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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Senior Planner
Hao Vo, Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: P229
Project Name: Windermere South Zone Change to RM-30
Parcel Number: 5329416011

OWNER:	REPRESENTATIVE:
Windsor Ridge Homes Attn: Todd Stephens 4164 Austin Bluffs Pkwy Suite #36 Colorado Springs, CO 80918	Kimley-Horn & Associates Attn: Jim Houk, PLA 2. North Nevada Avenue Suite #300 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	8/15/2024
Board of County Commissioners Hearing Date:	9/12/2024

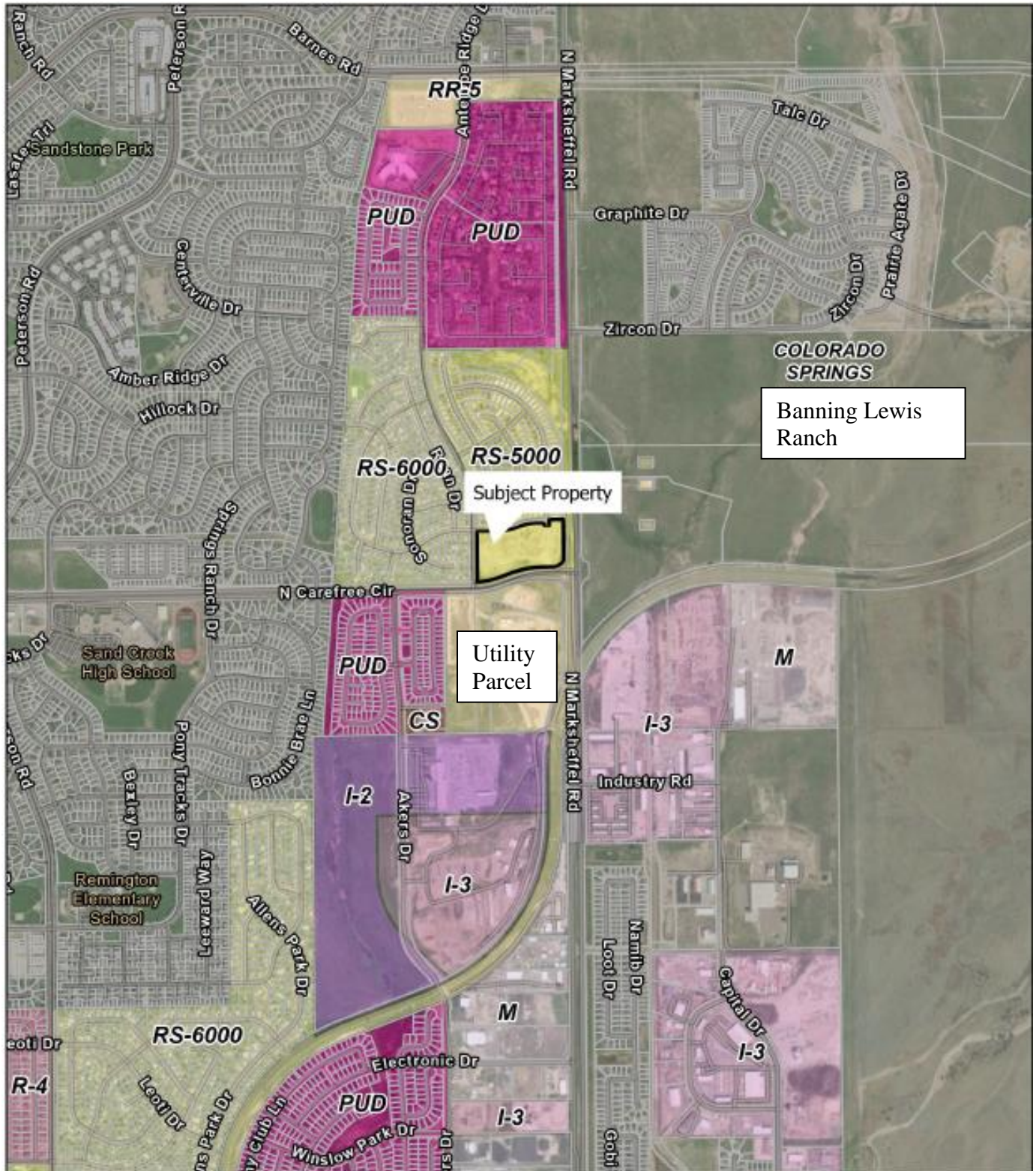
EXECUTIVE SUMMARY

A request by Windsor Ridge Homes for approval of a Map Amendment (Rezoning) of 9.25 acres from RS-5000 (Residential Suburban) to RM-30 (Residential Multi-Dwelling). The property is located at 7653 Mardale Lane and is directly southeast of the intersection of North Carefree Circle and Marksheffel Road.

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Zoning Map

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A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no Waivers associated with this request.

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. LOCATION

North:	RS-5000 (Residential Suburban)	Single-Family Residential
South:	RR-5 (Residential Rural)	Utility Land Use
East:	City of Colorado Springs	Vacant Land
West:	RS-6000 (Residential Suburban)	Single-Family Residential

D. BACKGROUND

The applicant is requesting a rezone from RS-5000 (Residential Suburban) to RM-30 (Residential Multi-Dwelling) to provide high-density residential development. The property was previously rezoned from RR-5 (Residential Rural) to RS-5000 in 2014 (PCD File No. P144), as part of the Windermere Preliminary Plan. The Windermere Preliminary Plan (PCD File No. SP1413) was for 55.58 acres with the intent to plat 201 single-family lots. All the lots within the Windermere Preliminary Plan have been platted as single-family lots except for the remaining 9.25 acres.

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E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 9.25 to the RM-30 (Residential Multi-Dwelling) zoning district. The RM-30 (Residential Multi-Dwelling) zoning district is a 30-dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: RS-5000 (Residential Suburban)	Proposed Zoning District: RM-30 (Residential Multi-Dwelling)
Maximum Density	-	30
Minimum Lot Size	5,000 sf	5,000 sf
Minimum Width at Front Setback	50 feet	75 feet
Front Setback	25 feet	25 feet
Rear Setback	25 (5) Feet	15 feet
Side Setback	5 feet	15 feet
Maximum Lot Coverage	40%/45% (for single story ranch residences)	60%
Maximum Height	30 feet	40 feet

The multi-family zoning district will act as a transitional housing between the single-family residential lots to the north and the utility uses to the south. Directly south of the subject property is an electrical substation for Colorado Springs Utility. To the southeast, across Marksheffel Road, is zoned I-3, Industrial, and has a mix of uses including a concrete mixing company, equipment yard, and a landscaping company. North of the subject property is single-family residential lots with a minimum lot size of 5,000 square feet.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Urban Residential

The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype

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provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walk-able internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (5 units per acre lots or more)*
- *Single-family Attached Residential*
- *Multi-family Residential*

Supporting

- *Mixed Use*
- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*
- *Parks*
- *Office*

b. Area of Change Designation: Transition

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



a blighted suburban neighborhood were to experience redevelopment with significant amounts of multi-family housing or commercial development of a larger scale in line with a commercial center.

c. Key Area Influences: Enclaves or Near Enclaves

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

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

d. Analysis

The subject property is located within the Urban Residential Placetype, this placetype recommends multi-family residential development within its primary land uses. The multi-family housing will be adjacent to two arterial roads and will provide as a transitional buffer from the industrial and utility uses to the south to the single-family residential uses to the north. The property will have all the adequate urban level services matching the level of services provided in the adjacent parcels located in the City of Colorado Springs. Relevant goals and objectives from the Master Plan are as follows:

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.*

Objective LU3-4 – *The Urban Residential placetype should consist of established neighborhoods immediately adjacent to equally dense or more dense urban*

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neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.

Objective HC1-3 – *Prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise.*

Objective HC3-1 – *Emphasize redevelopment of smaller enclaves to denser urban residential uses such as multi-family and single-family attached dwelling units where compatible and appropriate in the context of the existing neighborhood, which may also require parcel consolidation if existing businesses leave.*

2. Water Master Plan Analysis

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

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

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

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

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

The Plan identifies the current demand for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,849 AFY (Figure 5.2). The projected demand in 2040 for Region 5 is at 6,468 AFY (Figure 5.1) with a projected supply of 68,000 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 5 is at 9,608 AFY (Figure 5.1) with

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a projected supply of 10,131 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.

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

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies 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

Hazards were not identified as part of this application.

2. Floodplain

FEMA Flood Insurance Rate Map panel number 08041C0734G which has an effective date of December 7, 2018, indicates that the site is not located within a regulatory floodplain.

3. Drainage and Erosion

The property is located with the Sand Creek drainage basin (FOFO4000), which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with rezoning requests but will be due at the time of Final Plat recordation. A grading and erosion control plan as well as a drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage of the development.

4. Transportation

The submitted traffic study identifies that access to the site will be provided through two full-movement access points on Mardale Lane which is classified as an urban local roadway.

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Roadway improvements, including the installation of a traffic signal at the intersection of Antelope Ridge Drive and North Carefree Circle, are mandated by the City of Colorado Springs. Per the City of Colorado Springs, the applicant shall escrow \$100,000 for their proportional share of the signal improvement with the subsequent Final Plat application.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development. The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. Driveway access permits are required for the new access points on Mardale Lane.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water is provided by Cherokee Metropolitan District.

2. Sanitation

Wastewater is provided by Cherokee Metropolitan District.

3. Emergency Services

The property is within the Falcon 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

Electricity will be provided by Mountain View Electric Association, Inc. Gas will be provided by Colorado Springs Utilities.

5. Metropolitan Districts

The subject property is within the Cherokee Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.



7. Schools

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

No outstanding major issues.

K. 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 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 RM-30 (Residential Multi-Dwelling) 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

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limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 55 adjoining property owners on July 30, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series
Letter of Intent
Rezone Map
Public Comment
Draft Resolution

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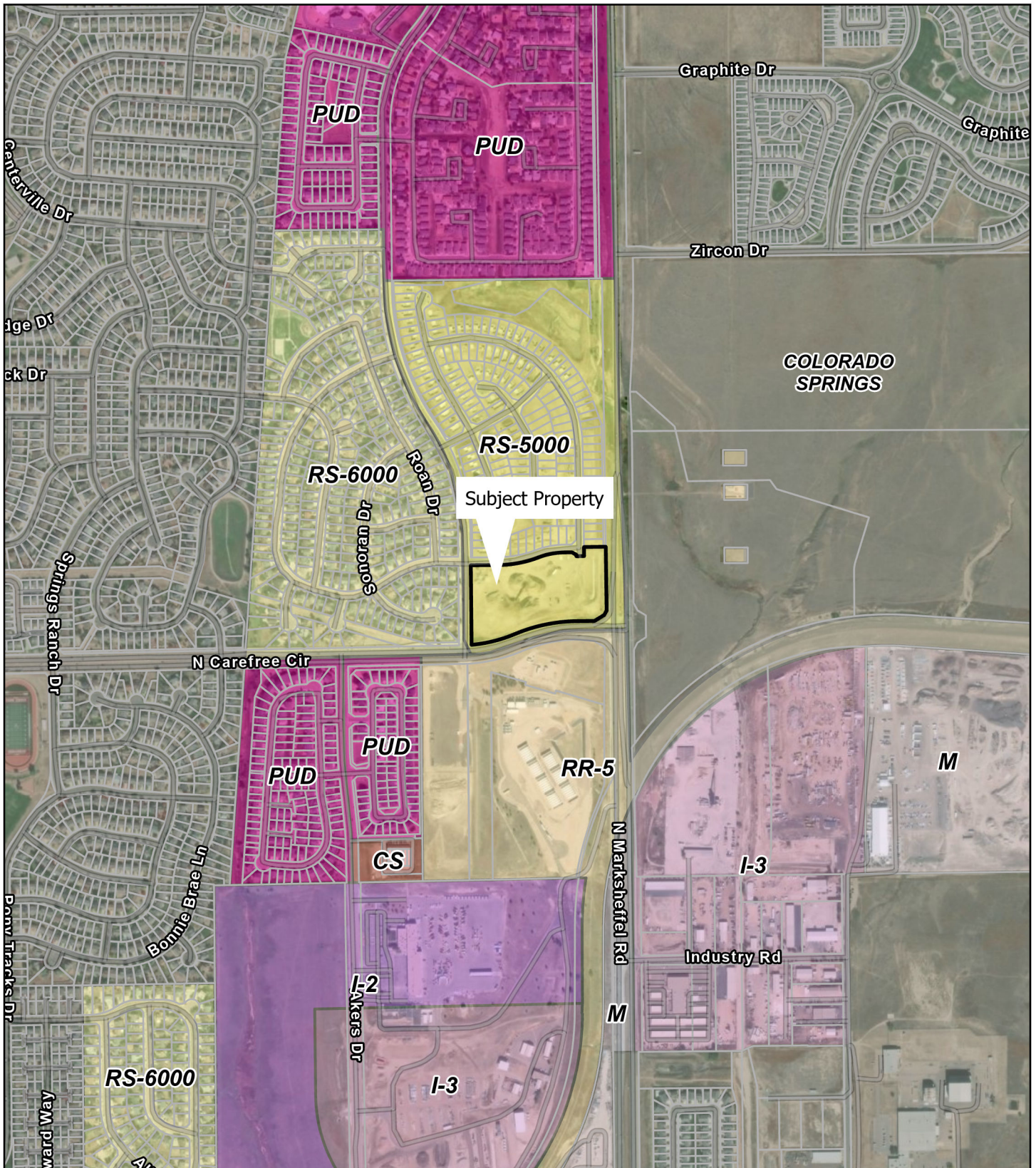
Aerial Map

File No. P229

Map Series No. 1



0 0 0.1 0.2 Miles



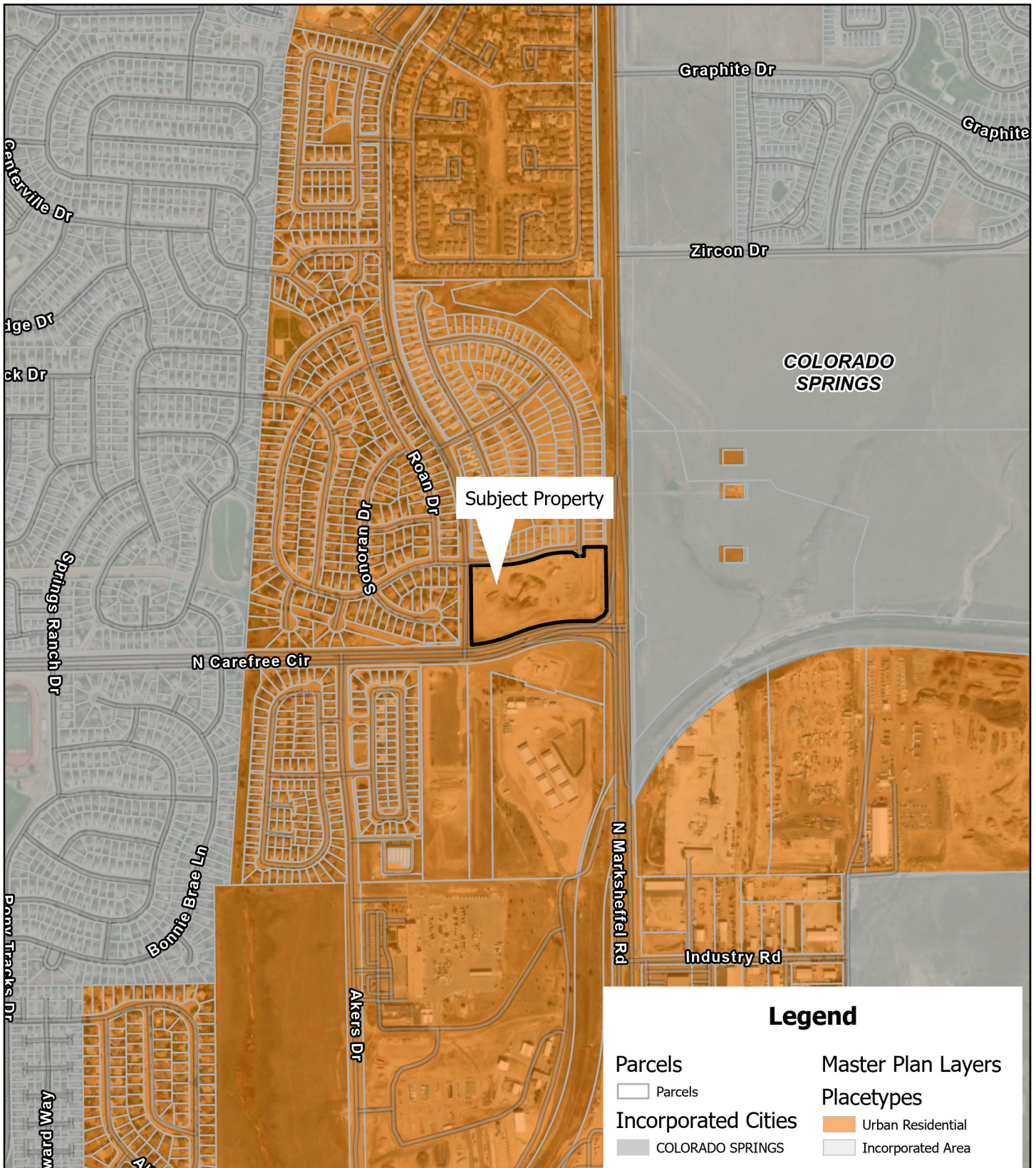
Zoning Map

File No. P229

Map Series No. 2



0 0 0.1 0.2 Miles



Legend

Parcels

Parcels

Incorporated Cities

COLORADO SPRINGS

Master Plan Layers

Placetypes

Urban Residential

Incorporated Area



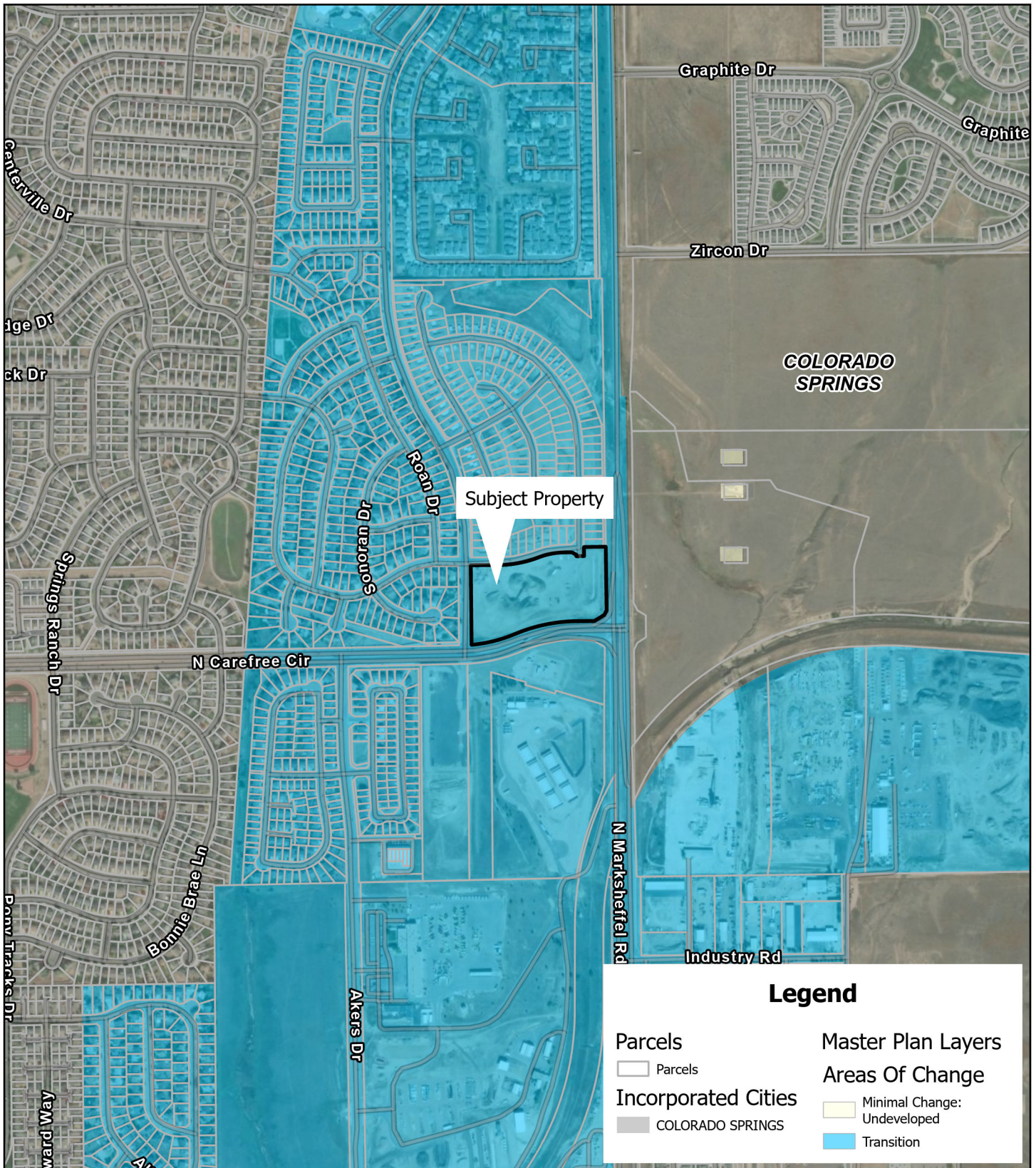
Placetypes Map

File No. P229

Map Series No. 3



0 0 0.1 0.2 Miles



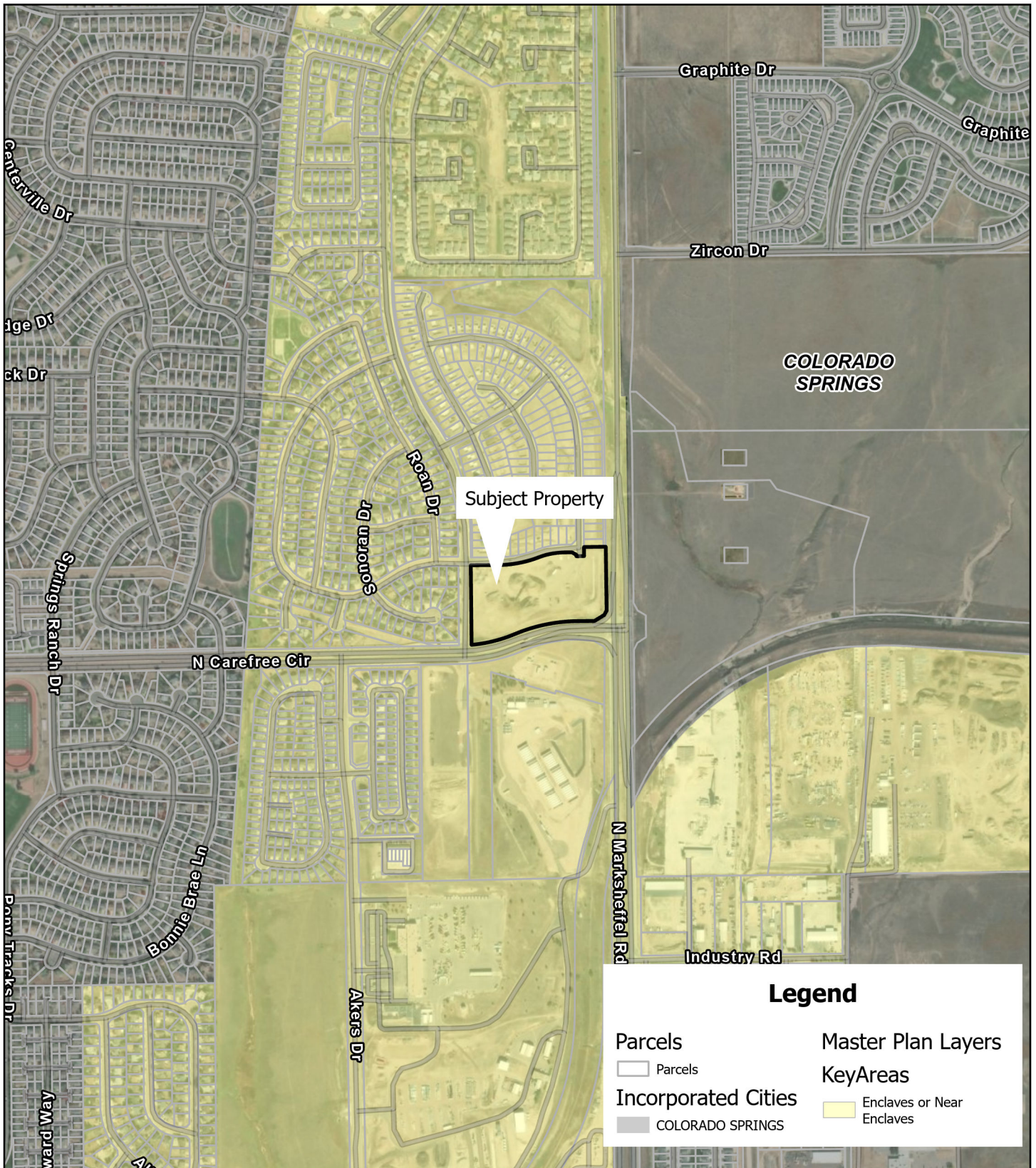
Areas of Change Map

File No. P229

Map Series No. 4



0 0 0.1 0.2 Miles



Key Areas Map

File No. P229

Map Series No. 5



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.



APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

Windsor Ridge Homes
Attn: Todd Stephens
4164 Austin Bluffs Pkwy Ste. #36
Colorado Springs, CO 80918
719-499-6136

PLANNING

Kimley-Horn & Associates
Attn: Jim Houk, PLA
2. North Nevada Avenue, Ste. #300
Colorado Springs, CO 80903
719-453-0180

ENGINEERING

Drexel, Barrell & Co.
Attn: Tim McConnell, P.E.
3 South 7th St.
Colorado Springs, CO 80905
719-260-0887

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel Number 5329416011, located at 7653 Mardale Lane. The proposed rezoning is located at the northwest corner of the intersection of North Carefree Circle and Marksheffel Road (see vicinity map insert and map exhibit for details). The acreage of the property in the proposed rezone is ±9.258.

REQUEST

Rezone 9.258 acres from the RS-5000 CAD-O zone to the RM-30 CAD-O zoning district. All future rezoning, subdivision, and/or land use applications will be subject to the restrictions and limitations of the Airport Overlay. The subsequent preliminary plan and final plat will clarify zone district boundaries with respect to rights-of-way, proposed lots, and landscape buffers and setbacks.

JUSTIFICATION

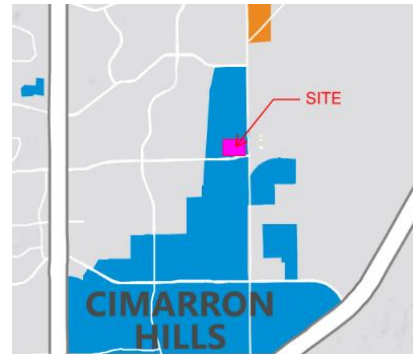
The applicant requests approval of the rezoning based on findings of compliance with the following:

- **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 site is captured in the **Key Areas** and **Areas of Change** within the “Your El Paso County” Master Plan:



Key Areas (The Enclaves)



Areas of Change (Transition)



Housing and Community Framework (Urban Residential/Priority Development)

The project site also falls within the noted “Housing and Community Framework” zone of the Master Plan’s Place-Type category. Based on these maps, the proposed zone change and proposed use is supported by the Master Plan. The site is identified as an Urban Residential use, in an area of proposed change and in an area of development.

The project will build on the framework of the existing and currently developing neighborhoods and will provide an appropriate transition in use between the single family residential and the adjacent corridors and light industrial uses.

While the site is within the annexation “Priority Zone”, access to the major City utilities is limited in this area. At this time, it is not cost effective to seek the needed extensions while Cherokee Metro District continues to provide the local services.

Master Plan principles and goals:

- **Core Principle 2: Preserve and develop neighborhoods with a mix of housing types.**
The proposed RM30 multi-family project density (30-DU/AC) is compatible with contiguous and surrounding land uses and densities (residential/commercial) reflected in the Windermere Preliminary Plan

The development creates opportunities for consumers to move into the neighborhood and ultimately transition into the nearby single-family housing options from the proposed multi-family units.

- **Goal 2.1 - Promote development of a mix of housing types in identified areas.**
The Windermere multi-family zoning is a response to current market demands for affordable and attainable single-family housing within the existing neighborhood. The urban density provides for a desired affordability option with in the noted Housing and Community Framework illustrated in the Master Plan
- **Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.** The proposed zoning offers greater housing selection options within the target market of a changing employment, education, health care, entertainment, and retail centers. The project is also served by the major thoroughfares facilitates increased accessibility to desired services and uses.

The area is not within the boundaries of any small area plan. However, the El Paso County Policy Plan and Mater Plan is cited as guidance for broader land use issues surrounding the proposed development:

- **Policy 6.1.1 - Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.**
The proposed rezone creates opportunity for a ±9.258-acre high density residential development at the intersection of two principal-arterial roads – Marksheffel Road and North Carefree Circle. This proposed multi-family parcel will provide a mutually beneficial transition between these principal arterial roads and the single-family residential zoning to the north and west. The project also reinforces a great mix of housing types in the area.
- **Policy 6.1.2 - Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.**
The proposed rezone is necessary to create multi-family housing opportunities at this intersection of two principal-arterial roads. Approval of this rezoning will enable the assembly of the critical land area effectively and efficiently to provide necessary dwelling units and housing opportunities along the Marksheffel Road Corridor.

Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utility services will be coordinated with the associated districts and providers as required.

- **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.**

The proposed RM-30 zoning is compatible with adjacent developed areas and land uses. High-density residential development is a compatible transition between the public utility use to the south and the single-family residential use to the north and west. The RM-30 zoning is consistent and compatible with nearby land uses and zoning in the area, which are primarily residential but also include commercial and light industrial. Access to the property will be from Mardale Lane via Antelope Ridge Drive as prescribed in the TIS submitted in support of this application. There is no direct access proposed from Marksheffel Road or North Carefree Circle. Planned access will be consistent with the restrictions governing the adjacent major corridors as coordinated with the County and CDOT.

Required zoning district, use to use, roadway, and use-specific landscape buffers, setbacks, screening, open space, and/or landscape planting requirements will be identified on all preliminary plan and final plat maps and included in subdivision improvements and financial assurances as required by Code or Condition of Approval to mitigate any unique circumstance.

- **Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.**

Necessary urban services are currently available to meet the use demands of the proposed multi-family development. The subdivision review will identify system or service deficiencies as well as clarify specific development demands of which the service providers will express respective needs in order to meet projected demands.

- **Policy 6.1.5 - Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:**

- maximize the economy and efficiency of land use
- preserve open space or natural areas
- integrate employment, housing, shopping, schools and other use
- accommodate multi-modal transportation linkages
- allow for variations in design and character

The proposed rezone will introduce a multi-family residential use to an area that currently consists of primarily single-family residential uses, therefore maximizing the economy and efficiency of land use through providing a mixture of housing opportunities. The RM-30 zoning allows for variations in design and character. A multi-family use will provide more open space and landscaping than single-family, commercial, and industrial uses. The proximity to North Carefree Circle and Marksheffel Road allows the site to integrate seamlessly with employment hubs, shopping centers, schools, and other uses nearby.

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

Necessary urban level services including, but not limited to water/sewer, stormwater, electric, natural gas, police, fire and EMS, schools, parks and open spaces, and other public facilities and services are currently delivered to residential, commercial, and light industrial properties adjacent to this proposed development. Subsequent subdivision applications will provide detailed reports and plans regarding service availability and delivery infrastructure.

- **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.**
The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, site design which respects the location at a major intersection, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.
- **Policy 10.1.2 - Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.**
Water and wastewater services for properties within the rezone will be provided by Cherokee Metropolitan District Service. The Applicant and Cherokee have been coordinating necessary activities which will be reflected in and on associated reports and plans submitted with future subdivision applications.
- **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 application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.
- **The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and**
The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions. Approval of the rezone provides 9.258 acres of RM-30 zoning, which is more compatible with existing and permitted land uses and zoning districts in all directions than the current RS-5000 zoning.
- **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 intended multi-family residential uses which are more compatible at this major intersection than the current single-family residential use, including the ability to meet the standards as described in Chapter 5 of the County Code. General site suitability for development has been preliminarily reviewed in preparation for the subsequent preliminary plan submittal. Suitability of the site for development in terms of geology, service availability, unmitigable environmental impacts, major land use impacts, and aviation overlay considerations will be documented with the preliminary plan. The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development, and use and zoning district specific criteria.

- At this time, no community outreach has been planned for this Rezone. Public notification of the proposed Rezone was provided in the form of adjacent neighbor mailings per El Paso County requirements.

The Water Master Plan: the subdivision is in general conformance with the applicable elements of the El Paso County Master Plan. Cherokee Metropolitan District has committed to provide water service to the subdivision for potable and irrigation use. Findings of sufficiency are pending State and County are pending revised sufficiency letters. See commitment letters.

WATER MASTER PLAN CONFORMANCE

Water Master Plan Conformance:

Required analysis, reports, and documentation of service commitments, including available water supply information have been provided for review with the proposed Zone Change and Preliminary Plan amendment application. It has been provided in support of the objectives, goals and policies of the El Paso County Water Master Plan. The following is provided for reference. In conformance with the Water Master Plan, including the following:

- **Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.**
Cherokee Metropolitan District has committed to provide water service to the subdivision for potable and irrigation use. Findings of sufficiency are pending State and County are pending revised sufficiency letters for the Zone Change.
- **Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.**
The development proposes higher residential densities of 30 DU/AC compared to 4-6 DU/AC densities achieved with more conventional urban density projects. Higher densities are achievable in part by the availability of central water and sewer from Cherokee Metro District (CMD).
- **Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.**
All development within the overall Windermere Development is served by centralized utilities. Utility extensions, improvements, or upgrades necessary to support the proposed development will be the sole responsibility of the developer and shall be installed in accordance with the respective service provider requirements and procedures.

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:

Water Systems*

- Cherokee Metropolitan District

Wastewater systems*

- Cherokee Metropolitan District

Electric

- Mountain View Electric

Gas

- Colorado Springs Utilities

***Water/Wastewater Commitments**

(Note: Please refer to the Water Provider Supplement to Water Resource Report for the project, prepared by CMD District Engineering Staff for detailed information regarding the District. This information was specifically provided by the District to address elements of the County Water Master Plan with reference to this specific project. A formal commitment letter that addresses water and wastewater demands will be provided with a future site development plan.)

Miranda Benson

From: Kevin Jones <kjvegan83@gmail.com>
Sent: Saturday, August 3, 2024 9:05 AM
To: PCD Hearings
Subject: File Number: P229 Public Hearing Notice

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Hello,

I strongly oppose the approval of developing parcel #: 5329416011.

Kevin Jones
3815 Roan Drive
Colorado Springs, CO 80922

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. P229

WINDERMERE SOUTH ZONE CHANGE TO RM-30

WHEREAS, Windsor Ridge Homes 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 RS-5000 (Residential Suburban) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 15, 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. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed 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 Windsor Ridge Homes 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 RS-5000 (Residential Suburban) zoning district to the RM-30 (Residential Multi-Dwelling) 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 RM-30 (Residential Multi-Dwelling) 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
Brandy Merriam	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 El Paso County Planning Commission, State of Colorado.

DONE THIS 15th day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

A PARCEL OF LAND LYING WITHIN THE EAST HALF OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, CHATEAU AT ANTELOPE RIDGE FILING NO. 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 202192387, OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE AND CONSIDERING THE SOUTH LINE OF SAID LOT 1, AS SHOWN ON SAID PLAT, TO BEAR N89°56'53"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EAST RIGHT-OF-WAY-LINE LINE OF ANTELOPE RIDGE DRIVE:

1. S00°09'38"E, 35.51 FEET TO A POINT OF CURVE TO THE LEFT;
2. 928.37 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 34°05'50" AND BEING SUBTENDED BY A CHORD THAT BEARS S17°05'40"E, 914.73 FEET;
3. 762.65 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT; SAID ARC HAVING A RADIUS OF 1280.00 FEET, A CENTRAL ANGLE OF 34°08'17" AND BEING SUBTENDED BY A CHORD THAT BEARS S17°04'26"E, 751.42 FEET;
4. S00°00'18"E, 202.36 FEET TO THE POINT OF BEGINNING;

THENCE N89°59'46"E, 177.94 FEET TO A POINT OF CURVE TO THE LEFT; THENCE 264.28 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 20°27'45" AND BEING SUBTENDED BY A CHORD THAT BEARS N79°45'54"E, 262.88 FEET; THENCE 169.67 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 20°27'58" AND BEING SUBTENDED BY A CHORD THAT BEARS N79°46'01"E, 168.77 FEET; THENCE N90°00'00"E, 125.29 FEET; THENCE N00°14'54"W, 33.28 FEET; THENCE N89°45'06"E, 150.34 FEET TO THE WEST RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 209071394 OF THE RECORDS OF EL PASO COUNTY; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SAID WEST RIGHT-OF-WAY LINE:

1. S00°15'17"E, 390.53 FEET;
2. S29°00'24"W, 54.00 FEET;
3. S59°08'42"W, 73.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTH CAREFREE CIRCLE AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 205015091 OF THE RECORDS OF EL PASO COUNTY;

THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID NORTH RIGHT-OF-WAY LINE:

1. S89°48'47"W, 113.86 FEET TO A POINT OF CURVE TO THE LEFT;
2. 407.83 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 1060.00 FEET, A CENTRAL ANGLE OF 22°02'40" AND BEING SUBTENDED BY A CHORD THAT BEARS S78°47'28"W, 405.32 FEET;
3. 288.60 FEET ALONG THE ARC OF SAID REVERSE CURVE TO THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE, SAID ARC HAVING A RADIUS OF 940.00 FEET, A CENTRAL ANGLE OF 17°35'28" AND BEING SUBTENDED BY A CHORD THAT BEARS S76°33'51"W, 287.47 FEET;

THENCE THE ALONG THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE N00°00'18"W, 510.52 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS AN AREA OF 403,264 SQUARE FEET (9.2577 ACRES) OF LAND, MORE OR LESS.

