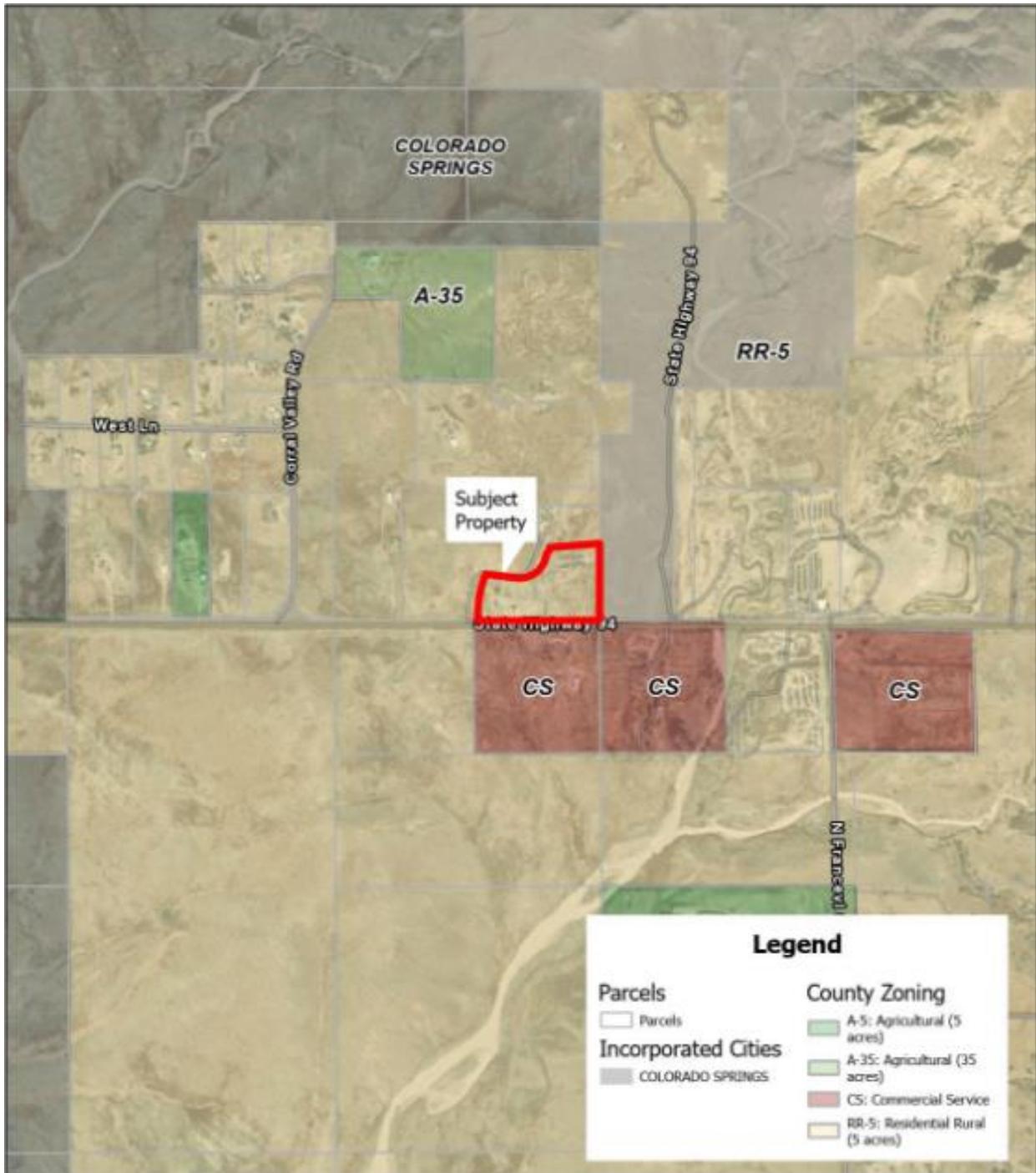
EXECUTIVE SUMMARY

A request by Thani Holdings, LLC for approval of a Map Amendment (Rezoning) of 15.75 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 12150 State Highway 94, Colorado Springs, CO, 80929.

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Zoning Map

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A. AUTHORIZATION TO SIGN: There are no documents associated with this application that require signing.

B. 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 (as amended):

- *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.*

C. BACKGROUND AND ZONING ANALYSIS

The subject property was initially zoned RR-5 (Residential Rural) on April 13, 1983. The property is currently being utilized for vehicle and trailer storage. The proposed Map Amendment would bring the zoning of the property into alignment with the historic use of the property, as well as the surrounding area. Two 40-acre parcels on the south side of State Highway 94 adjacent to the subject property are currently zoned CS. While properties to the north and west are zoned RR-5, the proposed rezone to CS is consistent with the zoning of those properties to the south. Proper buffering and screening consistent with the requirements of the El Paso County Land Development Code can help to mitigate any potential impacts to the surrounding residentially-zoned properties to ensure that any proposed development of the subject property is compatible with the existing land uses and zoning districts of those properties.

D. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 15.75 acres to the CS (Commercial Service) zoning district. The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The Colorado Department of Transportation (CDOT) was sent a referral and will be requiring a CDOT access permit prior



to development of the site, due to the proximity to State Highway 94. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: RR-5 (Residential Rural)	Proposed Zoning District: CS (Commercial Service)
Maximum Density	n/a	n/a
Minimum Lot Size	5 acres	n/a
Minimum Width at Front Setback	200 ft	n/a
Front Setback	25 ft	25 ft
Rear Setback	25 ft	25 ft
Side Setback	25 ft	25 ft
Maximum Lot Coverage	25%	n/a
Maximum Height	30 ft	45 ft

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

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Recommended Land Uses:

Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

c. Key Area Influences: Potential Areas for Annexation

A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

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d. Other Implications (Priority Development, Housing, etc.): Highway 94 Suburban Residential Priority Development Area

Similar to the Suburban Residential area along Woodmen Road, proximity to Colorado Springs also helps designate this section of unincorporated County for the same placetype. Availability of land, need to accommodate a growing population, and general adjacency to compatible uses support the identification of this area for suburban style development. Additionally, a significant portion of land directly west of this area, as well as land within this area, has the potential to be annexed by the City of Colorado Springs.

- **Suburban residential should be prioritized** here to provide a transitional buffer between the City and less-dense unincorporated County to the east, helping to protect its rural character.
- The County should **consider allowing attached housing units throughout this area on a case-by-case basis** depending on the size and scale of each development.
- **Supporting commercial uses should be considered particularly along Highway 94** to serve the community and the works and residents at Schriever Air Force Base.

e. Analysis

The proposed Map Amendment is consistent with the land uses identified in the Suburban Residential Placetype and is not expected to result in a significant change in character beyond what would normally be expected in the New Development Area of Change. This area is within the interest of annexation for the City of Colorado Springs and is adjacent to the City boundary to the east; however, the City of Colorado Springs identified that annexation of the property was not desired at this time. Relevant goals and objectives from the Master Plan are as follows:

Objective LU2-1 – *Continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds.*

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Goal LU3 Specific Strategy: *Priority: The New Development areas will be significantly transformed as new development takes place on lands currently*



largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the place types first and second to their built form guidelines.*

Goal ED1 – *Recruit new businesses and spur the development of growing sectors.*

Goal ED3 – *Encourage the development of commercial districts in underserved areas.*

Objective ED3-6 – *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

2. Water Master Plan Analysis

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

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

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 8 of the Plan and is located in an area anticipated to experience growth by 2060 (update accordingly).

A finding of water sufficiency is not required with a Map Amendment.

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3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderately moderate wildlife impact potential. El Paso County Community Services, Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies floodplain 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.

F. PHYSICAL SITE CHARACTERISTICS

- 1. Hazards:** Geologic hazards and constraints are not evaluated with a Map Amendment (Rezoning) application.
- 2. Floodplain:** The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0780G, effective December 7th, 2018. The property is in Zone "X" which is an area of minimal flood hazard area determined to be outside the 500-yr flood zone.
- 3. Drainage and Erosion:** The property is in the Jimmy Camp Creek drainage basin (FOFO2000) which is include in the drainage basin fee program. No drainage or bridge fees are associated with a rezone application. Drainage will be reviewed during the Site Development Plan stage review process.
- 4. Transportation:** The property is located along Colorado State Highway 94 approximately 1.5 miles west of Blaney Road. A Traffic Impact Study was provided with the rezone application. The proposed mini-warehouse development is projected to generate approximately 180 daily trips to the surrounding road network. The property is subject to the El Paso County Road Impact Fee Program. The applicant will be required to obtain a CDOT access permit for Highway 94.

G. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water is proposed to be provided by individual on-site wells.

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2. Sanitation

Wastewater is proposed to be provided by individual on-site wastewater treatment systems.

3. Emergency Services

The property is within the Ellicott Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

4. Utilities

Electric service will be provided by Mountain View Electric Association Inc.

5. Metropolitan Districts

The subject property is located within the Ellicott Metropolitan District, which is a central water and wastewater service provider.

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.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (as amended), 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

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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 CS (Commercial Service) 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.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 5 adjoining property owners on August 22, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

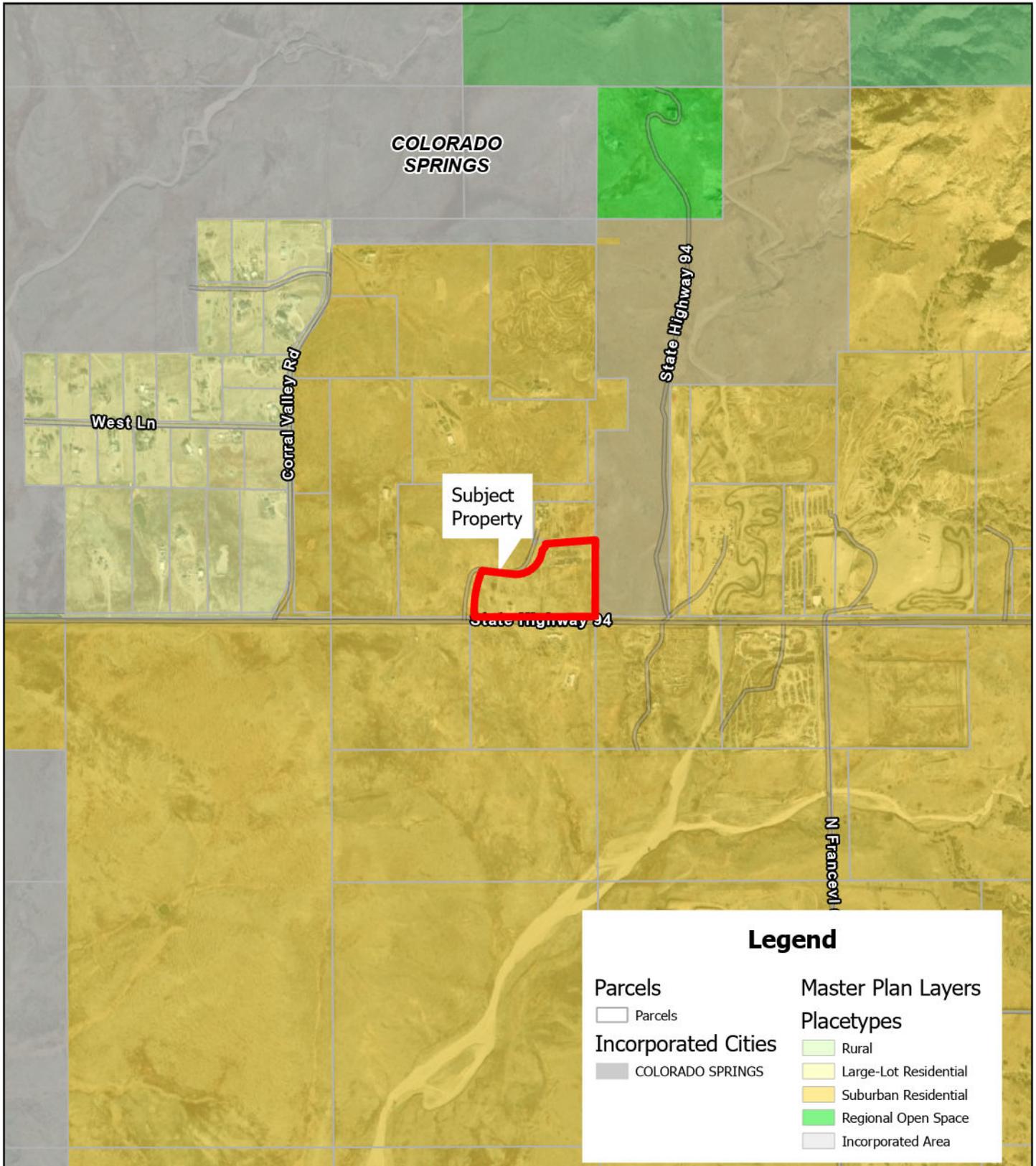
L. ATTACHMENTS

Map Series
Letter of Intent
Rezone Map
Draft Resolution

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Legend

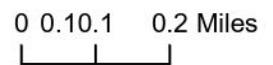
Parcels	Master Plan Layers
Parcels	Placetypes
Incorporated Cities	Rural
COLORADO SPRINGS	Large-Lot Residential
	Suburban Residential
	Regional Open Space
	Incorporated Area

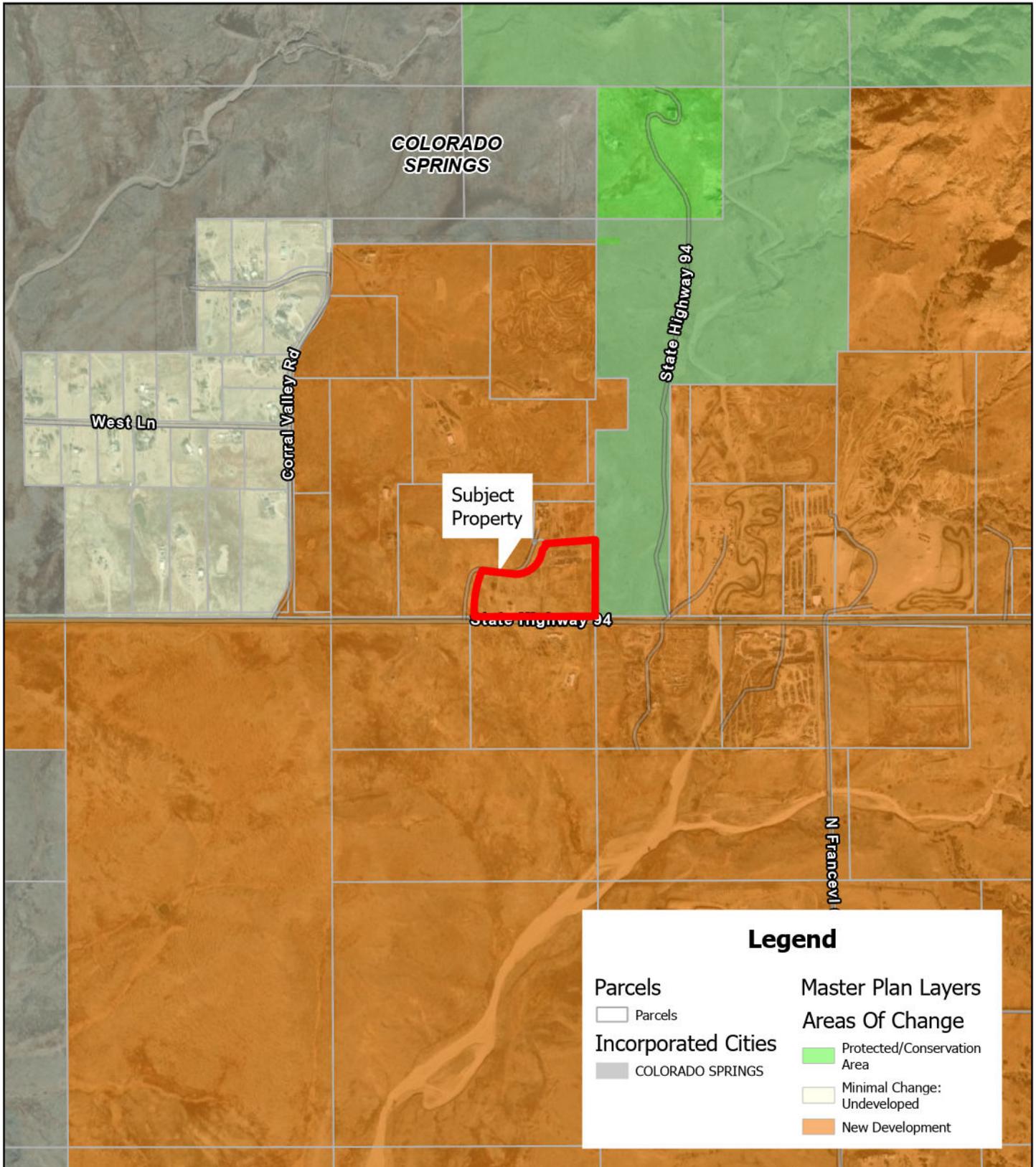


Placetype Map

File No. CS243

Map Series No. 1





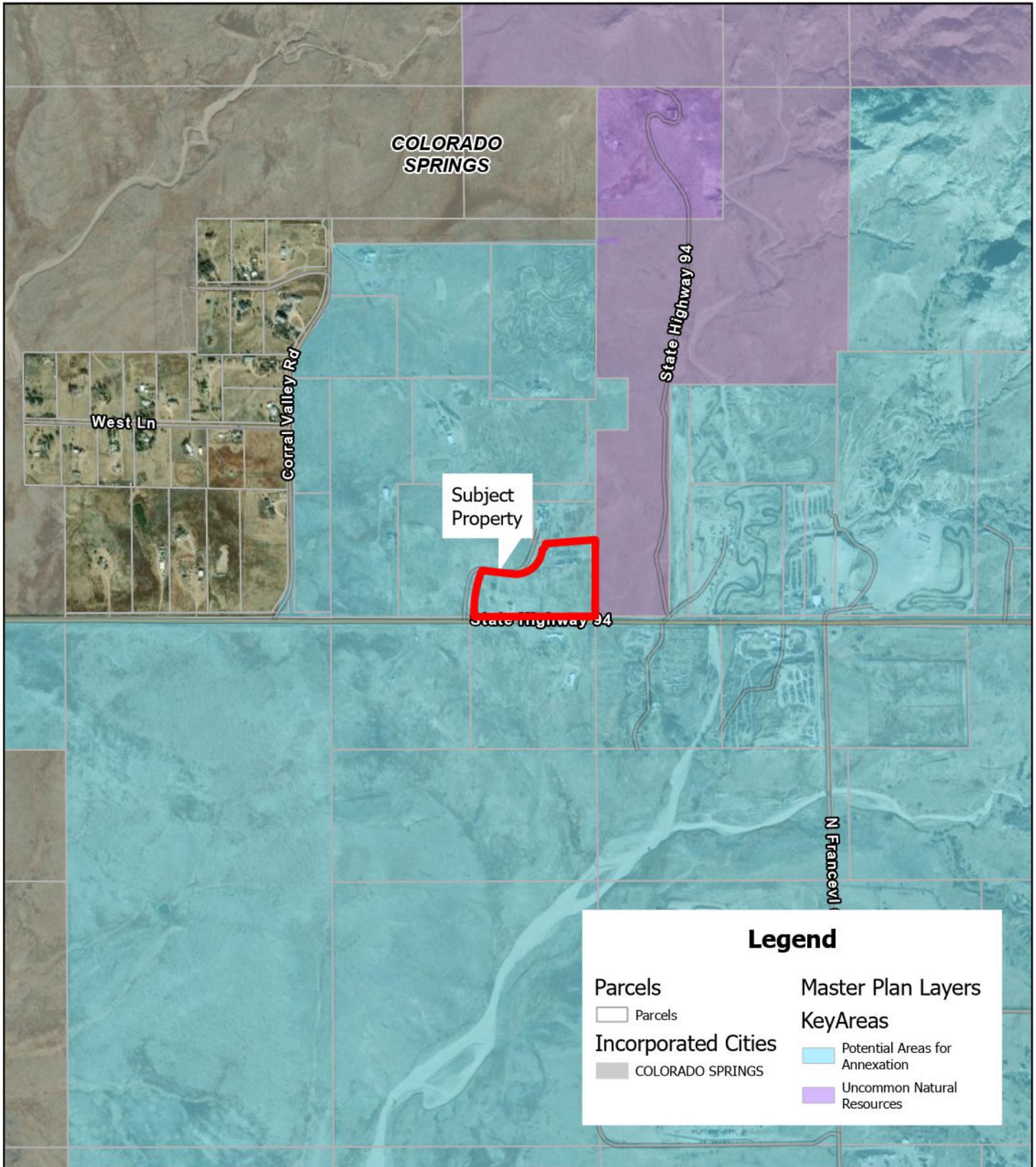
Placetype Map

File No. CS243

Map Series No. 2



0 0.10.1 0.2 Miles



Key Area Map

File No. CS243

Map Series No.3



0 0.10.1 0.2 Miles

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

UDON HOLDINGS, LLC
5755 Mark Dabling Boulevard, Suite 245
Colorado Springs, CO 80919
rillax2@gmail.com
719-321-7705

PLANNING SUPPORT

KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
Larry.Salazar@Kimley-Horn.com
719-284-7829

ENGINEERING

KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
Kevin.Kofford@kimley-horn.com
719-352-9154

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for the map amendment (Rezone) shall include Parcel No. 4400000185. The proposed amendment is located on the north right of way line of State Highway 94, approximately 1,800 feet east from the Corral Valley Road intersection and 2,270 feet west from the N Franceville Coal Mine Road intersection. (See vicinity map insert and map exhibit for details.) The total acreage of the site is ±15.52ac. Existing zoning on site is Rural Residential (RR-5).

**REQUEST & JUSTIFICATION**

The application is requesting to Rezone ±15.52 acres from the Rural Residential (RR-55) zone to the Commercial Services zoning district (CS). The application includes the following request:

- Approval to Rezone Parcel No. 4400000185 to CS to match adjacent property to the south, along Hwy 94 (parcel no. 4400000237). Additional commercial services shall offer potential employment opportunities along the Highway 94 corridor.

MAP AMENDMENT (Sec. 5.3.5.B) Criteria for Approval.**In approving a Map Amendment, the following findings shall be made:**

- 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.
 - **There are no Small Area Plans associated with the site. Although Small Area Plans are no longer used within the county, it must be acknowledged as it is referenced in the Land Development Code.**
 - **The application for zone change is in conformance with “Your El Paso County Master Plan”**
 - **Within the “Your El Paso County Master Plan” the site is within the “New Development” area of change, “Suburban Residential” placetype, and “Potential Areas for Annexation” key area (to be discussed).**
- 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 requested Rezone is in compliance with applicable statutory provisions.**
 - **The request is not asking for relief or modifications to the standards per the zone criteria listed within the LDC.**
 - **The request will not restrict the application of the current zoning regulations related to bulk, height, size, locations of facilities or limit standard setbacks, etc.**
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.
 - **The proposed land use of CS is adjacent (south) to existing CS zones and is in compliance with “Your El Paso County Master Plan”. Adjacent properties are exempt nonresidential land owned by the City of Colorado Springs to the east; and Rural Residential zoning (RR-5) to the west and north. The site will consider future residential buffers as uses are identified.**
- 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.
 - **Site is suitable for intended use as “Commercial Retail” and “Commercial Services” as identified and as a “Supporting Land Use”.**
 - **The Site offers direct access to Hwy 94 (regional connector).**
 - **The access is being planned in association with the commercial property to the south.**
 - **The Site is large and flexible enough to accommodate the development criteria stated with the development code.**

YOUR EL PASO COUNTY MASTER PLAN

The applicant requests approval of the rezoning based on findings of compliance with the following Master Plan Goals:

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

- Gas service will be provided by Black Hills Energy. No change to the current distribution.
- Electric service will be provided through Mountain View Electric. No change to the current distribution.
- Wastewater services will be provided by way of existing Onsite Wastewater Facility. No direct impact on regional wastewater systems.
- The Site will be serviced by individual wells and water rights. No impact to regional service providers and systems today.

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

- The Rezone of Parcel No. 4400000185 will aid in the expansion of commercial uses through the Highway 94 corridor and will abide by the “New Development” portion of the “Areas of Change” within “Your El Paso County Master Plan”.
- The Rezone will help add a variety of development types, services and jobs in the area.
- The development along the highway will diversify the land use in the corridor while offering buffer from single family residential lots and highway traffic.

Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.

- The proposed Rezone from the RR5 district to the CS district provides opportunity for the developer to include additional commercial uses in this area, designating a CS zoned district will allow a diversity of uses along the State Highway 94 corridor and should ensure that the development pays for itself.

Goal 3.1 - Recruit new businesses and spur the development of growing sectors.

- The Rezone will help strengthen and add new businesses through the Highway 94 corridor to support both local residents and regional business.

Goal 3.3 - Encourage the development of commercial districts in underserved areas.

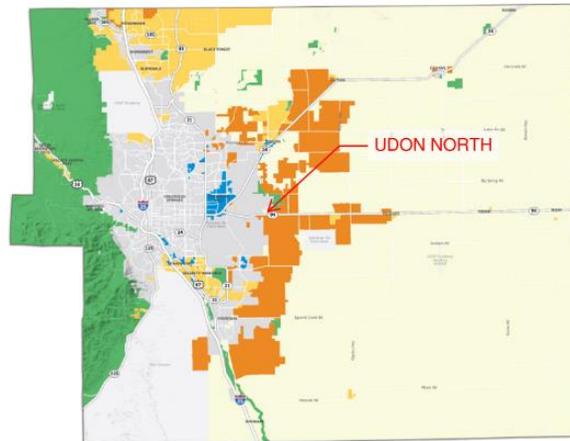
- The area is adjacent to the city of Colorado Springs.
- Being that the property is on a major thoroughfare the opportunity for residents in the rural residential areas east of the city will be able to utilize CS Zone services without needing to travel into the city.
- The intended users that the CS zone will offer services to will be for residents living northeast and southeast of the site within the more rural areas of the county.
- Adding CS zone to the Highway 94 corridor will serve the areas, planned CS zoning within the county is approximately 9 miles from the proposed application.

KEY AREAS:**Key Areas**

 Military Installations and 2-Mile Notification Zone	 Small Town & Rural Communities	 Tri-Lakes Area
 Potential Area For Annexation	 Forested Area	 Colorado Springs Airport/Peterson Air Force Base
 Enclaves or Near-Enclaves	 Fountain Creek Watershed Flood Control & Greenway District	 Uncommon Natural Resources
 Pikes Peak Influence Area		

UDON North is located within the “Potential Areas for Annexation” classifications of key areas. This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. The owner has chosen to not annex to the City of Colorado Springs.

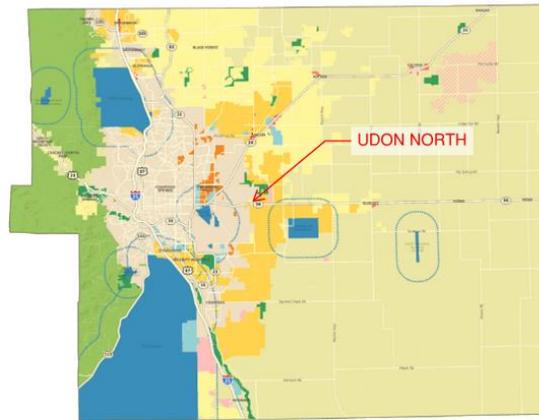
Even though the area has the potential to annex to the City of Colorado Springs, Colorado Springs Utilities (CSU) has yet to expand their services to the area. As adjacent parcels get annexed to the city and CSU extends their services the owner may revisit the option to annex to the city.

AREAS OF CHANGE:**Areas of Change**

UDON North is located in the area expected for “New Development”. It is understood that these areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one, such as an employment hub or business park adjacent to an urban neighborhood.

The intent of the Rezone is to aid in the expansion of new development of the area for potential employment opportunities. As the city expands east, residential development has the potential to increase densities. It is important to make sure that there are enough commercial opportunities, allowing the area to be ahead of residential expansion in order to provide better employment opportunities and services to enhance a live, work, play environment.

PLACETYPES:



Placetypes



UDON North is located within the Suburban type. Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets (corridors).

- The Rezone would be consistent with the supporting land use of this placetype.
- The proposal would provide for the land uses in relation to exist and predicted patterns of growth in the area.
- The Rezone would have no impact on any currently approved sketch plans.

PLACETYPES	LAND USES																			
	Agriculture	Farm/Homesite	Lotsize	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Township Commercial	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Natural and Open Space	Industrial	Utility	
Rural	●	●	○																	
Large-Lot	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Suburban				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Residential				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Rural Center				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Regional Center				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Employment Center							○	○	○	○	○	○	○	○	○	○	○	○	○	○
Regional Open Space																				
Mountain Interface				○				○	○	○										
Military				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Utility																				○

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

ZONE CHANGE AND WATER MASTER PLAN CONSIDERATIONS:

- Under the Colorado Revised Statutes, Title 32. This property is within the Ellicott Utilities district boundary and will consistently follow the rules and regulations per the El Paso County Water Master Plan,
 - **Final water sufficiency will be provided with Site Development Plan/or Final Plat Process.**

Related Services

Wastewater systems:

- **Wastewater services will be provided by way of existing Onsite Wastewater Facility.**

Electric

- **Electric service will be provided through Mountain View Electric.**

Gas

- **Gas service will be provided through Black Hills Energy.**

STANDARDS:

The project area and related zone change will comply with the Criteria of Approval standards in Chapter 5 of the Land Development Code. The current use of the property will not be impacted, and future development improvements will follow the permitted use standards and the following dimensional standards.

CS min. District Area 2 AC

Setback:

Front: 25'

Rear: 25'

Side: 25'

Max Lot Coverage: N/A

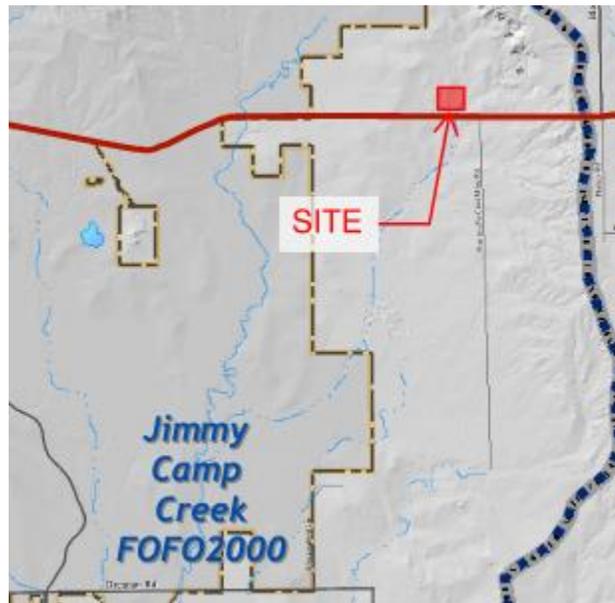
Max Building Ht.: 45'

NATURAL OR PHYSICAL SITE FEATURES:

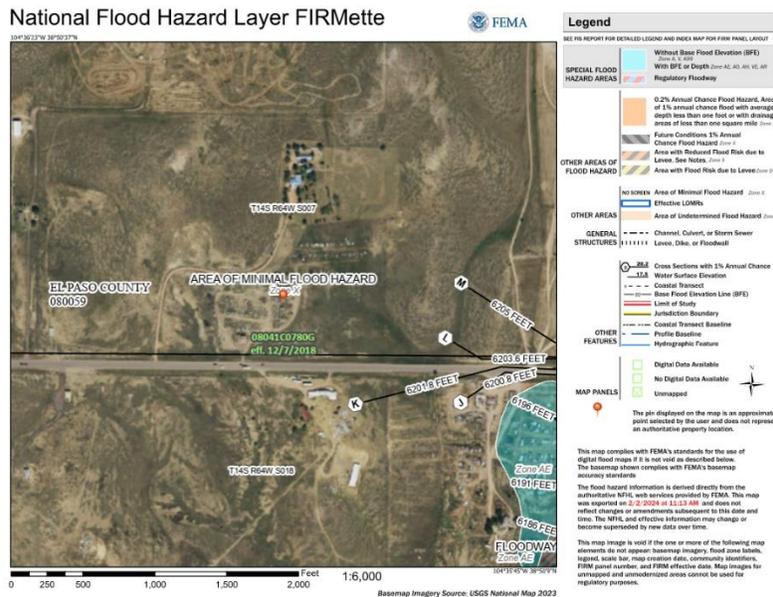
The Site has very little defined natural features. While there is an existing shallow drainage swale, there are no major habitat concerns. The Intended Use is to use the property as a storage area. The intent is to make minimal changes to the natural landscape in order to ensure natural drainage patterns will be maintained.

Natural Site Features:

- Natural site features on the Site consist of native grasses.
- Site is located within the Jimmy Camp Creek drainage basin (FOFO2000). Data provided by Muller Engineering Company; (1988).
- There are no floodplain limitations.
- The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.



The area is identified as minimal flood hazard “Zone X” per the National Flood Hazard Layer FIRMette (08041C0780G)



Wildfire Considerations:

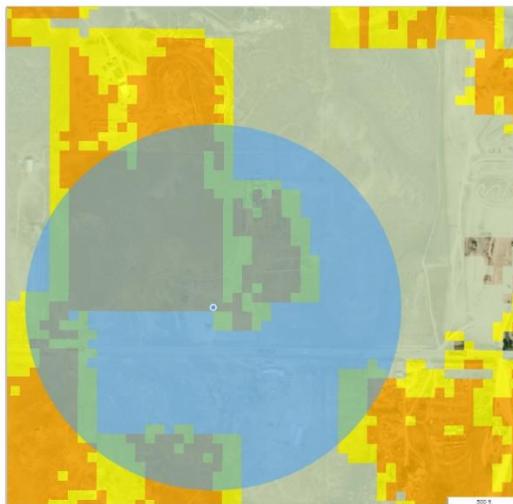
- The site is mapped as moderate-high per the wildfire risk public viewer.
- Fire mitigation efforts will be made in accordance with the overall future development on this site.



Colorado Wildfire Risk Viewer
<https://co-pub.coloradoforestatlas.org>

Fire Intensity Scale
 Quantifies the potential fire intensity by orders of magnitude.
 Created on: 2/2/2024, 9:22 AM

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Legend
<https://co-pub.coloradoforestatlas.org>

- Burn Probability**
- Non-Burnable
 - Very Low
 - Very Low-Low
 - Low
 - Low-Moderate
 - Moderate
 - Moderate-High
 - High
 - High-Very High
 - Very High
- County Boundaries**
- < 1:1,500,000

Community Outreach: Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- Adjacent owner notification letters will be sent out to adjacent property owners upon initial submittal by the county.
- Upon internal approval by county staff owner will post signs provided by the county in notice of Planning Commission and Board of County Commissioner Meetings.
- No additional community outreach has been conducted on the zone change to date.

A Summary of anticipated traffic generation and access.

- In summary, this traffic study provides project traffic generation estimates to identify potential project traffic related impacts on the local street system with the proposed UDON Rezoning project for the proposed buildout and highest use scenarios. Kimley-Horn believes the proposed UDON Rezoning project will be successfully incorporated into the existing and future roadway network. Based on the results of this study and the proposed use scenario, it is recommended that the access intersection along SH-94 be stop controlled with a R1-1 “STOP” sign installed on the northbound and southbound exiting approaches. Of note, this access will initially be a T-intersection with only the south area developing in Phase 1.

Table 1 – UDON Rezoning Project Weekday Traffic Generation

Land Use and Size	Daily Vehicle Trips	Weekday Vehicle Trips					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Phase 1 – South Development							
Mini-Warehouse (ITE 151) – 860 Units	156	5	5	10	7	7	14
Buildout – Proposed Use (North and South Development)							
Mini-Warehouse (ITE 151) – 1,860 Units	336	12	11	23	16	16	32
Buildout – Highest Use (North Development)							
Shopping Center (ITE 820) – 150,000 Square Feet	5,552	78	48	126	245	265	510
Convenience Store/Gas Station (ITE 945) – 16 Fueling Positions	4,114	216	217	433	182	182	364
Total Project Trips – Highest Use	9,666	294	265	559	427	447	874
Total Project Trips after Pass-By – Highest Use	4,970	107	86	193	220	234	454

** for further information, please refer to UDON Rezone Traffic Study.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS243

UDON

WHEREAS, Thani Holdings, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 5, 2024; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. 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. That all exhibits were received into evidence;
5. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That for the above-stated and other reasons, the proposed amendment of 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.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code (as amended):

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Thani Holdings, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with 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 CS (Commercial Service) 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.

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

_____ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

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

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., THAT IS DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF STATE HIGHWAY #94 WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7 AND RUN THENCE NORTH 89° 54' 47" WEST ON SAID HIGHWAY LINE 1200.0 FEET TO INTERSECT THE EASTERLY LINE OF A 60 FOOT RIGHT OF WAY DESCRIBED IN DEED RECORDED JULY 15, 1968 IN BOOK 2082 AT PAGE 708; THENCE DUE NORTH ON SAID EASTERLY LINE OF SAID RIGHT OF WAY 60.0 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE ON THE FOLLOWING COURSES; ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1046.10 FEET AND CENTRAL ANGLE OF 21° 30' AN ARC DISTANCE OF 390.29 FEET TO A POINT THAT BEARS NORTH 10° 45' EAST A CHORD DISTANCE OF 390.24 FEET; THENCE NORTH 21° 30' EAST A DISTANCE OF 16.07 FEET TO INTERSECT THE SOUTHERLY LINE OF A RIGHT OF WAY EXTENDING EASTERLY AND NORTHERLY AND DESCRIBED IN DEED RECORDED JULY 15, 1965 IN BOOK 2082 AT PAGE 708, THE FOLLOWING COURSES BEING ALONG SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 83° 30' EAST ON SAID SOUTHERLY RIGHT OF WAY LINE 308.03 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 264.74 FEET AND CENTRAL ANGLE OF 83° 20' TO A POINT THAT BEARS NORTH 54° 50' EAST A CHORD DISTANCE OF 338.69 FEET; THENCE NORTH 13° 10' EAST A DISTANCE OF 45.0 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET BEING THE EASTERLY LINE OF A CUL-DE-SAC AT THE NORTHERLY END OF SAID RIGHT OF WAY TO A POINT THAT BEARS NORTH 30° 31' 13" EAST A CHORD DISTANCE OF 58.64 FEET, THENCE LEAVING SAID RIGHT OF WAY NORTH 84° 44' 40" EAST ALONG THE SOUTH LINE OF TRACT DEEDED JULY 15, 1965 IN BOOK 2082 AT PAGE 708, A DISTANCE OF 500.54 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE DUE SOUTH ON SAID EAST LINE 760.50 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

