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Board of County Commissioners
 Holly Williams, District 1
 Carrie Geitner, District 2
 Stan VanderWerf, District 3
 Longinos Gonzalez, Jr., District 4
 Cami Bremer, District 5

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP Planner III
Gilbert LaForce, PE Senior Engineer
Kevin Mastin, Interim Executive Director

RE: Project File #: I-22-002
Project Name: Meadow Lake Commercial Park
Parcel No.: 43000-00-548; 43000-00-551; 43000-00-552

OWNER:	REPRESENTATIVE:
Meadowlake Developments, LLC 455 E. Pikes Peak Avenue, Suite 120 Colorado Springs, CO 80903	N.E.S., Inc. 619 Cascade Avenue, Suite 200 Colorado Springs, CO, 80903

Commissioner District: 2

Planning Commission Hearing Date:	8/18/2022
Board of County Commissioners Hearing Date:	9/6/2022

EXECUTIVE SUMMARY

A request by Meadowlake Developments, LLC for approval of a map amendment (rezoning) of 172.4 acres from PUD (Planned Unit Development) to I-3 (Heavy Industrial). The 254-acre property is located at the northwest corner of the intersection of Falcon Highway and Curtis Road and within Section 9, Township 13 South, Range 64 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

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



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

Request: A request by Meadowlake Developments, LLC for approval of a map amendment (rezoning) of 172.4 acres from PUD (Planned Unit Development) to I-3 (Heavy Industrial).

Waiver(s)/Deviation(s): There are no waivers or deviations associated with the map amendment (rezone) request.

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 August 18, 2022, hearing.

Recommendation: Approval based on the recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7-1

Vote Rationale: 1 Nay – Ms. Merriam – “I feel like the zoning has the impression of ‘this is where we’re going to go’, and I realize the special-use can be used to identify very specific opposition, whether it be commercial neighbors, residential neighbors, community as a whole, and I would like to make sure that I am on record that this particular rezone, had it not included (based on the way that the structure is set up) heavy industrial, I would probably be in favor, but with that, not being able to be isolated out, based on the rules, I oppose this.”

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: Advertised on August 10, 2022, in the *Shopper’s Press*.

C. APPROVAL CRITERIA

In 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 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

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.



D. LOCATION

North:	PUD (Planned Unit Development)	Vacant/Meadow Lake Airport
South:	PUD (Planned Unit Development) RR-5 (Residential rural)	Vacant Single-Family Residential
East:	PUD (Planned Unit Development)	Vacant
West:	PUD (Planned Unit Development)	Meadow Lake Airport

E. BACKGROUND

The subject property was included within the Meadow Lake Airport Zoning and Conceptual Plan (PCD File No. PUD-07-009), which was approved by the Board of County Commissioners on August 14, 2008. The property subject to the current map amendment was identified as appropriate for industrial development at that time.

The Board of County Commissioners approved an amended Zoning and Conceptual Plan (PCD File No. PUD-13-007) on December 9, 2014. The property subject to the current map amendment was identified as appropriate for commercial and industrial development at that time. The existing PUD, referred to as the Meadow Lake Industrial Park PUD, has since expired.

The applicant is currently requesting a map amendment (rezoning) from PUD to I-3 (Heavy Industrial). If the request for a map amendment is approved, the applicant will be required to submit and receive approval of subdivision application(s) which may include preliminary plans and/or final plats, and site development plan applications for individual lots. The final plat(s) must be recorded prior to initiating any land disturbing activities unless approval of a pre-subdivision site grading request is granted by the Board of County Commissioners. In order to initiate any uses on the property, the applicant will need to obtain site development plan approval.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property to I-3 (Limited Industrial). Section 3.2 of the Code states the following as the intent of the I-3 zoning district:

“The I-3 zoning district is intended to accommodate manufacturing and industrial uses, which may include related outside storage of raw or finished materials.”

The applicant has not identified a specific development proposal for this property; however, the applicant is proposing to exclude a number of uses from



development on this property which would normally be allowed as either permitted uses or special uses within the I-3 district. Please refer to the applicant's letter of intent for a complete list of proposed excluded uses.

The property is bordered to the north and west by the existing Meadow Lake Airport. The property is bordered to the south and east by property zoned PUD which is located within the expired Meadow Lake Industrial Park PUD. The property adjacent to the east of the subject property is currently subject to two concurrent rezone applications from PUD to CS (Commercial Service) from PUD to I-2 (Heavy Industrial). These concurrent rezone applications are intended to provide a zoning buffer between the proposed I-3 zoning district and less intense residential and agricultural zoning districts further to the south and east of the subject property. The property to the south of the subject property is zoned RR-5 and is currently being used for rural residential purposes.

The I-3 zoning district may not be compatible with the RR-5 zoning district to the south. The applicant is proposing to address this potential compatibility issue by excluding a number of uses from the zoning district for the subject property. Additionally, the density and dimensional standards for the I-3 zoning district (as outlined below) require a building setback of 175 feet from adjoining residential zoning districts.

2. Zoning Compliance

The density and dimensional standards for the I-3 zoning district are as follows:

- Maximum zoning district area: 40 acres
- Minimum lot size: 1 acre¹¹
- Setbacks
 - Front: 30 feet^{6,11}
 - Side: 30 feet^{6,11}
 - Rear: 30 feet^{5,11}
- Maximum lot coverage: 25%
- Maximum height: 40 feet⁷

⁶ Minimum building setback distance from any adjoining residential zoning district boundary is 175 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.



⁷ The maximum height of any structure is in accordance with the following formula: A plane with a pitch of 2 feet horizontal to one-foot vertical beginning at a height of 25 feet above all property lines using the mean property line elevations as the datum.

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

In order to initiate any uses on the property, the applicant will need to obtain subsequent subdivision and site development plan approval. The subdivision and site development plan will be reviewed to ensure that all proposed lots, structures, and uses will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Employment Center

Placetype Character:

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

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



Recommended Land Uses:

Primary

- Light Industrial/Business Park
- Heavy Industrial
- Office

Supporting

- Commercial Retail
- Commercial Service
- Restaurant

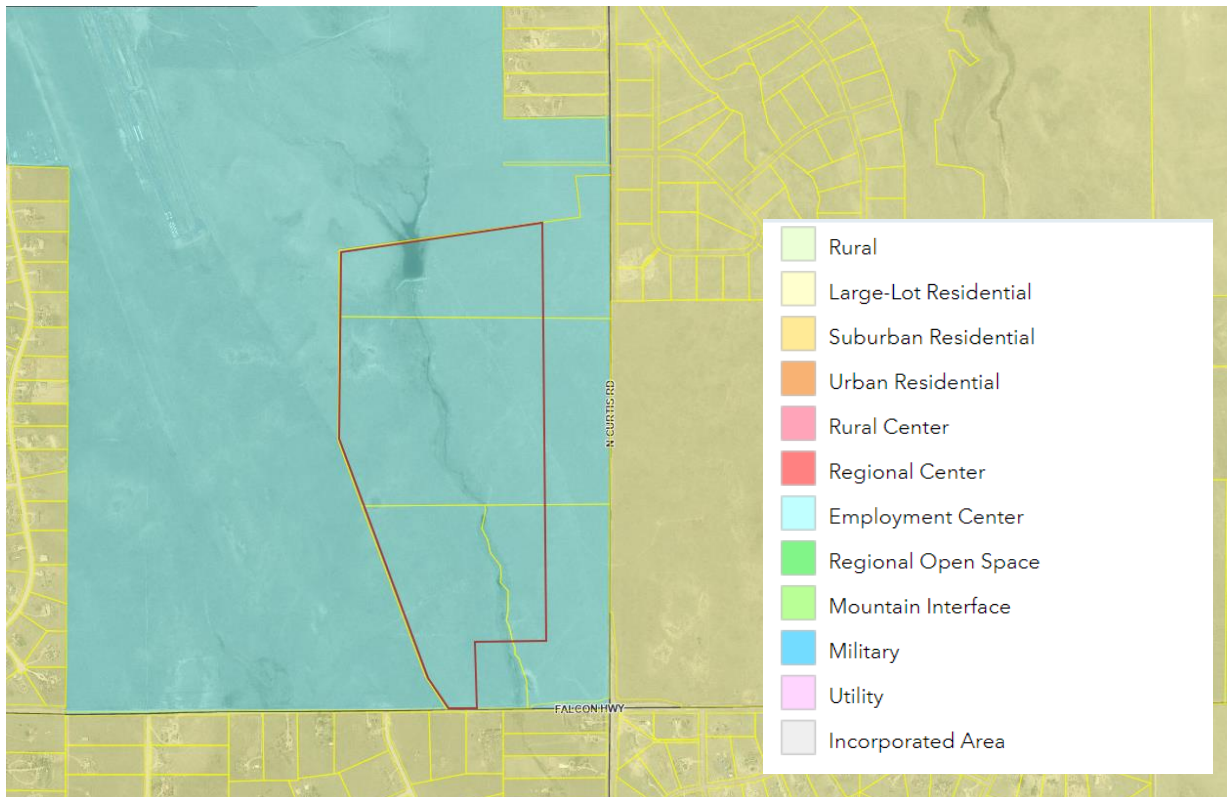


Figure G.1: Placetype Map

Analysis:

The property is located within the Employment Center placetype. The Employment Center placetype is the County's primary location for large-scale, nonretail businesses that provide significant employment and economic development opportunities. Relevant goals and objectives are as follows:

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

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

Objective LU4-3 – Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.

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

Goal ED1 Specific Strategy – Consider prioritizing Meadow Lake Airport for new employment uses to capitalize on the existing distribution network.

Goal ED1 Specific Strategy – Light and heavy industrial should be the primary businesses in the Meadow Lake Airport area, while supporting uses such as commercial or restaurants should be coordinated with the Meadow Lake Airport Association.

The proposed rezone would reallocate approximately 51 acres of vacant land from the PUD zoning district to the I-2 zoning district, which would support a variety of light industrial uses within the Employment Center placetype. The placetype allows light industrial as a primary use. The Master Plan identifies the Employment Center placetype as appropriate for industrial development and prioritizes locating industrial uses near the Meadow Lake Airport. The Master Plan recommends that these uses be coordinated with the Meadow Lake Airport Association (MLAA). MLAA was sent a referral and submitted a letter of objection to the request. The letter is attached herein.

The applicant has provided a list of uses in their letter of intent which they have identified as potentially incompatible with the Employment Center placetype. It is possible that the proposed rezone may not be compatible with the Employment Center placetype due to the large number of uses which may be permitted within the zoning district which are proposed for exclusion.



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.

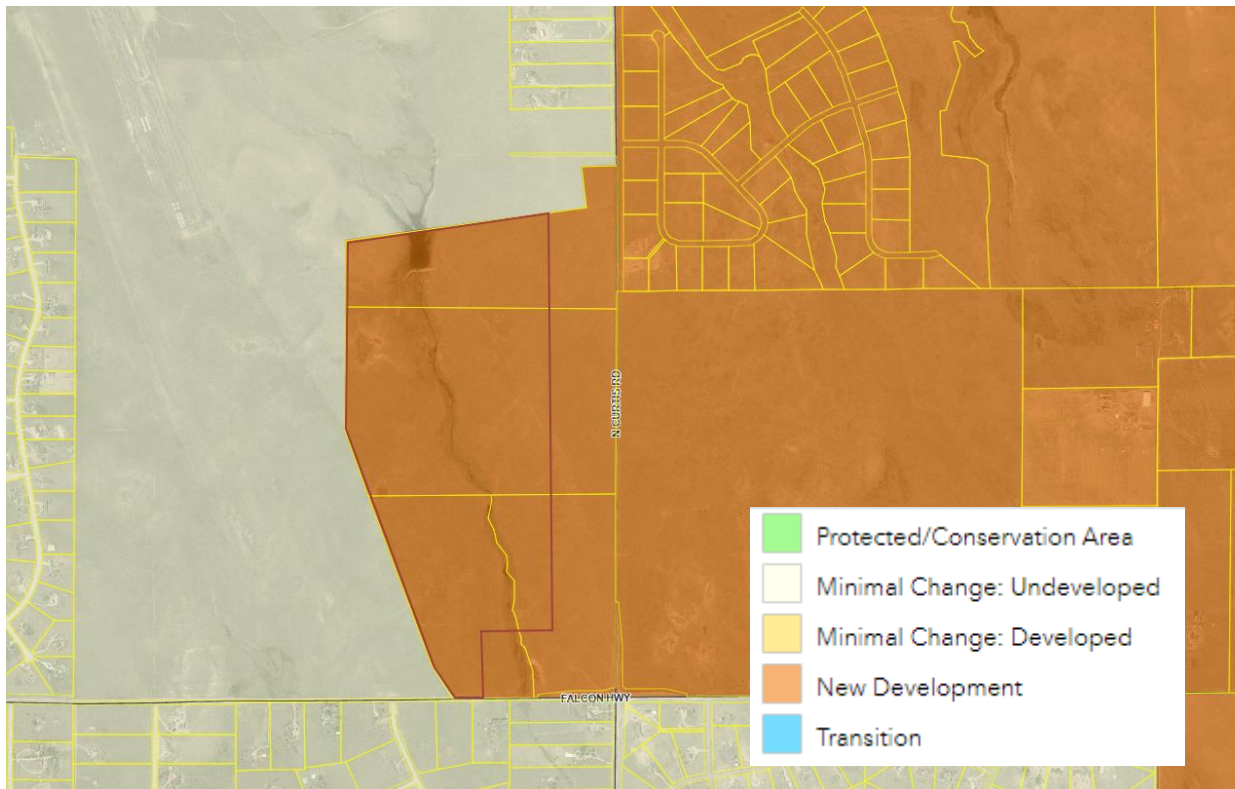


Figure G.2: Area of Change Map

Analysis:

The proposed rezone is located in an area which is expected to significantly change in character. A relevant strategy is as follows:

Goal LU3 Specific Strategy – *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.

This area is expected to change in character. The proposed map amendment (rezoning) may result in a significant change in character from the surrounding area, which is primarily vacant. However, the property in close proximity to the Meadowlake Airport, which is identified as an area suitable for industrial development.

c. Key Area Influences

The subject property is not located within a Key Area.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is not located within a Priority Development Area.

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 property is located within Planning Region 3 (Falcon Area) of the Plan and is located within an estimated area of development. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in



Region 3. The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 23 AFY is anticipated for Region 3.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. The property is currently not platted. A finding of water sufficiency is required with subsequent plat application(s). The applicant has submitted a concurrent application for the creation of a Title 32 Special District service plan for the Meadow Lake Metropolitan District Nos. 1-3 for provision of public water and wastewater systems (PCD File No. ID-22-001).

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and the El Paso County Community Services Department, Environmental Services Division were each 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.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the map amendment.

2. Floodplain

The property is impacted by a designated 100-year floodplain (Zone A) as indicated by FEMA Flood Insurance Rate Map panel number 08041C0566G which has an effective date of December 7, 2018. A Letter of Map Revision (LOMR) is likely required with future subdivision of the site since approved base flood elevation data and 100-year flood shall be shown on the plat.



3. Drainage and Erosion

The site is located within Solberg Ranch (CHWS0800) drainage basin which is unstudied but is included in El Paso County Drainage Basin Fee program as a miscellaneous drainage basin. Drainage fees are not assessed with map amendment (rezone) requests. Prior to future development, a drainage report, grading, and erosion control plan will be required. The drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties.

4. Transportation

The 2016 Major Transportation Corridors Plan Update (MTCP) identifies two roadway improvement projects adjacent to the site. County road upgrades to Curtis Road (Project ID U1) from an Unimproved County Road to a Principal Arterial Road, and Falcon Highway (Project ID U5) from an Unimproved County Road to a Minor Arterial Road. Right-of-way dedication along Curtis Road and Falcon Highway will be required with future subdivision requests.

A combined traffic impact study for the overall Meadow Lake Industrial Park was provided. According to the traffic impact study, the development is estimated to generate 11,406 average daily trips. Fair and equitable participation in the construction of off-site improvements proportional to the development's traffic impact shall be determined at the preliminary and final plat application.

Future development of the site is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended.

I. SERVICES

1. Water

The applicant has submitted a concurrent application for the creation of a Title 32 Special District service plan for the Meadow Lake Metropolitan District Nos. 1-3 for provision of public water and wastewater systems (PCD File No. ID-22-001).

2. Sanitation

The applicant has submitted a concurrent application for the creation of a Title 32 Special District service plan for the Meadow Lake Metropolitan District Nos. 1-3 for provision of public water and wastewater systems (PCD File No. ID-22-001).

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.



4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Colorado Springs Utilities (CSU) will provide natural gas service to the area included within the final plat. Both utility providers were sent referrals and neither have outstanding comments.

5. Metropolitan Districts

The property is not located within the boundary of a 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.

J. APPLICABLE RESOLUTIONS

Approval Page 27

Disapproval Page 28

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. 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 (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 density and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code, except as otherwise limited in the applicant's letter of intent.

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.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified thirteen (13) adjoining property owners on August 2, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
MLAA Objection Letter
Opposition Letters
PC Resolution
BOCC Resolution



El Paso County Parcel Information

PARCEL	NAME
4300000552	ONEIL KEVIN
4300000551	MEADOWLAKE DEVELOPMENTS LLC
4300000548	MEADOWLAKE DEVELOPMENTS LLC

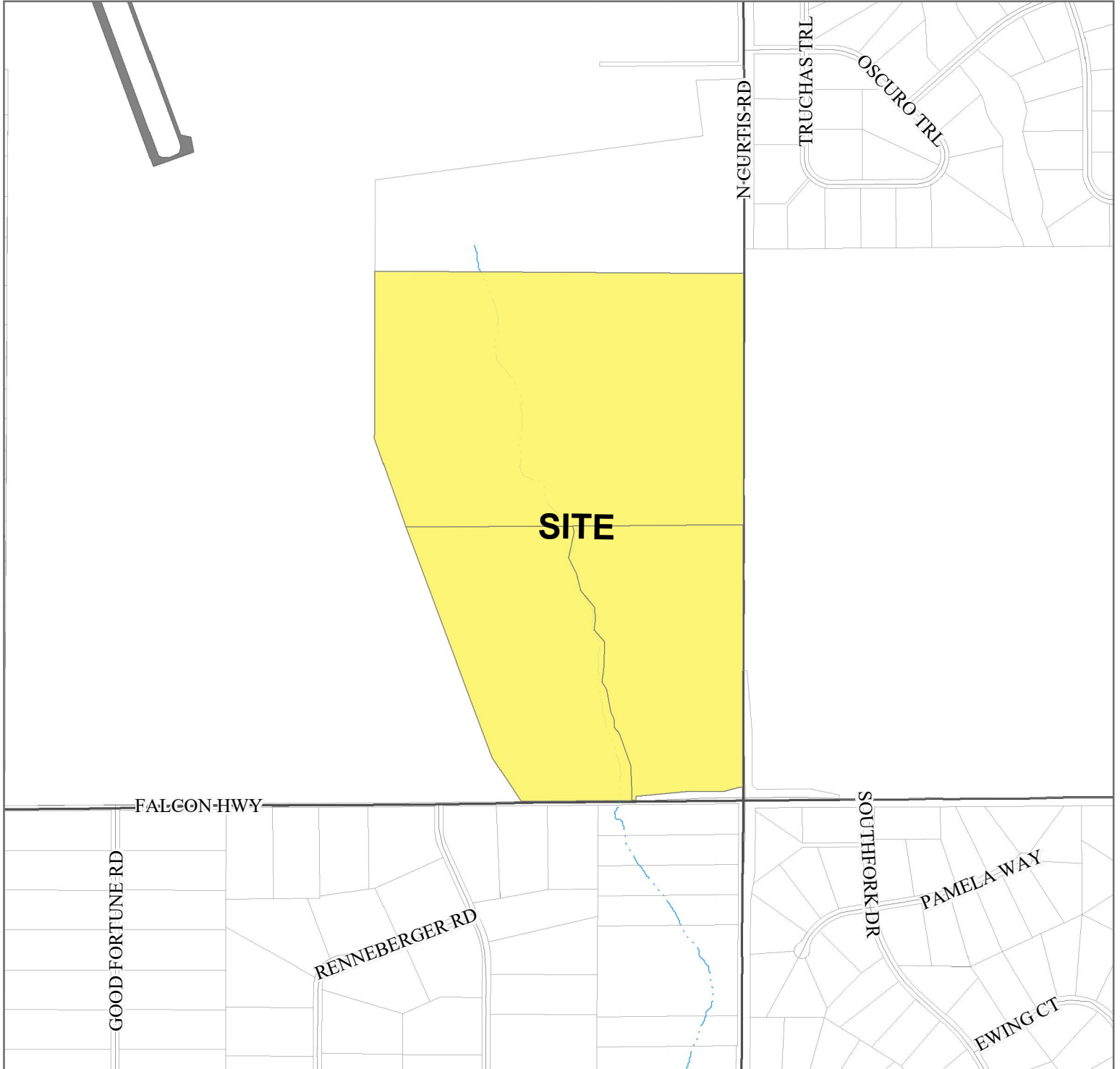
File Name: I-22-002

Zone Map No.: --

ADDRESS	CITY	STATE
PO BOX 1385	COLORADO SPRINGS	CO
PO BOX 1385	COLORADO SPRINGS	CO
PO BOX 1385	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80901	1385
80901	
80901	

Date: July 28, 2022



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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MEADOW LAKE INDUSTRIAL PARK I-3 MAP AMENDMENT (REZONING)

LETTER OF INTENT

MAY 2022, REVISED JUNE 2022

OWNER:

O'NEIL GROUP
KEVIN O'NEIL
P.O. BOX 1385
COLORADO SPRINGS, CO 80901-1385

APPLICANT:

O'NEIL GROUP
KEVIN O'NEIL
P.O. BOX 1385
COLORADO SPRINGS, CO 80901-1385

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
abarlow@nescolorado.com

ACREAGE: 172.4 AC

CURRENT ZONING: PUD ZONING AND CONCEPTUAL PLAN

CURRENT USE: VACANT LAND

TSN: 4300000548, 4300000551, 4300000552, 4300000553

REQUEST

N.E.S. Inc. on behalf of the O'Neil Group requests approval of a Map Amendment (Rezoning) from PUD (Planned Unit Development), pursuant to the Meadow Lake Industrial Park Zoning and Conceptual Plan (ZCP), to I-3 (Heavy Industrial) on approximately 172.4 acres of the overall Meadow Lake Industrial Park.

LOCATION

The site is located in eastern El Paso County, Colorado, situated approximately 10 miles east of Colorado Springs and northeast of the Falcon town site. The site is located near the northwestern corner of the Curtis Road and Falcon Highway intersection. The 172.4-acre site is currently vacant and is comprised of a portion of three parcels, which are collectively bounded by Meadow Lake Airport to the north and west, Curtis Road to the east, and Falcon Highway to the south. The overall Meadow Lake Industrial and Commercial Park site area is comprised of 254.7 acres.

Surrounding land uses include Meadow Lake Airport to the north and west, rural residential to the south, and rural residential and agricultural (35+ acres) to the east.



CONTEXT/PROJECT DESCRIPTION

Project Description

The site was approved by the Board of County Commissioners in 2008 as a Planned Unit Development (PUD). The approved uses included 190 acres of commercial/industrial uses and 37 acres of open space/no-build areas. The PUD expired as a result of development inactivity.

The site was later approved by the Board of County Commissioners in 2014 for a Zoning and Conceptual Plan (ZCP). The conceptual uses approved in the ZCP included the following: 3.2 acres of commercial, 71.5 of mixed commercial and industrial, 117 acres of industrial, and 62.8 acres of open space, rights-of-way, and dedication of future right-of-way.

Both the 2008 PUD and the 2014 ZCP have since expired. Condition of Approval No. 6 of the ZCP stated: "Approval of the Meadow Lake Industrial Park PUD ZCP shall be limited to a period of five (5) years, after which, if no PUD development plan has been approved and recorded to implement an approved PUD development plan, the Board of County Commissioners authorizes the Development Services Department to process a request to revert the zoning of the property away from the PUD district back to the RR-5 (Residential Rural) district or other appropriate zone district as determined by the Board."

The ZCP PUD approval, therefore, has expired, however, no subsequent request has been initiated by the County to "revert the zoning of the property away from the PUD district." The proposed I-3

rezoning request, along with the other concurrently reviewed rezoning requests to the I-2 and CS zoning districts, would effectively accomplish the intent of the prior condition of approval of the ZCP.

Concurrent applications have also been submitted for map amendments (rezonings) for 31 acres from PUD to CS (Commercial Service), 51.3 acres from PUD to I-2 (Limited Industrial), along with the subject map amendment (rezoning) application for the identified 172.4 acres from PUD to I-3 (Heavy Industrial). ***Please note that this Letter of Intent is only intended to specifically address the proposed rezoning of 172.4 acres to I-3 (Heavy Industrial).***

The I-3 zoning district is intended to accommodate manufacturing and industrial uses, which may include related outside storage of raw or finished materials. Below is the proposed list of permitted uses for this I-3 zone and a list of the uses that are proposed to be conditionally excluded.

Principal Uses Included/Allowed - Uses to be Retained with I-3 Zoning

- Automobile and Boat Storage Yard
- Automobile and Trailer Sales (special use)
- Bakery, Wholesale
- Batch Plant (special use)
- Batch Plant, Temporary (temporary use)
- Cement Manufacturing (special use)
- CMRS Facility, Freestanding (special use)
- CMRS Facility, Small Cell
- CMRS Facility, Stealth
- Composting Facility (special use)
- Construction Equipment Storage and Field Office, Temporary (temporary use)
- Contractor's Equipment Yard
- Education Institution, Public
- Electrical Communication Equipment Manufacturing
- Emergency Facility, Private
- Emergency Facility, Public
- Firewood Sales
- Food Processing
- Fuel Sales and Storage (special use)
- Heavy Equipment Rental, Sales, and Storage
- Inert Material Disposal Site, Minor
- Infectious Waste Transfer Station (special use)
- Laboratory
- Light Industry
- Light Manufacturing
- Lumber Yard
- Mini-Warehouse
- Nursery, Wholesale
- Off-Premise Sign (special use)
- Outside Storage
- Over the Air Reception Devices
- Public Building, Way or Space

- Public Park and Open Space
- Publishing Companies
- Recreational Vehicle and Boat Storage
- Recycling Facility
- Rental Services (special use)
- Retail Sales, General
- Store (special use)
- Truck and Recreational Vehicle Repair Garage
- Vehicle Repair Garage, Commercial (special use)
- Warehouse
- Wholesale Business
- Yard Sales (temporary use)

Principal Uses - Proposed for Conditional Exclusion from the I-3 Zoning

- Acid Manufacturing (special use)
- Bottling Works
- Dry Cleaning Plant
- Energy Generation Facility less than 50 MW (special use)
- Explosives Manufacturing (special use)
- Fertilizer Manufacturing (special use)
- Flea Market (special use)
- Freight Terminal
- Garbage Service Facility
- Glue Manufacturing (special use)
- Hazardous Materials Storage (special use)
- Hazardous Waste Disposal Facility
- Home Improvement Center
- Inert Material Disposal Site (special use)
- Livestock Feed Yard (special use)
- Livestock Sales Yard (special use)
- Meat Processing, Custom
- Metal Processing Plant (special use)
- Mineral and Natural Resource Extraction, Commercial (special use)
- Mineral Processing Plant (special use)
- Mining, Construction-Related (temporary use)
- Petroleum Refining (special use)
- Plaster Manufacturing (special use)
- Prison, Private (special use)
- Race Track (special use)
- Rendering Plant (special use)
- Salvage Yard (special use)
- Sawmill
- Slaughterhouse (special use)
- Smelter (special use)
- Solar Farm (special use)
- Solid Waste Disposal Site and Facility (special use)

- Tannery (special use)
- Tower, Commercial (non-CMRS)
- Trash Transfer Facility (special use)
- Truck Stop (special use)
- Warehouse, Flammable Material (special use)
- Waste Tire Recycling (special use)
- Wind/Meteorological Measuring Facilities (special use)

Accessory Uses Included/Allowed - Uses to be Retained with I-3 Zoning

- Auction (temporary use)
- Caretaker's Quarters
- CMRS Facility, Building Roof Mounted
- CMRS Facility, Building Wall Mounted
- CMRS Facility, Pole Mounted
- CMRS Facility, Small Cell
- Commercial and Industrial Accessory Structures and Uses
- Construction Equipment Storage and Field Offices, Accessory
- Fuel Storage
- Light Manufacturing, Accessory
- Office, Accessory
- Outdoor Sales and Display, Accessory
- Over the Air Reception Devices
- Personal Parking, Storage, and Repair of Vehicles and Machines
- Retail Sales, Accessory
- Shipping Containers
- Shipping Containers, Temporary
- Solar Energy System
- Private Tower
- Wind Power Generator

Accessory Uses - Proposed for Conditional Exclusion from the I-3 Zoning

- (None)

These uses are proposed to be restricted either because they do not comply with the primary or secondary uses recommended for the Employment Center Placetype within Your El Paso Master Plan (2021), or because they would not be compatible with adjacent land uses, or are anticipated to have high traffic generation or water use demand.

Traffic: A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for Meadow Lake Industrial Park (*Meadowlake Industrial Park Traffic Impact Study, May 17 2022*). This analyses the proposed traffic for all concurrent zone changes. The preliminary recommendations of the Traffic Report are summarized below:

- Curtis Road should be improved to a two-lane, Principal Arterial, with required right-of-way dedication and preservation of additional right-of-way for future expansion to a four-lane Principal Arterial. The improvement would be from Falcon Highway north to connect to the

segment of Curtis planned for upgrade as part of the Saddlehorn development to the north

- Falcon Highway should be improved to a two-lane, Rural Minor Arterial, with required right-of-way dedication and preservation of additional right-of-way for future expansion to a four-lane Minor Arterial.
- Auxiliary turn-lane improvements are identified at the anticipated site access points of Curtis Road and Flacon Highway. These access points will be further defined and analyses at the Preliminary Plan stage.
- The intersections of Curtis Road/Falcon Highway and Curtis Road/Judge Orr Road will need to be improved in the future to operate at acceptable levels of service. This applicant will be responsible for their proportional share of the cost of these improvements. Auxiliary turn lane recommendations are included as an intermediate traffic condition.

Utilities: The site is within the service area of Mountain View Electric Association, Inc. MVEA will supply electricity service and Colorado Springs Utilities will supply natural gas. Confirmation of the availability of these services is include with this submittal. Connection to a centralized water and wastewater treatment provider is anticipated. If construction of a new water and wastewater system is necessary, it would likely require creation of a Title 32 Special District, issuance of a 1041 Permit from El Paso County, and permitting by the Colorado Department of Public Health and Environment (CDPHE).

Floodplain: A portion of the proposed I-3 zoned site is mapped within Zone A of the FEMA Floodplain Map No. 080059C0566G and 080059C0558G, dated December 7, 2018. The remainder of the area is within Zone X, which is determined to be outside the 500-year floodplain.

Wetlands: The unnamed tributary on the site is largely contained within the proposed I-3 zoned area and includes some potential wetland areas and herbaceous riparian areas. There is a small pond in the northern portion of the site. These areas are within the floodplain which will be avoided when developed. A wetland analysis and natural features report will be included with subsequent applications for development of the site.

Wildlife: Potential for several species of mammals, rodents, fish, and vegetation exists on the site, primarily in the floodplain/wetland areas, which will be avoided when development occurs.

Wildfire: The primary wildland fuel type is grassland. The Colorado State Forest Service has determined a moderate wildfire hazard potential.

Districts/Utilities Serving the Property:

- Falcon Fire Protection District
- Mountain View Electric Association
- City of Colorado Springs Utilities – Natural Gas Service
- Upper Black Squirrel Creek Ground Water Management District
- Central Colorado Conservation District

COMMUNITY OUTREACH

Representatives of the O’Neil Group met with representatives from Meadow Lake Airport on May 11, 2022 to discuss the proposed rezonings. A meeting was held on June 29, 2022 with representatives from the Saddlehorn Estates residential development to the east to discuss their concerns. A public open house was held on the evening of June 29. Notification was sent to 169 properties (72 individual owners) within ½ mile of the site. Approximately 40 people attended the meeting, with 20 people entering details on the sign-in sheet. This included display boards of the proposed zoning areas, the proposed permitted uses, relevant extracts from Your El Paso Master Plan and the previously approved PUD Zoning & Concept Plan for the site. Balloons were also placed on the site to conceptually represent the height of the tallest anticipated structure within the I-3 zoning district area. The general feedback from the meeting was an acknowledgement that development of the site was likely, general support for the I-2 and CS zonings, but concern regarding some of the potential heavier industrial uses associated with the I-3 zone in terms of compatibility with adjacent residential. Concerns were also expressed regarding traffic and water use.

PROJECT JUSTIFICATION

The request is consistent with the criteria in Section 5.2.5.B for a Map Amendment (Rezoning) 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;**

The relevant County master plan documents for the I-3 Map Amendment (Rezone) are Your El Paso County Master Plan, the El Paso County Water Master Plan, the El Paso County Major Transportation Corridor Plan, and the El Paso County Parks Master Plan.

YOUR EL PASO MASTER PLAN

The new County Master Plan denotes the site as being within the Employment Center placetype (see page 36 of the Master Plan). Objective LU4-3 indicates that Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. Objective LU3-1 indicates that development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines. The primary uses within Employment Centers include light industrial/business park, heavy industrial uses, and office, with supporting commercial retail, commercial services, and restaurants. This placetype provides space for large-scale employers to establish and expand in the County to meet future needs and demands. The proposed I-3 uses align with the preferred Employment Center land uses and the size of the property provides opportunity to establish and expand larger-scale industrial uses that meet the needs and demands of the County.

The Master Plan specifically identifies that proximity to transportation hubs, such as Meadowlake Airport, is appropriate for the Employment Center placetype. The Master Plan also identifies the

subject property as being included within the Meadow Lake Airport Employment Priority Development Area (see page 71 of the Master Plan). The adjacent Meadow Lake Airport is the largest privately owned airport in Colorado and is an important economic driver for the County. The Airport has expanded significantly with more than a dozen industrial and manufacturing businesses on the property and Goal ED1 indicates that “the County should consider prioritizing the Airport for new employment uses to capitalize on the existing distribution network... Light and heavy industrial should be the primary businesses in this area, while supporting uses such as commercial or restaurants should be coordinated with the Meadow Lake Airport Association.” Goal ED1 also encourages the County to identify areas with enough land to support companies that require a significant development footprint as development continues to occur.

The proposed rezone to I-3 for the majority of the overall Meadow Lake Industrial Park is consistent with this objective as it provides opportunities for a variety of larger scale industrial uses that can support the operations and growth of the adjacent Meadow Lake Airport as an Employment Priority Development Area.

This site is also denoted as a “new development area” on the Areas of Change map (see page 20 of the Master Plan). New development areas take place on land largely undeveloped, adjacent to built out areas. These areas are to be designed to integrate with and complement adjacent development. The proposed I-3 rezoning would provide an opportunity for larger-scale heavy industrial uses, which will complement the adjacent airport use and help offset the significant loss of previously existing industrially zoned land in other more-urbanizing areas of the County.

Relevant Goals, Objectives, and Strategies

Land Use

Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

- *Goal 1.3 - Encourage a range of development types to support a variety of land uses*
- *Objective LU3-1: Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*
- *Objective LU4-3: Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.*

Economic Development

Core Principle: Strengthen the economy with a skilled workforce and targeted investment.

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

Implementation

- *Goal ED1 strategies:*
 - *Consider prioritizing Meadow Lake Airport for new employment uses to capitalize on the existing distribution network.*

- *Light and heavy industrial should be the primary businesses in the Meadow Lake Airport area, while supporting uses such as commercial or restaurants should be coordinated with the Meadow Lake Airport Association.*
- *Identify areas with enough land to support companies that require a significant development footprint as development continues to occur.*

EL PASO COUNTY WATER MASTER PLAN

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 goals and policies are as follows:

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 6.0 – Require adequate water availability for proposed development.*
- *Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*
- *Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.*

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the project demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year and the projected demand is 8,307-acre feet.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN

Curtis Road and Falcon Highway are both currently 2-lane unimproved County roads with a 60-foot right-of-way (ROW). The 2040 Functional Classification map shows Curtis Road being improved to a 2-lane rural principal arterial and Falcon Highway being improved to a 2-lane rural minor arterial. The 2060 Corridor Preservation Plan shows Curtis Road being expanded to a 4-lane rural principal arterial and Falcon Highway being expanded to a 4-lane rural minor arterial. Curtis Road is also anticipated to become a secondary truck route connecting Highway 24 to Highway 94 and I-25.

EL PASO COUNTY PARKS MASTER PLAN

The El Paso County Parks Master Plan identifies proposed bike routes on Curtis Road and Falcon Highway, which can provide access to the site by alternative transportation modes. A proposed secondary regional trail is identified along the alignment of the drainageway that crosses the property from north to south. This secondary trail also continues through the adjacent airport property, which brings into question the practicality of this proposed trail route.

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 as described under criterion (1) above and is a compatible transition between the adjacent uses, as described in criterion (3) below, the rezone 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

The Master Plan specifically encourages light and heavy industrial uses adjacent to the airport. These uses not only support the airport economically but are also the preferred uses within the flight zones of the airport from a safety standpoint. In addition, the employment uses will provide a transitional use and physical buffer from the airport activities to the rural residential and agricultural areas to the east and south.

The Employment Center placetype, as identified in the Master Plan, indicates that transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby areas. As noted above, concurrent submittals have been made for I-2 and CS zones on the eastern and southeastern corner of the property respectively. These less intense zoning designations will provide transitional uses and a physical buffer and separation between the heavier industrial uses allowed in the proposed I-3 zoning district and the rural residential and agriculturally zoned properties located to the east and south. Appropriate landscape buffers will be included with subsequent site development plans.

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.

Future development of this portion of the property will meet the use and dimensional standards for the I-3 zoning district as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed industrial uses and provides a transition between Meadow Lake Airport and the surrounding rural land uses. The site will have adequate access to Curtis Road and Falcon Highway and has access to the provision of adequate utilities.

P:\O'Neil\Meadowlake Industrial\Admin\Submittals\Rezoning\I-3\2nd Submittal\Meadowlake_Letter of Intent_I-3_2nd Submittal.docx

MEADOWLAKE INDUSTRIAL

EAST HALF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M. EL PASO COUNTY, COLORADO
REZONE

VICINITY MAP



SITE DATA

Tax ID Number: 430000551, 430000548, 430000552 & 430000553
 Parcel Area: 254.7 AC
 I-3 Rezone Area: 172.4 AC
 Current Zoning: PUD
 Proposed Zoning: I-3

PROJECT TEAM

OWNER: O'Neil Group
 PO BOX 1385
 Colorado Springs, CO 80901
 (719) 229-0616

APPLICANT: N.E.S. Inc.
 619 N. Cascade Ave., Suite 200
 Colorado Springs, CO 80903
 (719) 471-0073

SURVEYOR: SMH Consultants
 411 S. Tejon St., #1
 Colorado Springs, CO 80903
 (719) 465-2145

PARCEL LEGAL DESCRIPTION

A tract of land in the East Half of Section 9, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at the Southeast Corner of the Southeast Quarter of said Section 9; thence
 S 89°32'02" W 1591.78 feet along the South Line of the Southeast Quarter of said Section 9; thence
 N 32°39'44" W 373.95 feet; thence
 N 20°07'48" W 2441.45 feet to the West Line of the East Half of said Section 9; thence
 N 00°10'35" E 1856.84 feet along the West Line of the East Half of said Section 9; thence
 N 82°12'06" E 2055.81 feet; thence
 N 07°45'48" W 400.00 feet; thence
 N 88°06'51" E 343.54 feet to the East Line of said Section 9; thence
 S 00°06'00" W 5180.19 feet to the point of beginning, containing 254.7 acres.

Subject to easements and restrictions of record.

I-3 REZONE LEGAL DESCRIPTION

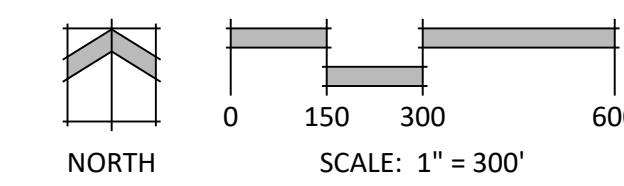
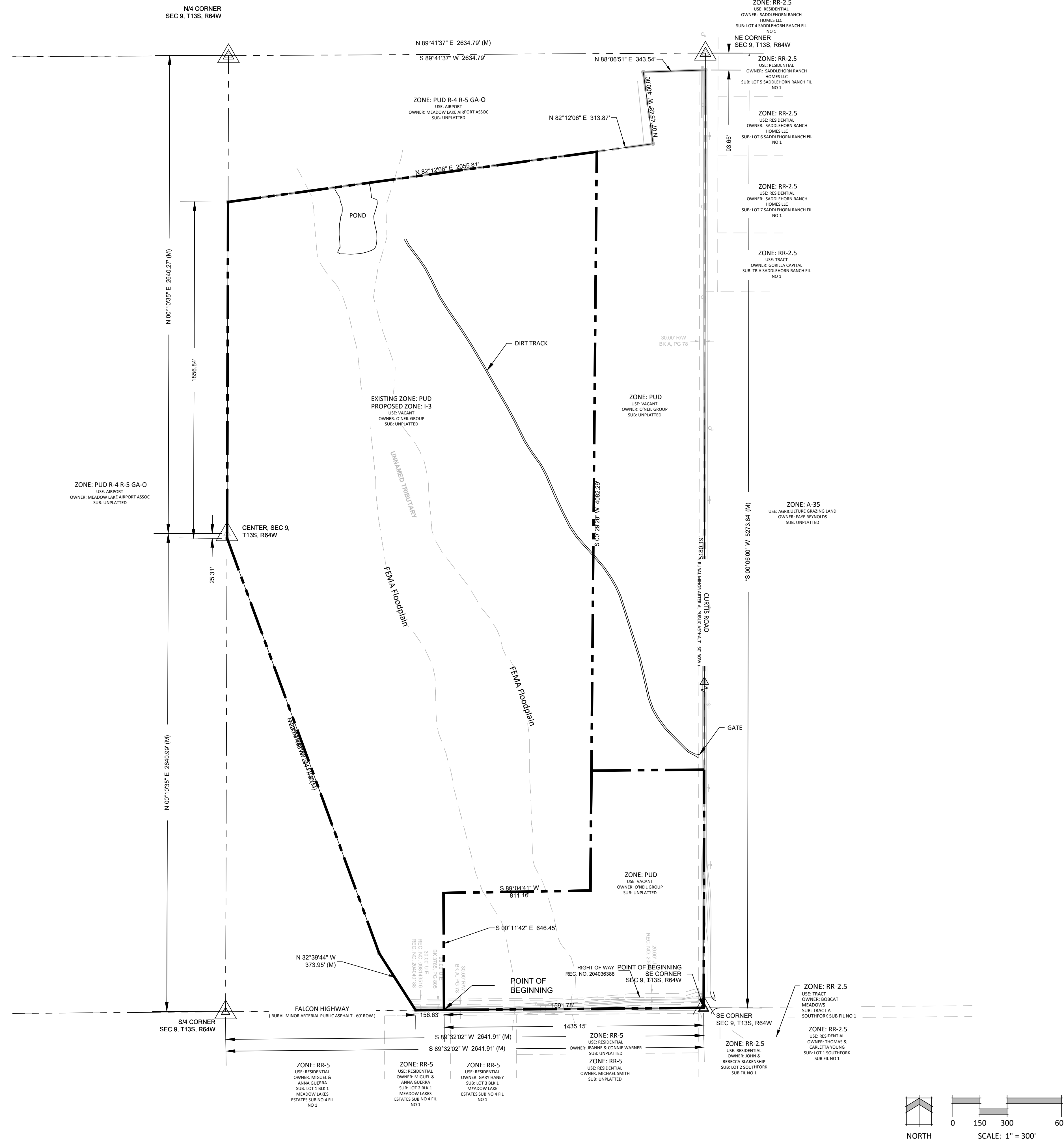
A tract of land in the East Half of Section 9, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 89°32'02" W 1435.15 feet from the Southeast Corner of the Southeast Quarter of said Section 9; thence
 S 89°32'02" W 156.63 feet along the South Line of the Southeast Quarter of said Section 9; thence
 N 32°39'44" W 373.95 feet; thence
 N 20°07'48" W 2441.45 feet to the West Line of the East Half of said Section 9; thence
 N 00°10'35" E 1856.84 feet along the West Line of the East Half of said Section 9; thence
 N 82°12'06" E 2055.81 feet; thence
 S 00°29'28" W 4082.29 feet; thence
 S 89°04'41" W 811.16 feet; thence
 S 00°11'42" E 646.45 feet to the point of beginning, containing 172.4 acres.

Subject to easements and restrictions of record.

AVIGATION EASEMENT

TERMS, CONDITIONS AND PROVISIONS OF AVIGATION EASEMENT RECORDED NOVEMBER 14, 1990 IN BOOK 5789 AT PAGE 1288. This is a blanket easement that does affect the subject property.



N.E.S. Inc.
 619 N. Cascade Avenue, Suite 200
 Colorado Springs, CO 80903
 Tel. 719.471.0073
 Fax 719.471.0267
 www.nescolorado.com
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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

MEADOWLAKE INDUSTRIAL

FALCON HIGHWAY & NORTH CURTIS ROAD

DATE: 05.12.2022
 PROJECT MGR: A. BARLOW
 PREPARED BY: B. ITEN

ENTITLEMENT

DATE: 06.30.2022 BY: BH DESCRIPTION: PER COUNTY COMMENTS

REZONE EXHIBIT

1

1 OF 1

PCD 1222

Meadow Lake Airport Association

13625 Judge Orr Road, Meadow Lake Airport (KFLY), Peyton, CO 80831-6051

Date: May 19, 2022

To: El Paso County Planning & Community Development

Subj: **Meadow Lake Commercial-Industrial Park (Rezone)**

Ref: (a) Meadow Lake Commercial Park (CS) (CS221)
(b) Meadow Lake Industrial Park (I-2) (I221)
(c) Meadow Lake Industrial Park (I-3) (I222)
(d) FAA Advisory Circular 150/5190B, "Airport Compatible Land Use Planning"

Representatives of the O'Neil Group met informally with members of the Meadow Lake Airport Association (MLAA) Board of Directors on Wednesday, May 11, to present a draft development plan and solicit our support for a Meadow Lake Industrial Park proposal. After due consideration, the MLAA is strongly opposed to this proposal.

The proposal is based on obtaining a re-zoning or special use variance of the existing commercial (CS) & light industrial (I-2) zoning to include heavy industrial (I-3). The purpose of this rezone is to develop a significant portion of the interior of the Industrial Park for a concrete batch plant operation. The batch plant was previously presented to El Paso County for the NE corner of the Judge Orr/Stapleton roads intersection and was deemed incompatible with the rural residential nature of the community. We see no change to that inappropriateness, especially located an additional mile and half to the south along Curtis Road adjacent to the rural residential neighborhoods of Saddlehorn Ranch and Meadow Lake Estates. We believe it would also be incompatible with Meadow Lake Airport operations.

The proposed new location would be directly under our primary traffic pattern, i.e.; the "Crosswind" leg for aircraft taking off on Runway 15 (at full power and low level), and "Base" leg for aircraft landing on Runway 33 (at reduced power and low level descending to the runway). All powered aircraft operations at Meadow Lake Airport are on the east side of the airport (glider operations on the west side). While we believe the currently zoned commercial and light industrial zoning is compatible with airport operations, a heavy industrial development is inappropriate due to potential hazardous effects on our small general aviation aircraft.

The applicant provided a comparison to a similar operation at Centennial Airport (APA). However, that operation has several significant differences. The batch plant operation at Centennial is in a warehouse district significantly offset to the side of the centerline of a runway that is used only for straight-in arrivals and departures. The proposal at Meadow Lake could have significant environmental concerns directly under our continuous traffic pattern operation. Likewise, it should be noted that even Colorado Springs airport does not permit heavy industry development underneath its close-in flight paths.

The FAA does not have authority over land use issues (until construction extends vertically into the National Airspace System) and therefore its Advisory Circulars establish a standard for guidance, although not regulatory. The sponsor of an airport, in this case Meadow Lake Airport Association, is charged by "Airport Grant Assurances" to coordinate with appropriate land use authorities for compatible land use around the FAA investment. Reference (d) was published in draft form last year and is currently under legal review for final publication this summer. It

provides guidance for land use authorities considering compatible land use around airports and identifies several cautions and concerns regarding heavy industry around airports.

We are very concerned about El Paso County's zoning and variance process around Meadow Lake Airport. There are many incidences, but an example is the Judge Orr Road Ranchettes and Saddlehorn Ranch sub-divisions. We happened to be present at the Planning Commission hearing the day of the Ranchettes presentation. This is a 7-unit residential subdivision on the NE corner of Meadow Lake Airport lies directly under our primary traffic pattern. We had the opportunity to express our concerns at that hearing and the developer publicly agreed to an "Avigation Easement". However, we were also not notified of the hearing for the sub-division with the Board of County Commissioners, who approved the development plan with no mention of aeronautical activities and the plat was recorded without any recognition of airport operations.

As a result of that experience, we learned that we had to pay specific attention when sub-divisions are proposed near the airport, such as Saddlehorn Ranch. Through our diligence and insistence, we were successful in working with a cooperative developer to obtain an Avigation Easement and ultimately, a written BOCC resolution directing annotation of a "Disclosure Notification" on the Sub-Division Plat. Yet even with the resolution, the Final Sub-Division Plat was approved by the County Planning without the required notation, and only after we objected was the Notice handwritten onto the recorded plat.

We have been trying since 2015 to get El Paso County Planning to approve and adopt the Meadow Lake Airport Master Plan Update. Five drafts of the "1041 Application" have been submitted. All have been returned for additional rewrite and comments, frequently in direct opposition to the previous submission or review comments. The El Paso County Master Plan was approved and adopted with incorrect statements about Meadow Lake and without consideration of the inputs submitted by the MLAA and the Colorado Division of Aeronautics. Both letters expressed concern about the "Employment Center" placeholder and failure by the County to recognize state and federal guidelines for protecting this valuable Regional GA asset to El Paso County, the Colorado Aviation System Plan, and the National Plan of Integrated Airport System. With that in mind, we cannot support any rezone or variances to established zoning until El Paso County adopts a published guide or Compatible Land Use Plan for the Meadow Lake Airport Influence Area, and we will actively oppose any proposal that we consider potentially hazardous to our operations or the general public.



David E. Elliott

President, MLAA Board of Directors

cell: (719) 339-0928 email: falcon20flier@msn.com

Copy: Carrie Geitner, El Paso County Commissioner
Colorado Division of Aeronautics
FAA Denver Airports District Office (ADO)
Justin Walker, Dewhirst & Dolven
Bill Guman, Guman & Associates
Meadow Lake Estates Homeowners
Saddlehorn Ranch HOA

Ryan Howser

From: Brittany Boydston <mrs.brittanyboydston@gmail.com>
Sent: Wednesday, July 13, 2022 3:01 PM
To: Carrie Geitner; Ryan Howser
Subject: Peyton/Falcon Concrete Plant Rezoning Proposal

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Hi,

I am a Peyton/Falcon resident and tax payer and I am absolutely against any and all efforts to rezone our agricultural and residential areas into industrial zone to accommodate the proposed concrete plant.

It does not take an environmental analysis or degree to see and understand the impacts of such a proposal. One only needs to take a short trip down to Marksheffle Road which is shambles from constant heavy construction traffic and use.

The impacts go beyond just the roads. The resources used and homes affected by any approval of this will directly suffer.

Again, I am contacting you both to express concerns and disapproval for these proposals concerning the concrete plant.

Brittany Boydston

Ryan Howser

From: Ryan Howser
Sent: Thursday, August 25, 2022 1:49 PM
To: Ryan Howser
Subject: RE: Opposition to zoning change near Meadow Lake Airport

From: Jim Densmore <jimdensmorebox2@comcast.net>
Sent: Thursday, August 25, 2022 12:37 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>
Cc: Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: Opposition to zoning change near Meadow Lake Airport

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Ms. Geitner, and Commissioners:

My name is Jim Densmore, and I write to you today in strong opposition to a heavy industrial zoning change in District 2, near the Meadow Lake airport. I refer to the zoning change of the property at the corner of Falcon Highway and Curtis Road to INDUSTRIAL (I-2) or HEAVY INDUSTRIAL (I-3). This zoning is not compatible with the existing properties in the surrounding area.

Why I am opposed:

I-3 zoning allows for heavy industrial uses (such as a Concrete Batch Plant, Waste Transfer Station, Hazardous Material Facilities, Private Prisons, Rendering Plants, Petroleum Refining, Slaughterhouses, Smelters, etc) that are not compatible with the residential properties that completely surround the proposed site. There are over 700 residential homesites within a mile and a half of the property, in all directions. A new KOA campground is situated approximately one mile to the North. Even residents who are not in direct visual contact with property will be affected. The impact of the “direct view” of the industrial site is important, but more important is the potential dust, noxious odors, harmful chemicals, dangerous materials, etc that will be carried by the winds into the surrounding neighborhoods.

I-3 activities have a much higher impact on the surrounding area, and affect a much larger area than other uses such as commercial or residential.

How is this happening?

The El Paso County Master Plan mis-characterizes the Meadow Lake Airport as an “Employment Center” which incorrectly infers that the airport is a commercial / industrial area, and therefore it would be appropriate to re-zone the property adjacent to the airport as I-3 (Heavy Industrial). This is not true.

Honestly, this seems like an underhanded, sneaky way to perform “Spot Zoning” of I-3 into an area of residential properties. I am concerned that the applicant is being disingenuous in using proximity to the Meadow Lake Airport as

justification for allowing I-3 zoning. The reality is that the subject property is surrounded by residential neighborhoods in all directions, and the airport itself is very residential in its character.

More about the Meadow Lake Airport:

The Meadow Lake Airport is a designated reliever airport for the Colorado Springs Municipal Airport, and thus has been deemed by the state and the federal government to be an important airport fostering the growth of our city. There are more airplanes based at Meadow Lake Airport than at any other Private Airport in the United States. Meadow Lake is home to more than 400 airplanes. Meadow Lake is not like commercial airports such as Colorado Springs Municipal Airport or Denver's Centennial Airport. When you enter the Meadow Lake Airport there is a Residential Area (approximately 69 lots) on the left and Airplane Storage hangars on the right. There are a few small businesses on the airport, primarily to support flying and airplanes. These include a flight school, avionics shop, and aircraft maintenance shops.

Thus, this airport has a more residential feel. It is surrounded by the commercial development that is present at many airports.

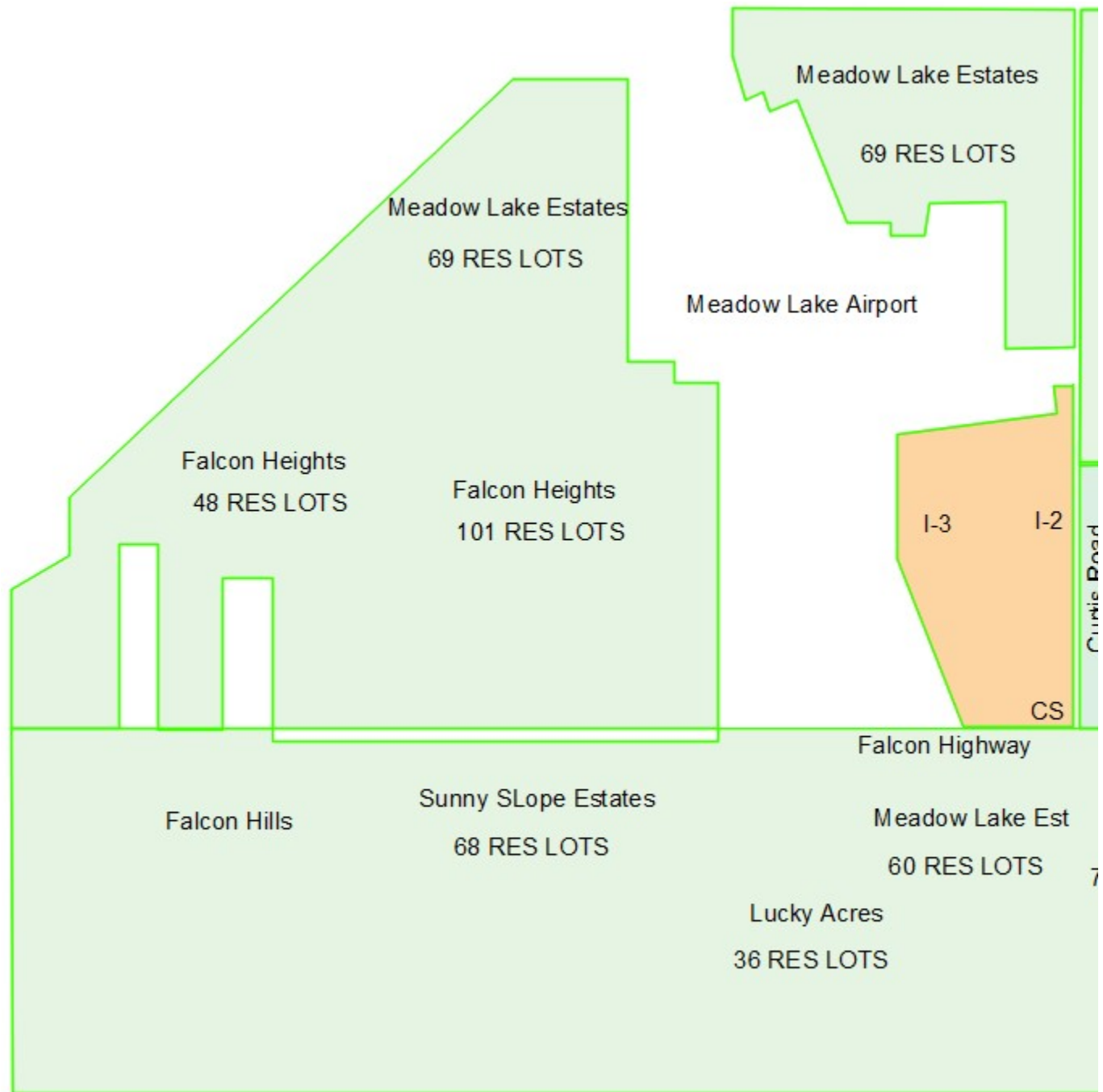
The primary purpose of the airport is to facilitate take offs and landings for small aircraft, and for storage of aircraft when they are not being used. Typical use of the airport is airplanes stored quietly inside buildings or tied down on the ramp most of the time. Activity occurs when the airplane is pulled out of the hangar and taxied to the runway, where it usually departs the area.

In summary, the Meadow Lake Airport is not an "Employment Center", as defined by the El Paso County Planning Department.

Water Issues also are a concern:

Many Industrial and Heavy Industrial uses are large consumers of water. The documents associated with this re-zone application state that "a finding of water sufficiency is not required with a map amendment (rezone)." It also states that the El Paso County Zone 3 water demand by 2060 will be 8,307 AFY (Acre Feet per Year) with a projected supply of 8,284 AFY. That means a 23 AFY deficit by the year 2060. Water use must be a factor in your decision.

Map of the Area:



In conclusion, the proposed Heavy Industrial zoning is incompatible with the surrounding residential properties. There are over 700 residential properties within a mile and a half and many more that will likely be affected by hazardous materials, trash, dust, and noxious fumes, especially with the strong and varied winds common in this area, which is at the top of a general rise in terrain elevation.

I humbly ask that you reject this and any future application to introduce Industrial Zoning in this area. It would be very detrimental to nearby residents and to the strong aviation community in our state. Would you like to know more? Come out and pay us a visit. I would consider providing an airplane ride to allow you to survey the nearby communities, I'd be happy to do that. Please let me know if this would be of interest to you.

Respectfully submitted:

- **Jim Densmore** | densmore.org/blog
- Principal, Densmore Consulting
- jim@densmore.org | +1-719-339-6757
- 6670 Sky Hawk Ct, Colorado Springs, 80919
- Aircraft owner, N6555A, based at Meadow Lake Airport

Ryan Howser

From: John Helmick <john@gorillacapital.com>
Sent: Wednesday, June 8, 2022 11:00 AM
To: Ryan Howser
Cc: Andrea Barlow; craig.dossey@ogcos.com; O'Neil, Kevin; Carrie Geitner; Caitlin Knudsen
Subject: Letter of Opposition - Rezoning of I-3 of land Project 1222 Curtis Rd
Attachments: MLIP_Application[2].pdf

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Dear Mr. Howser,

Gorilla Capital CO Saddlehorn Ranch, LLC ("Gorilla Capital") is the owner of the real property known as Phase 2, 3, 4 & 5 of Saddlehorn Ranch (Phase 1 is owned by Saddlehorn Ranch Homes, LLC).

Gorilla Capital did not receive the notice by mail of the recent application – **"Project Name: Meadow Lake Industrial Park (I-3)" file number 1222** - for rezoning of the land on Curtis Road that is adjacent (across Curtis Road) from the real property owned by Gorilla Capital. On the Project Details found on the EDARP website (attached to this email), you are listed as the Project Manager for this project. I raise the following concerns about this application for rezoning to heavy industrial use:

1. According to information received to date, the notice was only mailed to 9 entities, in contradiction to El Paso County normal notification standards.
2. I have spoken to several of the entities on the mailing list and they confirmed that, like Gorilla Capital, they never received the notice. According to Andrea Barlow, the notices were not sent by registered or certified mail – which has been the El Paso County standard for such notices – and there is no receipts or other way to confirm that the notices were properly sent.
3. It is my understanding that El Paso County Planning & Community Development director is responsible for defining notification requirements. Craig Dossey held that position at El Paso County and is not employed by the applicant for this rezoning. This raises a serious question of a conflict of interest or appearance of a conflict of interest. When was Mr. Dossey's employment offer or agreement with the applicant and his conflict of interest disclosed to El Paso County?
4. I object to the rezoning of this real property to I-3 Industrial for the following reasons:
 - a. This zoning is not compatible to the residential use of the adjacent and surrounding property
 - b. The traffic that this zoning would create is not compatible with the traffic infrastructure in place
 - c. The rezoning is in violation of the master plan that Gorilla Capital relied upon when developing its project on Curtis Road
 - d. For the reasons stated in paragraphs numbered 1, 2 and 3 above, the applicant for this project failed to provide proper notice to adjacent land owners, and a financial conflict of interest of the El Paso County employee that approved the notification parameters was not disclosed.

Please let me know when the public hearing on this project will be held as I want to raise these issues at the public hearing.

Sincerely,
John

JOHN HELMICK
CEO



O 541.393.9043
C 541.914.4444
F 541.610.1922

1342 high street | eugene, oregon 97401
gorillacapital.com

Ryan Howser

From: jim heukels <booksmedianmore@yahoo.com>
Sent: Friday, July 22, 2022 11:22 AM
To: Ryan Howser
Subject: Concrete plant rezoning

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We live in a residential/agricultural area only, no need or want for heavy industry ever. That is why we live here in this area vs.in the big city. Do not allow greed to change the way of life that we love.

Jim Heukels

Heritage Estate Resident

[Sent from Yahoo Mail on Android](#)

Ryan Howser

From: hindman99@yahoo.com
Sent: Sunday, July 17, 2022 7:16 PM
To: Ryan Howser
Subject: Heavy Industrial Rezoning

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As residents near Curtis Rd, we strongly object to the proposal to redone the light industrial area to heavy industrial.

- 1) The current infrastructure (road and traffic controls) cannot support the increase of traffic. Additionally, any heavy equipment will tear up already degraded roads.
- 2) the water draw on currently already stressed aquifers will become detrimental to those who rely on those aquifers for their home water.
- 3) the level of pollution which a heavy industry will introduce into the atmosphere will create an unhealthy environment for those of us who want to enjoy the outdoors.

Both my husband and I suffer from degraded health, and the addition of other pollutants into our already compromised health will severely degrade our way of life.

We ask you to take into consideration that we are not the minority out here and to not approve this change. Please be the commissioner that we—the residents out here—need you to be.

Thank you.

Stan and Marlene Hindman 🍷🍷

Ryan Howser

From: dan@falconpersonalsecurity.com
Sent: Thursday, August 25, 2022 9:06 AM
To: Ryan Howser
Subject: RE: Meadow Lake rezone hearing

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Ryan,

Thank you for the information. Below is the email I sent to commissioner Geitner a couple of weeks ago. As you can tell, my wife and I (along with our neighbors) are roundly against the proposal.

First, a little history. A couple of years ago there was a plan to put a cement batch plant on the northeast corner of Stapleton and Judge Orr. That property is only $\frac{3}{4}$ mile north of my property (7880 Curtis Road, Falcon). The El Paso County Commissioners voted unanimously to disapprove the project.

Now, for current events. A couple of our neighbors received a letter announcing a meeting of contiguous neighbors about a 200+ acre area zoned I-2 (limited industrial) to discuss the requested zoning change to I-3 (heavy industrial). I-3 is listed as: "I-3, Heavy Industrial District. The I-3 zoning district is intended to accommodate manufacturing and industrial uses, which may include related outside storage of raw or finished materials." When I read this the first thought that came to mind, besides a cement batch plant, is the asphalt recycling plant in operation just northwest of Constitution and Markscheffel. The property for which they are applying to re-zone apexes at Curtis Road and Falcon Highway. Since I am a contiguous neighbor, I was curious to know why I was not copied on this letter, but that is another matter.

If this 200+ acre area is re-zoned to I-3 that leaves the possibility open for not only the once-disapproved cement batch plant, but other heavy industrial endeavors. Not only will all of my neighbors and I be impacted, but the brand-new development across Curtis Road which is under construction at this time. This new development is advertising \$1M+ homes. I have a hard time envisioning a development like this across the street from a heavy industrial complex. Additionally, adjoining this industrial complex to the west is a long-established housing development and an airport. Also, just cattycorner across Curtis Road and Falcon Highway from the property in question is the long-established housing development of South Fork.

The bottom line of this discussion is that re-zoning this area to I-3 certainly does not fit the area and more specifically, the neighborhood.

You are welcome to publish this letter and my name to those interested parties.

Regards,

Dan

Dan Lanotte
President and Chief Instructor
NRA Training Counselor
Falcon Personal Security
(719) 661-1318
<https://falconpersonalsecurity.com>

From: Ryan Howser <RyanHowser@elpasoco.com>
Sent: Wednesday, August 24, 2022 05:33 PM
To: dan@falconpersonalsecurity.com
Subject: Meadow Lake rezone hearing

Dan,

I have been informed by my Director that you would like to attend the Board of County Commissioners hearing regarding these cases and speak in opposition to these requests. El Paso County welcomes all public participation in our hearings and I will look forward to meeting you at the hearing. I am the planner and project manager that has been handling these cases with Planning and Community Development.

I would like to inform you that the County staff takes a neutral stance on these matters and in no way provides representation or support on behalf of the petitioners or opposition.

I do want to make sure you are informed if you are wishing to oppose this request. They are currently petitioning for three (3) concurrent rezone applications, of 31 acres to CS (Commercial Service), 51 acres to I-2 (Light Industrial), and 172 acres to I-3 (Heavy Industrial). A rezone request does not necessarily approve a specific type of use and the applicants in this instance have not indicated intent to construct any specific uses. There are some uses that may also require subsequent special use permit approval. The special use process is another public process and would also likely require hearings before the Planning Commission and Board of County Commissioners. That being said at this time we are only considering the zoning, and not specific uses.

I would recommend if you are curious and would like to be kept aware of the details regarding these rezone requests, please navigate to our website here for project information:

<https://epcdevplanreview.com/Public/ProjectDetails/174160>

<https://epcdevplanreview.com/Public/ProjectDetails/183178>

<https://epcdevplanreview.com/Public/ProjectDetails/174158>

You may reach out to me at any time during the review process with questions.

If you would like to submit formal opposition, please submit in writing to me (email is fine). If you would like to speak at the public hearings in opposition to the rezone request, please also let me know. I'm happy to help if you need any assistance in understanding the code and regulations. Opposition gets three (3) minutes to speak at the public hearings. If you have exhibits or a presentation you would like to present, let me know. We can accept PowerPoint presentations or hard copy exhibits can be displayed on our overhead projector.

Thanks and I am looking forward to hearing back from you. Your feedback is greatly appreciated.

Thanks,



Ryan Howser, AICP

Planner III
Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

719.520.6317 (Office)

<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <http://ecpdevplanreview.com>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to: https://library.municode.com/co/el_paso_county/codes/land_development_code

Ryan Howser

From: Jesse Powers <jp745li@gmail.com>
Sent: Monday, July 25, 2022 7:46 PM
To: Ryan Howser
Subject: Concrete plant in Falcon

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Ryan,

My name is Jesse Powers and I am getting ready to go under contract for a lot/house in the Saddlehorn Ranch housing development. Today It came to my attention that a proposed concrete batch plant is under consideration for basically across the road. My first question is why would it even be considered on agricultural land, and why that location? To my knowledge many housing developments are in the process of being approved to be built in that area. With the rapid growth of Colorado, and the Colorado Springs area in particular, that location for a cement factory is extremely concerning. Besides the obvious environmental concerns, the noise, smell, noxious fumes, and obvious sight of that plant will be a major deterrent for people wanting to live in that area. What will that do to the property values in the area? My main question right now is what is the status of this project? I will have to seriously consider backing out of this deal If there is a strong possibility of this getting approved. Saddlehorn ranch is a luxury community and I don't see how anyone would spend that type of money to live next to a massive cement operation. I don't know why this has to be built in the middle of an area that is primed for massive residential growth in the years to come. There has to be a better proposed location for this project. Any information you could give me regarding this project would be greatly appreciated.

Jesse Powers
jp745li@gmail.com
303-668-5253

Ryan Howser

From: Rob Fuller <rob@roipropertygroup.com>
Sent: Wednesday, June 8, 2022 8:00 AM
To: O'Neil, Kevin
Cc: Andrea Barlow; Ryan Howser; craig.dossey@ogcos.com
Subject: Rezoning of land across from Saddlehorn Ranch

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Dear Kevin,

I was recently made aware that you have submitted an application for rezoning your project east of Saddlehorn Ranch on North Curtis Road. Saddlehorn Ranch Homes, LLC has not received a copy of the application. I spoke with Andrea briefly about this, but I also wanted to have it known in writing that I did not receive a copy of the application that should have been sent to Saddlehorn Ranch Homes, LLC as your neighbor. I can't speak for all your neighbors, but I can confirm that I have been told that 5 of the adjacent neighbors to the property did not receive your notice. Can you please send me a copy of the application that was filed?

Can you please email me a copy of the rezone application? My understanding is that you are looking to do I3- heavy industrial. I don't think any I3 uses are compatible with the 218 homes that are going in across the street, nor any of the existing surrounding homes in that area. When you were requesting I2, we had hoped to provide you water, but we don't have an interest nor could we provide water for an I3- heavy industrial use. I hope you will reconsider your rezone to I3 and consider something more appropriate for the surroundings.

Best,

Rob Fuller
Chief Executive Officer
ROI Property Group, LLC
[Schedule an appointment with me](#)

[707.365.6891](tel:707.365.6891)
rob@roipropertygroup.com
roipropertygroup.com



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have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system and promptly destroy any copies made of this electronic message.

Ryan Howser

From: Debby Oberkramer-Stewart <debbylynn.stewart@hotmail.com>
Sent: Tuesday, July 19, 2022 11:17 AM
To: Ryan Howser
Subject: Rezoning for concrete plant

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We are opposed to rezoning near Judge Orr road and Stapleton road for heavy industrial use for a concrete plant. Traffic and road conditions are already bad in that section of Rt. 24 and a steady stream of heavy trucks will not improve them.

Ken Stewart & Debby Stewart
16275 E McCara CT.
Peyton, Colorado. 80841

Ryan Howser

From: Kevin Mastin
Sent: Friday, August 26, 2022 11:26 AM
To: Ryan Howser
Subject: Fwd: Meadowlake

Ryan,

Please add this email to the E-Darp record for the zoning change request near Meadowlake Airport.

Thank you,

Kevin Mastin
Executive Director
El Paso County Department of Public Works
3275 Akers Dr.
Colorado Springs, CO 80922
O) 719 520-6900
kevinmastin@elpasoco.com

From: Kenny Hodges <KennyHodges@elpasoco.com>
Sent: Friday, August 26, 2022 11:01:52 AM
To: Kevin Mastin <KevinMastin@elpasoco.com>
Subject: FW: Meadowlake

Hi Kevin:

This is a pending QJ matter – can you get this email to where it needs to go to become part of the record? Thanks!

From: Lori Seago <LoriSeago@elpasoco.com>
Sent: Friday, August 26, 2022 9:36 AM
To: Kenny Hodges <KennyHodges@elpasoco.com>
Subject: RE: Meadowlake

It is. It was just heard by the Planning Commission and will come to the BoCC soon.

Lori

From: Kenny Hodges <KennyHodges@elpasoco.com>
Sent: Friday, August 26, 2022 9:12 AM
To: Lori Seago <LoriSeago@elpasoco.com>
Subject: FW: Meadowlake

Hi Lori – do you know if this is pending?

From: Stan VanderWerf <StanVanderWerf@elpasoco.com>
Sent: Friday, August 26, 2022 9:08 AM

To: Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>

Subject: Fw: Meadowlake

Team,

I believe this will be a quasi judicial hearing for the Board? Please advise if so and forward accordingly so this may be placed into the record. If not, let me know so I can respond to Mr. Wagner.

CMR Stan

From: david.wagner@pcisys.net <david.wagner@pcisys.net>

Sent: Friday, August 26, 2022 8:48 AM

To: Stan VanderWerf <StanVanderWerf@elpasoco.com>

Subject: Meadowlake

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Hi Stan,

It is has been a long time since I saw you at the KCOS facility and even longer since your wedding.

Since I still fly out of Meadowlake and have owned a hanger there for over thirty years, I thought I would reach out to you to express our concern over the potential re-zoning of the south-east corner of the area adjoining the airport and Curtis Road. Since Meadowlake was designated a reliever for KCOSS by the state, the area under the traffic pattern should be maintained as a clear zone as delineated in C.R.S. 43-10-113. The proposed rezoning and creation of an Industrial Park in the area underneath the traffic patter would be in conflict with C.R.S. 43-10-113 and the "land areas defined in 14 CFR part 77" that refer to the protected airspace around the airport depicted on our FAA approved Airport Layout Plan.

I would urge you to vote against the proposed rezoning and the creation of the Industrial Park.

Our best to the family.

Regards,
david and cathy wagner

MAP AMENDMENT (REZONE) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. I-22-002

Meadow Lake Industrial Park (I-3)

WHEREAS, Meadowlake Development, 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 PUD (Planned Unit Development) zoning district to the I-3 (Heavy Industrial) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 18, 2022; 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 was 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 were heard at that hearing.
4. 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.
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 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 Meadowlake Development, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the I-3 (Heavy Industrial) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commission recommends 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 density and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code, except as otherwise limited in the applicant's letter of intent.

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 Board of County Commissioners for its consideration.

Commissioner Schuettpelz 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 Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Patterson	aye
Commissioner Schuettpelz	aye
Commissioner Merriam	nay

The Resolution was adopted by a vote of 7 to 1 by the El Paso County Planning Commission, State of Colorado.

August 18, 2022

Brian Risley, Chair

EXHIBIT A

A tract of land in the East Half of Section 9, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 89°32'02" W 1435.15 feet from the Southeast Corner of the Southeast Quarter of said Section 9; thence
S 89°32'02" W 156.63 feet along the South Line of the Southeast Quarter of said Section 9;
thence
N 32°39'44" W 373.95 feet; thence
N 20°07'48" W 2441.45 feet to the West Line of the East Half of said Section 9; thence
N 00°10'35" E 1856.84 feet along the West Line of the East Half of said Section 9; thence
N 82°12'06" E 2055.81 feet; thence
S 00°29'28" W 4082.29 feet; thence
S 89°04'41" W 811.16 feet; thence
S 00°11'42" E 646.45 feet to the point of beginning, containing 172.4 acres.

RESOLUTION NO. 22-

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

**APPROVAL OF THE MEADOW LAKE INDUSTRIAL PARK (I-3) MAP
AMENDMENT (REZONING) (I-22-002).**

WHEREAS Meadowlake Development, 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 PUD (Planned Unit Development) zoning district to the I-3 (Heavy Industrial) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 18, 2022, 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 September 6, 2022; 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 Meadowlake Development, 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 PUD (Planned Unit Development) zoning district to the I-3 (Heavy Industrial) zoning district ;

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

CONDITIONS OF APPROVAL

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 density and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code, except as otherwise limited in the applicant's letter of intent.

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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 6th day of September, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A tract of land in the East Half of Section 9, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 89°32'02" W 1435.15 feet from the Southeast Corner of the Southeast Quarter of said Section 9; thence
S 89°32'02" W 156.63 feet along the South Line of the Southeast Quarter of said Section 9; thence
N 32°39'44" W 373.95 feet; thence
N 20°07'48" W 2441.45 feet to the West Line of the East Half of said Section 9; thence
N 00°10'35" E 1856.84 feet along the West Line of the East Half of said Section 9; thence
N 82°12'06" E 2055.81 feet; thence
S 00°29'28" W 4082.29 feet; thence
S 89°04'41" W 811.16 feet; thence
S 00°11'42" E 646.45 feet to the point of beginning, containing 172.4 acres.