

# EL PASO COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission  
 Jim Egbert, Chair**

**FROM: Gabe Sevigny, Planner II  
 Beck Grimm, EI Engineer I  
 Craig Dossey, Executive Director**

**RE: Project File #: P-18-004  
 Project Name: Hunsinger Rezone  
 Parcel No.: 62280-04-012**

OWNER:	REPRESENTATIVE:
Hunsinger Development Corporation 4406 College Park Court Colorado Springs, CO 80918	Terra Nova Engineering, INC 721 S 23 <sup>rd</sup> Street Colorado Springs, CO 80904

**Commissioner District: 1**

Planning Commission Hearing Date:	12/18/2018
Board of County Commissioners Hearing Date	1/8/2019

**EXECUTIVE SUMMARY**

A request by the Hunsinger Development Corporation for approval of a map amendment (rezoning) from RR-5 (Rural Residential) to RR-2.5 (Rural Residential). The 8.61 acre parcel is located approximately 0.4 miles east of the Voyager Parkway and Old Ranch Road intersection and is within Section 28, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado.



This application is being reviewed concurrent with a vacation and replat (VR-18-014) to create two (2) additional residential lots. The proposed RR-2.5 (Rural Residential) zoning will be compatible with the adjacent zoning to the east.

**A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by the Hunsinger Development Corporation for approval of a map amendment (rezoning) from RR-5 (Rural Residential) to RR-2.5 (Rural Residential).

**Waiver(s):** No waivers are requested with this application

**Authorization to Sign:** There are no items requiring signature associated with this request.

**B. PLANNING COMMISSION SUMMARY**

- Request Heard:**
- Recommendation:**
- Waiver Recommendation:**
- Vote:**
- Vote Rationale:**
- Summary of Hearing:**
- Legal Notice:**

**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 (2018):

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

**D. LOCATION**

North:	RR-2.5 (Residential Rural)	Residential
South:	RR-2.5 (Residential Rural)	Vacant
East:	RR-2.5 (Residential Rural)	Vacant
West:	City of Colorado Springs	Residential

**E. BACKGROUND**

The property was zoned A-5 (Rural) on January 4, 1955, when zoning was initially established for this area of the County. Due to changes of the nomenclature of the El Paso County Land Development Code (2018), the A-5 (Rural) zoning district has been renamed as the RR-5 (Residential Rural) zoning district. The parcel was created by the recorded plat Amended Filing of Spring Crest on September 21, 1963. The current single family dwelling was constructed on the property in 1914.

The applicant is concurrently applying for a vacation and replat (VR-18-014) that proposes to plat a total of (3) lots. There are two waiver requests associated with that application.

The first requested waiver is from Section 8.4.8(E)(2)(d)(iii) of the El Paso County Land Development Code (2018), which requires any new subdivision within 400 feet of a public sewer line to connect to said sewer or request a waiver. The applicant has requested the waiver and has a recommendation of approval from El Paso County Public Health due to the applicant not meeting the requirements of Colorado Springs Utilities. The requirement of Colorado Springs Utilities to connect to a public sewer is that the parcel must also be included within the Colorado Springs Utilities electric service coverage area. This parcel is not within that coverage area, but instead is within the Mountain View Electric Association coverage area.

The other waiver requested is from Section 8.4.3(A)(1) of the Code, that requires each division of land to have a minimum of 60 feet frontage on a public road. One of the proposed lots does not have frontage along a public road and is proposing access via a private easement.

**F. ANALYSIS**

**1. Land Development Code Compliance**

The rezone request complies with Section 5.3.5.B of the Code. This application meets the rezone (map amendment) submittal requirements and the standards for a rezone (map amendment) in Chapter 5 of the Code.

## 2. Zoning Compliance

The applicant is requesting approval to rezone the subject property to the RR-2.5 (Rural Residential) zoning district. The RR-2.5 zoning district is a maximum of one (1) dwelling unit per 2.5 acres. The RR-2.5 zoning district density and dimensional standards are as follows:

- Minimum lot size – 2.5 acres
- Setbacks – 25 feet front and rear, 15 feet side
- Maximum lot coverage – none
- Maximum building height – 30 feet

The attached zoning map indicates a structure that will meet the setbacks of the RR-2.5 zoning district. Any future development will require site plans to verify the above standards are met

## 3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

***Policy 6.1.1-** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.*

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

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

The applicant is proposing to rezone the subject property to the RR-2.5 zoning district, which would be compatible with adjacent properties. The adjacent properties are zoned RR-2.5 to the north, south, and east. The property to the west is located within the City of Colorado Springs. The application to rezone is within the policies listed above.

Approval of the proposed zoning is required in order to allow for the concurrently reviewed vacation and replat to create two (2) additional lots. Staff has no concerns regarding the map amendment (rezone) request.

**4. Small Area Plan Analysis**

The subject parcel is not within the boundaries of a small area plan.

**5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, and the U.S. Fish and Wildlife Service (USFWS) were each sent a referral, no comments were provided that would preclude development.

The Master Plan for Mineral Extraction (1996) identifies potential Columbine Gravely Sandy Loam and Stapleton-Bernal Complex deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, no severed mineral rights exist

**G. PHYSICAL SITE CHARACTERISTICS**

**1. Hazards**

No hazards were identified with the previously approved final plat, and no hazards were found with the submittal of the vacation and replat proposal that would preclude development.

**2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral, no comments were identified that would preclude development.

**3. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0506F shows that a majority of the site lies within Zone X, an area determined to be outside the 500-year floodplain. The southwest corner of the site lies within Zone AE, an area determined to be within the 100-year floodplain.

#### **4. Drainage and Erosion**

The site is located within the Kettle Creek drainage basin. Although the Kettle Creek drainage basin is a fee basin, no drainage or bridge fees will be required for this map amendment (rezone) since there is no platting action. Drainage and bridge fees will apply to the concurrent vacation and replat application. A drainage report was not required with this rezone; however, a drainage report has been submitted with the concurrent vacation and replat application. No public improvements are required with this map amendment (rezone) request or the concurrent vacation and replat application.

#### **5. Transportation**

The site is accessed off of Otero Avenue. A traffic memorandum/study was not required with this rezone since the anticipated traffic volumes from the rezone are not expected to generate 100 or more average daily trips. No public roadway improvements will be required with this rezone request. Right-of-way dedication will be required with the concurrent vacation and replat application.

### **H. SERVICES**

#### **1. Water**

Sufficiency: Not required for a rezone application.

Quality:

Quantity:

Dependability:

Attorney's summary: Findings with regards to water sufficiency are not required with rezoning requests. A finding of sufficiency is required for the concurrent application for a vacation and replat.

#### **2. Sanitation**

Wastewater service will be provided via individual onsite wastewater treatment systems (OWTS). El Paso County Public Health was sent a referral and supports the applicant's waiver request as outlined above in this report.

#### **3. Emergency Services**

The site is located within the boundaries of the Donald Westcott Fire Protection District. The District was sent a referral and has no outstanding comments.

#### **4. Utilities**

Colorado Springs Utilities will provide natural gas service and Mountain View Electric Association will provide electrical service to the property.

**5. Metropolitan Districts**

The property is not located within a metropolitan district.

**6. Parks/Trails**

Payment of park fees in lieu of park land dedication is not required for a map amendment (rezone) application. The concurrent vacation and replat will require park fees that will be required prior to any recording of a final plat.

**7. Schools**

Land dedication and/or fees in lieu of school land dedication are not required for a rezone (map amendment) application. The concurrent vacation and replat will require school fees that will be required prior to any recording of a final plat.

**I. APPLICABLE RESOLUTIONS**

Approval           Page 27

Disapproval       Page 28

**J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

**K. CONDITIONS AND NOTATION**

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 (2018), staff recommends the following conditions and notation.

**CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Rural Residential) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

## **NOTATION**

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

## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on November 28, 2018, for the Planning Commission meeting. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Map Amendment (Rezone) Map

# El Paso County Parcel Information

File Name: P-18-004

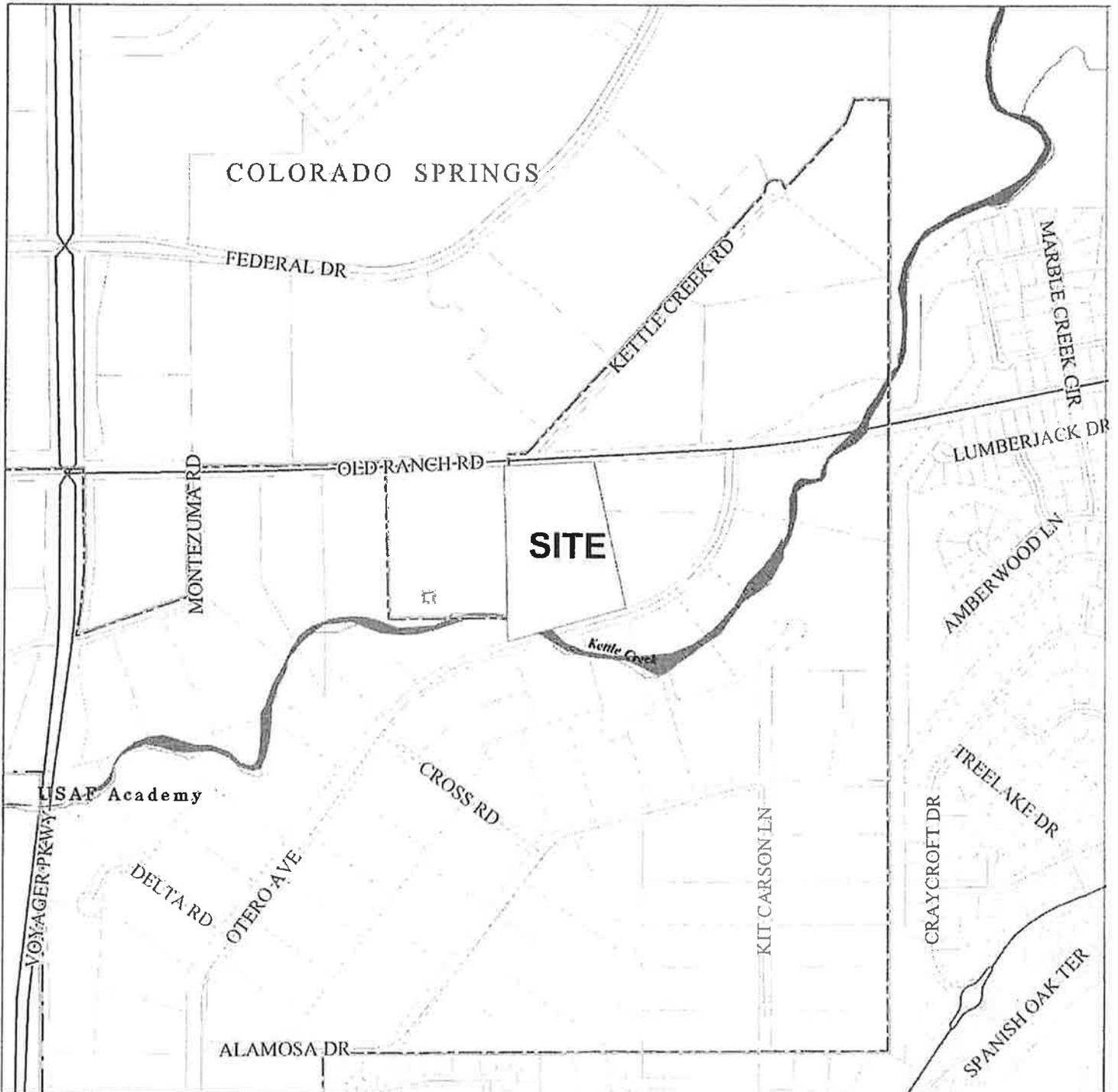
PARCEL	NAME
6228004012	HUNSINGER DEVELOPMENT CORPORATION

Zone Map No.: -

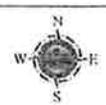
ADDRESS	CITY	STATE
4406 COLLEGE PARK CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80918	7842

Date: November 14, 2018



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1625 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



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## Hunsinger Subdivision

### Letter of Intent (Rezoning)

October 2018

**1. OWNERS/DEVELOPERS:** Hunsinger Development Corporation (Attn: Steve Hunsinger)  
10140 Otero Avenue  
Colorado Springs, CO 80920

**Planner:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80904  
(719) 635-6422

**Engineer:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80903  
(719) 635-6422

**2. SITE LOCATION:** The Hunsinger Subdivision is located on the southwest corner of the intersection of Otero Avenue and Old Ranch Road.

**3. INTRODUCTION:** The Hunsinger Development Corporation is working to subdivide three existing lots into five residential lots. One existing lot is currently in use as a residence, which will remain a residence as one of the proposed lots.

**PROPOSAL:** The application covered by this Letter of Intent include a zone change for 8.3 acres from the RR-5 Zone to the RR-2.5 Zone.

**THE PLAN:** The existing Lot 10 will be rezoned from RR-5 to RR-2.5 to allow for the subdivision of three existing lots (separate application).

**4. EXISTING AND PROPOSED FACILITIES:** There is an existing residence and associated out building on the lot. No changes to the existing structures and no proposed facilities are included in this application. The setbacks for the proposed zoning are less than or equal to the setbacks for the existing zoning. The largest setback (for existing and proposed zoning) is 25 feet, and none of the existing structures are within 25 feet of the property boundaries. No significant traffic impacts are anticipated from this rezoning.

**5. WAIVER REQUESTS:**

- A waiver is requested related to the Land Development Code Section 8.4.8(2)(d)(iii) for the requirement of a municipal sewer line connection for lots within 400 feet of a municipal sewer line. This waiver will apply to the existing residence on the site at 10140 Otero Ave (TSN 6228004012). The justification for this waiver is the Colorado Springs Utilities letter, dated April 5, 2018, stating that the connection requirement is not applicable. An excerpt from the CSU letter reads:

*“Currently, the three subject properties are ineligible to connect because they’re located outside Colorado Springs city limits and Springs Utilities’ Electric Service Territory.*

*City Code, Sections 12.5.401 and 7.6.204.C specifies connection requirements for properties located within 400 feet of an existing wastewater collection line, and stipulates water and wastewater services may not be extended into areas not presently within our Electric Service Territory, respectively; therefore, the connection requirement is not applicable, and the properties would need to be incorporated into our Electric Service Territory in order to receive City water and/or wastewater service.”*

**6. PURPOSE AND NEED:** The purpose of this rezoning is to allow for the future subdivision of three lots that includes Lot 10. The need is that the lots can’t be subdivided as planned with the current zoning of Lot 10.

**7. ACRES:** 8.3 ac

**8. NUMBER OF RESIDENCES AND DENSITY:** There is one existing residence and associated out building on the lot. No additional residences are included in this application. The proposed density is one residence per 2.5+ acres.

**9. NUMBER OF INDUSTRIAL OR COMMERCIAL SITES PROPOSED:** Zero.

**10. APPROXIMATE FLOOR AREA RATIO OF INDUSTRIAL AND/OR COMMERCIAL USES:** N/A

**11. NUMBER OF MOBILE HOME UNITS AND DENSITY:** Zero.

**12. TYPICAL LOT SIZES:** The existing Lot 10 is roughly 764’x487’. No changes to the lot size are included in this application.

**13. TYPE OF PROPOSED RECREATIONAL FACILITY:** N/A

**14. PHASED CONSTRUCTION:** N/A

**15. ANTICIPATED SCHEDULE OF DEVELOPMENT:** N/A

**16. HOW WATER AND SEWER WILL BE PROVIDED:** Existing residence has an existing private water well and onsite septic system. A waiver request for connecting to a municipal sewer line is included in item 5 above.

**17. PROPOSED USES:** Rural Residential.

**18. AREAS OF REQUIRED LANDSCAPING:** None.

**19. PROPOSED ACCESS LOCATIONS:** The existing residence has an existing driveway. No additional access is proposed as part of this application.

**20. OPEN SPACE ACRES AND PERCENT:** Zero.

**21. CRITERIA FOR APPROVAL**

- This rezoning is in general conformance with the El Paso County Master Plan. Nearly all of the parcels surrounding Lot 10 are currently zoned RR-2.5 (one parcel is zoned A [City]; therefore, this zone change will result in zoning the same as others in the vicinity and will conform to the intended use of land in this area and the El Paso County Master Plan.
- This rezoning is in compliance with all applicable statutory provisions.
- This proposed land use is compatible with the existing and permitted land uses in all directions. Nearly all of the parcels surrounding Lot 10 are currently zoned RR-2.5 (one parcel is zoned A [City]; therefore, this zone change will result in zoning the same as others in the vicinity and will conform to the intended use of land in this area and the El Paso County Master Plan.
- This site is suitable for the intended use. The site is currently in use as rural residential and the proposed use is rural residential.

April 5, 2018

Mr. Steve Hunsinger  
Olive Real Estate Group, Inc.  
102 N Cascade Ave, Suite 250  
Colorado Springs, CO 80903

RE: Onsite Wastewater Treatment Systems  
10140 Otero Ave, Tax Schedule Number (TSN) 6228004012  
10150 Otero Ave, TSN 6228004011  
10240 Otero Ave, TSN 6228004010

Dear Mr. Hunsinger:

Colorado Springs Utilities (Springs Utilities) has reviewed the proposed redevelopment of your properties at 10140, 10150 and 10240 Otero Avenue, which would include replatting and rezoning three existing lots into five, smaller residential lots. According to your description, these lots will have onsite water and wastewater systems; however, prior to issuing Onsite Wastewater Treatment Permits (OWTS), El Paso County Health is requesting confirmation from Springs Utilities that the lots will not be required to connect to City wastewater due to their proximity to existing public wastewater mains. Our findings and subsequent position are outlined below.

There's an existing wastewater main located in Otero Avenue that fronts all of 10140 Otero Avenue – a portion traverses the southwest corner of the lot – has partial frontage along 10150 Otero Avenue's property line and is situated approximately 245 feet south of 10240 Otero Avenue's southern lot line. Currently, the three subject properties are ineligible to connect because they're located outside Colorado Springs city limits and Springs Utilities' Electric Service Territory.

City Code, Sections 12.5.401 and 7.6.204.C specifies connection requirements for properties located within 400 feet of an existing wastewater collection line, and stipulates water and wastewater services may not be extended into areas not presently within our Electric Service Territory, respectively; therefore, the connection requirement is not applicable, and the properties would need to be incorporated into our Electric Service Territory in order to receive City water and/or wastewater service. Incorporating properties into the Electric Service Territory generally involves annexation into the City.

In conclusion and based on these circumstances, connection to Springs Utilities' Wastewater Collection System is not required, and Springs Utilities has no objection to El Paso County Health issuing revocable OWTS permits for these properties in their current state or following completion of proposed redevelopment activities.

Please contact me at 719-668-8119 or via e-mail at [benglish@csu.org](mailto:benglish@csu.org), if you have any questions, concerns or would like to further discuss the situation.

Sincerely,

A handwritten signature in black ink that reads "Bryan T. English". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Bryan T. English, PMP  
Development Projects Manager  
Colorado Springs Utilities

Enclosure (1): Colorado Springs City Code, Section 7.6.204 and 12.5.401

**7.6.204: RIGHTS OF CITY:**

- A. This part shall not be construed to create any rights or cause of action in any person or land, whether or not the same is eligible for annexation, to demand or receive water or wastewater or other municipal service. The City has never previously and does not now assert exclusive control over the right to serve areas outside the corporate limits of the City with water and wastewater. Areas and activities outside the corporate limits of the City are free to obtain water and wastewater services from any other sources.
- B. The right of the City Council to restrict and regulate the use of City water within or outside the City limits shall not be abridged by anything contained in this section. The City Council hereby declares the policy of the City to be that water belonging to the City is in no way allocated to a particular parcel of land until such land is developed and water applied to actual use upon such land. Nothing in this section shall be construed to confer upon undeveloped land within the City limits, as such City limits exist at the time of adoption of this section or as such City limits may be hereinafter altered by annexation or disconnection, any right to the preservation of existing water rights or quantities of water for the sole and exclusive use of such land.
- C. In the interest of the citizens of the City, City Council will not extend water or wastewater service into any area which is not presently included within the Utilities electric service area. An exception to this policy may be made if the area requesting service can be annexed to the City at the time of utility extension and included in the electric service area upon such annexation or for special contract service for water or wastewater services outside the City. (Ord. 96-44; Ord. 01-42; Ord. 10-75)

**12.5.401: CONNECTION REQUIRED:**

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a collection line of the City, is hereby required at the owner's expense to install suitable wastewater facilities therein, and to connect the facilities directly with the proper collection line in accord with the provisions of this article within ninety (90) days after official notice to do so, provided that the collection line is within four hundred feet (400') (122 m) of the property line. Under unusual circumstances such as unique topographical characteristics, the Executive Director, with El Paso County Department of Health and Environment approval, may waive the connection requirement herein stipulated. (Ord. 98-173; Ord. 99-162; Ord. 01-42)



# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman

December 10, 2018

Yarbrough Minor Subdivision  
MS-18-001 – Final Plat

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

### FINDINGS AND CONCLUSIONS:

1. This is a proposal by Richard and Amy Yarbrough ("Applicant"), to plat a 1.72-acre parcel of land into one single legal plat pursuant to the El Paso County Land Development Code to enable the property to be utilized for a single-family dwelling. The property is zoned RR-0.5 (Residential Rural).
2. The Applicant has provided for the source of water for the project to derive from the Forest View Acres Water District ("District"). Pursuant to an updated Water Supply Information Summary submitted with the proposal, the Applicant estimates its annual water needs for a single-family dwelling at 0.28 acre-feet per year. Based on these figures, the Applicant must be able to provide a supply of 84 acre-feet of water (0.28 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.
3. In a letter dated August 28, 2017, the District Manager stated that "Forest View Acres Water District (FVAWD) commits to providing water for one detached single family dwelling to be located on the property referenced by El Paso County Schedule #7109000053 per this letter" [Yarbrough parcel]. The District Manager further noted that "[a]ssuming a 0.28 acre-foot per SFE per year water demand, the proposed property will require approximately 0.28 acre-feet per year of water." And further, "Forest View Acres Water District has adequate water supply to provide this service." The Applicant provided a *Forest View Acres Water District Water Resource Report* dated March 2017 which described the water rights owned by the District. The report noted that the District "legally owns 3,185 acre feet of water per year. The water rights include surface water rights in the Monument Ditch, tributary water in the Nevins Well Nos. 2 and 4, and non-tributary water in the Denver, Arapahoe and Laramie-Fox Hills Aquifers. As of the date of the report, there were 358 single-family equivalents in the District, requiring a water

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487