

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
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Board of County Commissioners
 Holly Williams, District 1
 Carrie Geitner, District 2
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 Cami Bremer, District 5

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Matthew Fitzsimmons, AICP Senior Planner
Jeff Rice, Senior Engineer
Kevin Mastin, Interim Executive Director

RE: Project File #: P-22-017
Project Name: County Initiated Rezone

Parcel Nos.: 5312100011; 5312100013; 5312110004; 5312110007;
5312112006; 5312400013; 5312400016; 5312407001; 5312110010

OWNERS:	REPRESENTATIVE:
<ol style="list-style-type: none"> 1. 5312100011 – 1.41 acres Old Meridian Road FKJ Properties LLC 5165 GRANBY CIR COLORADO SPRINGS CO, 80919 2. 5312100013 – 8.68 acres Cygenet Land LLC Meridian Road 630 Southpointe Ct. Colorado Springs CO, 80906 3. 5312110004 – 43,500 sf Laron A. Bartlett 7060 N. Meridian Road Peyton CO, 80831 	El Paso County Planning and Community Development 2880 International Circle Colorado Springs, CO. 80910 

<p>4. 5312110007 – 15,075 sf McLaughlin Road Brian Ullom 3910 Cooke Drive Colorado Springs, CO 80911</p> <p>5. 5312112006 – 1.47 acres 7060 Old Meridian Road. Sedlak Family Trust 7060 Old Meridian Road Peyton CO, 80831</p> <p>6. 5312400013 – 2.2 acres E Highway 24 Falcon Highlands Metro District 111 S. Tejon St. Suite 705 Colorado Springs, CO 80903</p> <p>7. 5312400016 – 14,863 sf Meridian Road Falcon Highlands Metro District 111 S. Tejon St. Suite 705 Colorado Springs, CO 80903</p> <p>8. 5312407001 – 5.42 acres 7020 Old Meridian Road Farmers State Bank of Calhan 1500 8th Street Calhan, CO 80808</p> <p>9. 5312110010 7110 Old Meridian Road Bare Enterprises LTD 8150 Blue Bill Drive Peyton CO, 80831</p>	
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Commissioner District: 2



Planning Commission Hearing Date:	9/15/2022
Board of County Commissioners Hearing Date:	10/4/2022

EXECUTIVE SUMMARY

A request by El Paso County Planning and Community Development for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RR-5 (Residential Rural). The 9 properties combined constitute 24.31 acres of land and are located at the northwest corner of the intersection of Highway 24 and Old Meridian Road, approximately one-quarter of a mile south of East Woodman Road and within Section 12, Township 13 South, Range 65 West of the 6th P.M.

The Board of County Commissioners approved the last PUD amendment for the Shoppes at Falcon (AKA: Falcon Highlands Commercial Site - PCD File No. PUD-07-017) on July 10, 2008, which included 24.31 acres of property and authorized the following land uses:

- 20.90 acres of commercial land
- 2.56 acres of open space
- 1.36 acres of Right of Way.

The Shoppes at Falcon PUD application was approved with conditions. County Staff has found that the following conditions, documented on the resolution, have not been met and therefore invalidate the PUD approval:

#3 – Dev. Of the property shall be in accordance with this PUD Development plan and development guidelines. All subsequent land use applications, including the required site development plans, shall be consistent with this PUD development plan and guidelines.

- The home improvement center was not developed as planned. Instead, a civic use of a fire department and supporting facilities was implemented in that area. The supporting acres of parking are now no longer needed for this commercial use and therefore will not follow the PUD plan.

#8 - The applicant/developer and or property owners shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including Woodmen Road, Meridian Road, McLaughlin Road, Old Meridian Road, and



U.S. Highway 24. Participation shall be through construction of specified improvements, inclusion in the Woodmen Road District, and contribution to the Falcon Small Area Traffic Study Fund at or prior to the Final Plat recordation.

- These upgrades have not been implemented and the County has constructed a roundabout at its own expense to improve traffic circulation and safety.

#9 - The developer's design and financial responsibilities regarding offsite county road improvements with the first final plat shall be as follows:

- a. Widen and improve Old Meridian Road to non-residential collector standards between US highway 24 and McLaughlin Road.
- b. Reconstruct the McLaughlin Road/Old Meridian Road intersection as a single-lane modern roundabout.
- c. Widen and improve the southwest half of Old Meridian Road to non-essential collector standards between Meridian Road and McLaughlin Road.

- None of these upgrades have been implemented since the approval of this project in 2008, approximately fourteen years ago.

#10 – Additional design and financial responsibilities regarding offsite county road improvements, if not completed or guaranteed by others prior to recordation of the Final Plat for this development shall be as follows:

- a. Widen and improve McLaughlin Rd.
- b. Widen and improve the NE half of Old Meridian Rd.,
- c. Construct a southbound left-turn lane into the existing median at the Woodmen Road/Meridian Rd intersection.

- These improvements were never constructed.

#11 - CDOT required improvements to US HW 24 and Meridian Rd intersection shall be constructed.

- These improvements were never constructed.

Pursuant to C.R.S §30-28-116, the Board may amend the number, shape, boundaries, or area of any [zoning] district. Pursuant to Section 5.3.5.E, County Initiated Zoning, of the Land Development Code, the County “may initiate the rezoning of any property within the unincorporated area of the County”.

Justification in support of rezoning properties from the Shoppes at Falcon (AKA Falcon Highlands Commercial Site) includes:

1. Failure to comply with conditions of approval.
2. Sales of property to new owners that no longer wish to participate in the PUD.
3. Construction of infrastructure or establishment of uses, if any, that are incompatible with the approved PUD.
4. Once approved, the development would be allowed without the encumbrances of the current PUD.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by El Paso County Planning and Community Development for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RR-5 (Residential Rural).

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this 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 Sept. 15th, 2022, Planning Commission.
- **Recommendation:** Approval based on recommended conditions and notations.
- **Waiver Recommendation:** N/A
- **Vote:** 8 – 0
- **Vote Rationale:** N/A
- **Summary of Hearing:** The PC Draft Minutes are attached.
- **Legal Notice:** Advertised in *The El Paso County Advertiser and News* on Sept. 15th, 2022.

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. In changing this PUD zone back to the original RR-5 zone, this request is in general conformance with the El Paso County Master Plan. It is projected that all future developments in the area will need to change the zone again as a part of the application process due to the limited commercial uses in the RR-5

zone. The Master Plan has identified this area as one that is likely to be annexed, an area of transition, and a Regional Center. These designations and the location on major regional transportation corridors will necessitate the changing of the zones for future development unless the use is residential in nature (such as Property #5 - 7060 Old Meridian Road.).

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 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: CR (Commercial Regional) Commercial Retail
- South: C-2 (Commercial) Commercial
- East: CC (Commercial Community) Commercial
- West: PUD (Planned Unit Development) Vacant

E. BACKGROUND

The subject property consists of nine (9) platted lots (24.72 acres) that the County is seeking to revert back to the original RR-5 zoning. The most recent application that impacted the site area (PUD-07-017), was a PUD amendment to increase the size of the already existing and amended Shoppes at Falcon commercial development in Falcon Highland PUD (PUD-00-012). This 2007 application added 12.15 acres to the existing Falcon Highland PUD with most of that area being designated as commercial.

The peninsula of land directly adjacent to Highway 24 and west of Meridian Road was assigned as “PUD open space” due to the size, shape, and the fact that it was in a 100-year floodway. Once this amendment was approved, the total area of the PUD commercial area was 20.90 acres. The commercial area was encapsulated by Meridian Rd, Old Meridian Rd, and Highway 24.

One small (14,500 sf) remnant property, 7090 Old Meridian Road, currently Bartlett Hay sales and storage, remained as RR-5 and remains that zone today. That location, which is not included in the sketch plan, obtained a use variance and multiple renewals of the variance throughout the years to continue the hay sales. The latest variance was granted on March 26th, 2013 and is valid for 10 years (VA12008).



There were three previous sketch plan approvals for the property (SKP-04-004, SKP-05-002 and SKP-07-006). The 2007 amendment included more commercial area, including the 12.15 acres of residentially-zoned (RR-5) land located on the corner of Highway 24 and Meridian Road. There were three previous PUD approvals (PUD-00-012, PUD-04-021 and PUD-07-017); one for the original zoning in 2000, and two applications that amended the plans in 2004 and 2007. After the approval of the last amendment, a Lowe's home improvement center (PPR-08-017) was proposed at the northwest corner of HW 24 and Meridian Road, but that plan did not materialize, and a fire department with an additional civic building was constructed on the site.

There are other applications that were processed with this PUD development plan amendment: a preliminary subdivision (SP-07-023), a final plat, which was never recorded (SF-07-025), and a site development plan (PPR-08-017).

Over the last couple of years, the County initiated efforts to have the property owners rezone the PUD, since the PUD was not able to be fully implemented. Dan Kupferer, from Land Development Consultants, Inc. (LDC), met individually with each of the property owners in April of 2020 to better understand what they wanted and would agree to regarding their property. The bulleted text below outlines his efforts to unite the owners to rezone the area to a commercial zone. Unfortunately, because of various setbacks that are outlined below by LDC, this effort was abandoned, and subsequently the County decided that it would be best for the property owners and the County if the zone change was initiated by El Paso County and converted back to the original zone - RR-5. The following bullet points were provided by LDC to recount the efforts previously taken to rezone these parcels:

- Date: 4/8/2020 - The County created EDARP Project showing "LDC" as applicant
- Date: 4/14/2020 - An email correspondence between PJ Anderson, Kari Parsons, and Dan Kupferer (LDC) was sent that discussed the nuances of working with all 8 property owners to accomplish a rezone of the Shoppes at Falcon PUD to a CR zone.
- The next several months LDC attempted to put together a plan and zone that all of the owners could agree to.
- One sticking point, between the different landowners, was how costs would be divided., e.g. prorated based on property size or divided equally between owners.
- LDC's findings regarding the opinions of the property owners:
 - The Sedlak family owned the property adjacent to the Fire District property. Harry Sedlak died in 2021 and his wife died not too

much later. LDC has not made any contact with the heirs about the rezone

- The Bartletts own the property at Chicago and Old Meridian Road and would participate in a rezone when the cost allocation is decided.
- Bear Beans (a coffee kiosk) is the owner of the property north of Bartletts at the Traffic Circle and would like to rezone to CS.
- Ulloms owns the property west of Bare Beans. LDC has not had much contact with them, but they have reason to believe they favor a commercial rezone.
- Frank Moore owns property to the north of the current Traffic Circle and has expressed that he would like to rezone to CS.
- Cygnet owns most of the rest of the property and probably has the most obstacles, such as an IGA and utilities commitments.

F. ZONING ANALYSIS

1. Land Development Code Analysis

The applicant (El Paso County) is proposing to rezone the property from PUD (Planned Unit Development) to RR-5 (Residential Rural). Section 3.2 of the Code states the following as the intent of the RR-5 zoning district:

“RR-5, Residential Rural District. The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development.”

The County intends to remove the PUD zone and reestablish the RR-5 zone to allow the new and current property owners to be unencumbered by the PUD agreement. Most redevelopment uses will require an additional zone change from RR-5 to a commercial zone (CC – Commercial Community, CR – Commercial Regional, or CS – Commercial Service) that would allow new commercial uses.

2. Zoning Compliance

The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: None
- Maximum height: 30 feet

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

With a zone change to RR-5, future applicants will be able to assemble different properties and apply for the appropriate entitlements without working in concert with the other property owners and fulfilling the conditions of the PUD. As always, all applications will be reviewed to ensure that the proposed projects will comply with the General Development Standards of the Code and the Engineering Criteria Manual requirements.

G.MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Regional Center

Placetype Character:

The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses. This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-work-play environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments.

This placetype includes large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers. Multifamily apartments provide commercial businesses direct access to potential customers.

Regional Centers are major commercial destinations for residents and are easily accessible from major transportation routes throughout the County. Regional Centers in El Paso County are surrounded by Urban Residential, Suburban Residential, and Employment Center placetypes. In addition, Regional Centers can also be extensions of commercial areas within incorporated municipalities such as the Gleneagle area.

Recommended Land Uses:

Primary

- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment
- Multifamily Residential

Supporting

- Office
- Institutional
- Mixed Use
- Single-family Attached Residential

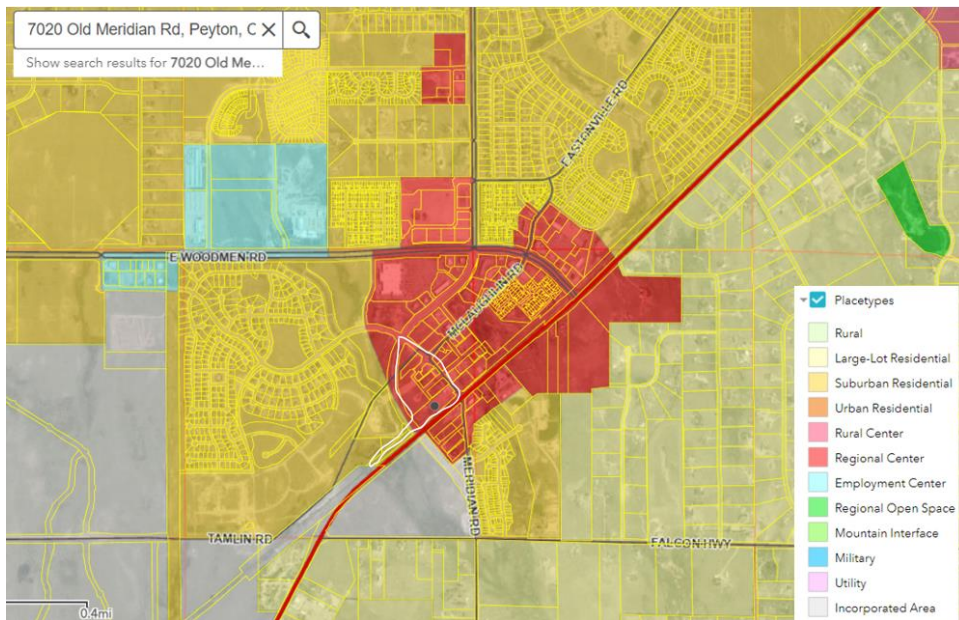


Figure G.1: Placetype Map

Analysis:

The property is located within the Regional Center placetype which comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. By allowing the zone to revert back to the original RR-5 zone, the individual parcels will be able to act independently and redevelop with fewer conditions and regulations than the current PUD agreement dictates. The RR-5 zone will need to be changed again as part of any new commercial development in this area.

These following principles, goals, and objectives will support the proposed zone change:

- Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.
- Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”
- Objective ED1-1: Identify barriers to mixed-use, including zoning, development, and subdivision provisions that prohibit such development.
- Objective ED3-1: Continue promoting commercial development to serve increasing residential neighborhoods in the Falcon area.
- Objective ED3-5: Prioritize commercial development within or near rural communities and within the Rural Center place-type to limit barriers to shopping districts and employment centers.
- Goal 3.3 - Encourage the development of commercial districts in underserved areas.

b. Area of Change Designation: Transition

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



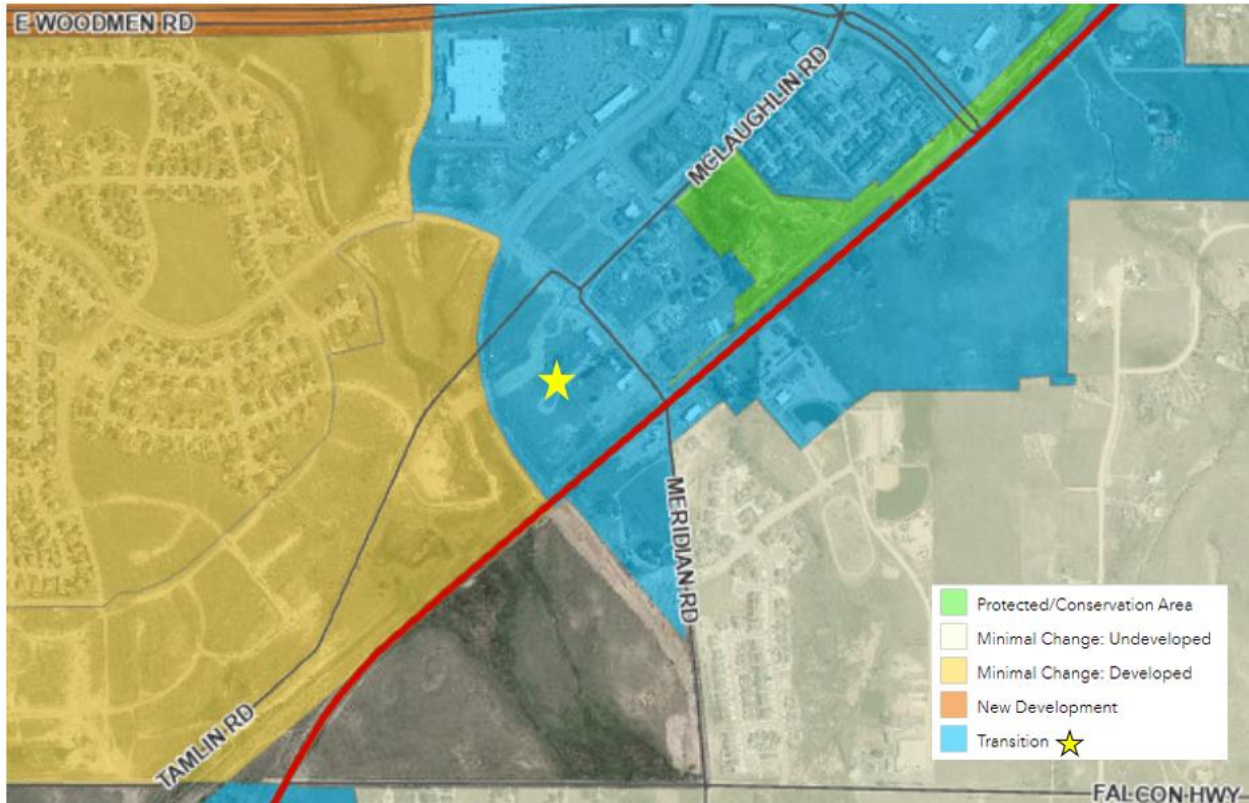


Figure G.2: Area of Change Map

Analysis:

The proposed rezone is in an area which is expected to significantly change in character. If this map amendment (rezoning) is approved, the current conditions and other agreements outlined in the PUD will be removed and a straight zone (RR-5) will be replaced. Without these encumbrances, these properties may redevelop more quickly. As a result of this potential new development, the Regional Center place-type goals will more likely be implemented.

c. Key Area Influences - Potential Areas for Annexation:

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



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

That being said, the City has not expressed interest in annexing this property at this time.

3. 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 from the Water Master Plan 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 subject property is located within Region 3 of the El Paso County Water Master Plan.

- 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 projected demand is 6,403-acre feet.
- The 2060 water supply is projected to be 8,284-acre feet per year, whereas the demand is anticipated to be 8,307-acre feet per year; The

projected demand is slightly higher than the projected supply in 2060 for central water providers in this region of the County.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. A finding of water sufficiency is required with subsequent plat application(s). The area subject to the proposed map amendment (rezone) is proposed to be served by Falcon Highlands Metropolitan District. Should the request be approved, a site plan application will be required to initiate any new use on the property.

4. Other Master Plan Elements

The master plan also identifies the parcels as having a low wildlife impact potential.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards have been identified in the Soil, Geology and Geologic Hazard Report by Entech Engineering in 2007. Mitigation measures are recommended for seasonal shallow groundwater, existing artificial fill deposits and expansive soils.

2. Floodplain

Per FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0561G, dated December 7, 2018, the subject site is located mostly within Zone X, areas outside of the 100-year FEMA floodplain. Zone AE floodplain exists within the portion of the site west of New Meridian Road, along the West Tributary of the Falcon drainage basin.

3. Drainage and Erosion

The subject site is located within the Falcon drainage basin (CHWS1400), which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezoning) requests but will apply at the time of recording of the final plat(s).

Preliminary and final drainage reports will be required with each future preliminary plan and final plat within the site.

4. Transportation

The site is located at the northeast corner of the intersection of New Meridian Road and U.S. Highway 24, with Old Meridian Road and Rolling Thunder Way bordering the east side of the site. New Meridian Road is a county-maintained

road classified as a minor arterial according to the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). U.S. Highway 24 adjacent to the site is a two-lane highway under the jurisdiction of CDOT. Rolling Thunder Way and Old Meridian Road (north and south of McLaughlin Road, respectively) are both classified as non-residential collectors. Per the current Planned Unit Development's approved traffic impact study (TIS) (file number PUD-07-017) the site was anticipated to generate 8,830 new trips on an average weekday. El Paso County Department of Public Works recently completed roadway improvements on all of the roads bounding the site during construction of the Falcon Park and Ride and McLaughlin Roundabout projects.

A traffic impact study will be required with each future rezoning, preliminary plan, and final plat within the site. Developers within the site may be required to provide improvements to surrounding County roads and U.S. Highway 24, depending on the proposed site traffic generation, notably a second left turn lane on eastbound Highway 24 at New Meridian Road.

I. SERVICES

1. Water

Water is provided by Falcon Highlands Metropolitan District.

2. Sanitation

Sewer Service will be provided by the Falcon Highlands Metropolitan District.

3. Emergency Services

The property is within the Falcon Fire Protection District and the El Paso County Sheriff's Department.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU).

5. Metropolitan Districts

The Falcon Highlands Metropolitan District will serve this area.

6. Parks/Trails

A regional trail along Highway 24 was planned with the original PUD, but that was never established. The RR-5 zone would not require any trail construction.

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. Developers of the property 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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual unless a subsequent rezone to another zoning district is approved.

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 posted 5 individual posters at the site and notified all nine (9) parcel owners and the twenty-nine (29) adjoining property owners on August 29, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Rezone Map
PC Draft Minutes
PC Resolution
BOCC Resolution

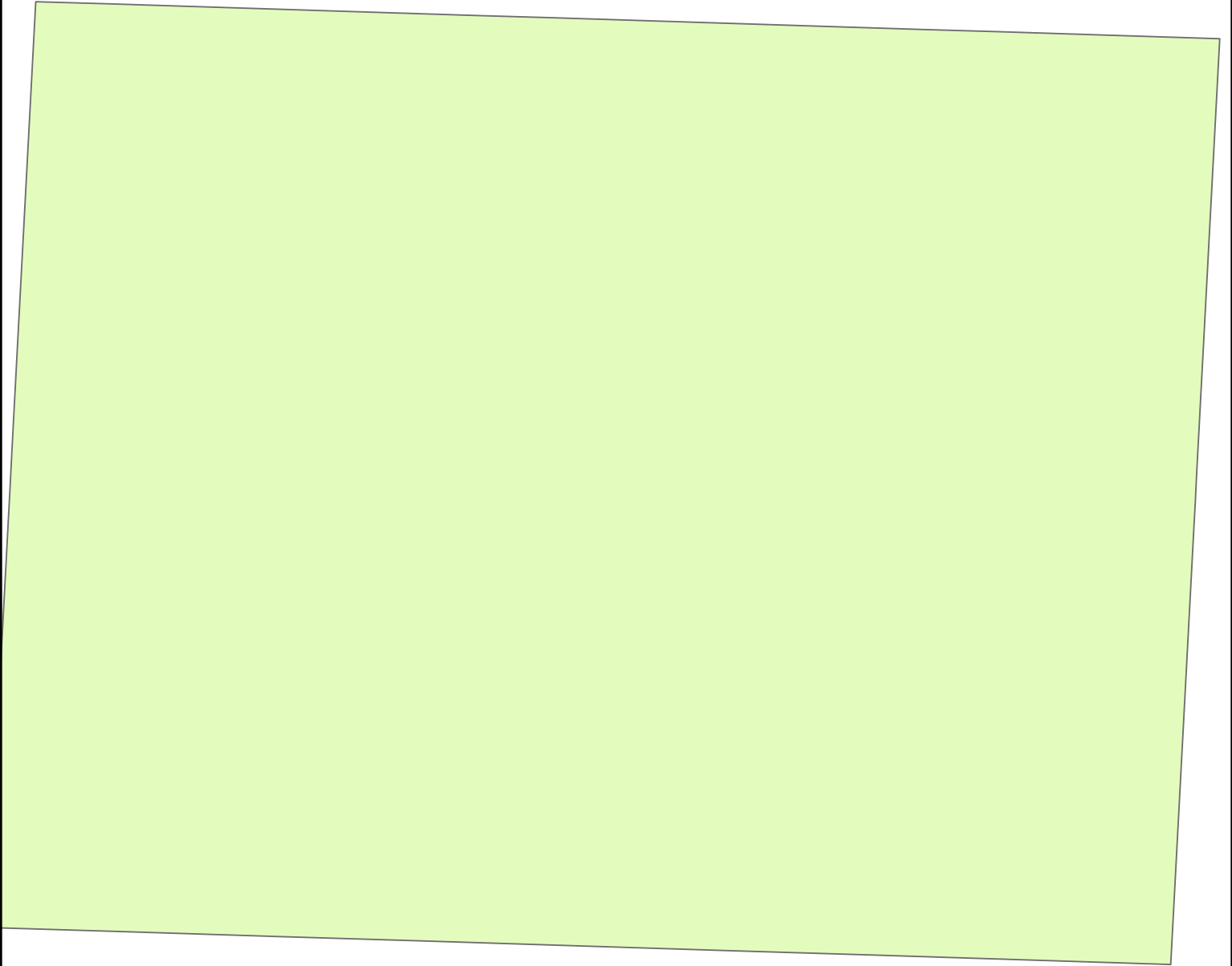


El Paso County Parcel Information

File Name:

Date:

PARCEL	NAME	ADDRESS
53124-00-013	FALCON HIGHLANDS METRO DISTRICT	E HIGHWAY 24 , Peyton, CO 80831
53124-00-016	FALCON HIGHLANDS METRO DISTRICT	MERIDIAN RD , Peyton, CO 80831
53121-10-010	BARE ENTERPRISES LTD	7110 OLD MERIDIAN RD, PEYTON, CO 80831
53124-07-001	FARMERS STATE BANK OF CALHAN	7020 & 7030 Old Meridian Rd, PEYTON, CO 80831



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

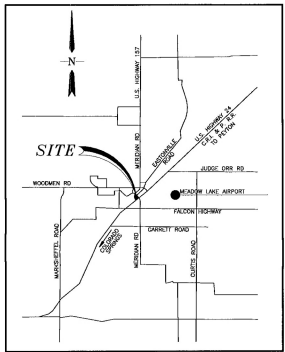


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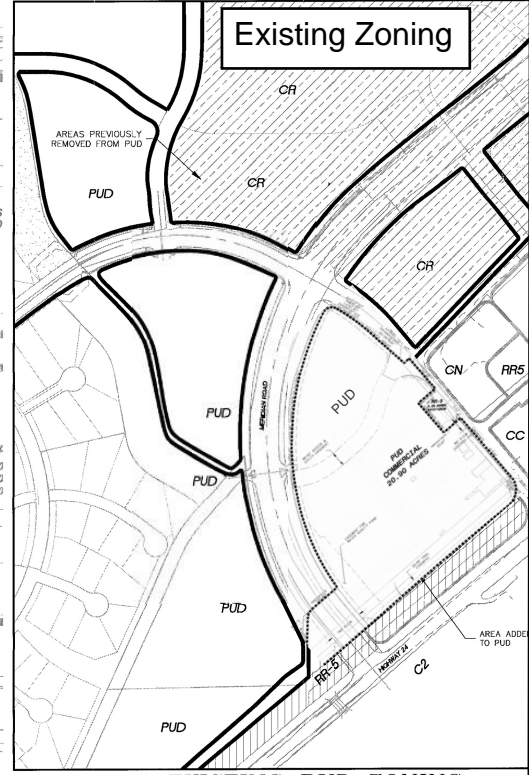
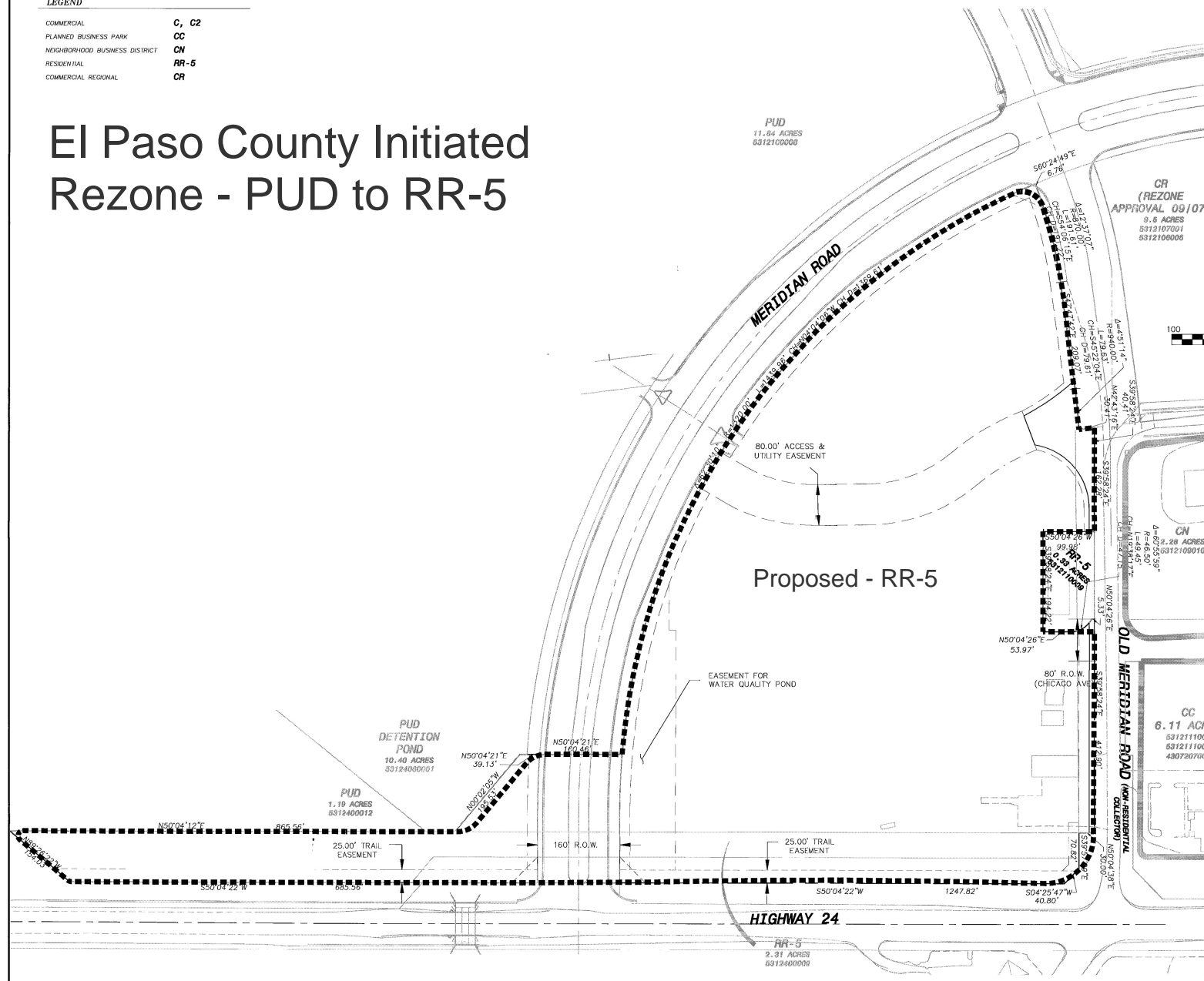
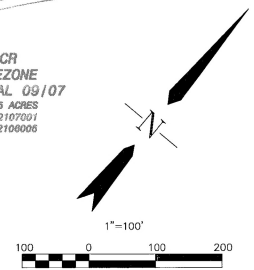
LEGEND

COMMERCIAL	C, C2
PLANNED BUSINESS PARK	CC
NEIGHBORHOOD BUSINESS DISTRICT	CN
RESIDENTIAL	RR-5
COMMERCIAL REGIONAL	CR

El Paso County Initiated Rezone - PUD to RR-5



VICINITY MAP
N.T.S.



Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@elpasoco.com
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Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
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Planning Commission Meeting
Thursday, September 15, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JAY CARLSON, BECKY FULLER, JOAN LUCIA-TREESE, BRYCE SCHUETTPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: NONE

PC MEMBERS ABSENT: SARAH BRITTAIN JACK, BRANDY MERRIAM, ERIC MORAES, AND JOSHUA PATTERSON.

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, MATTHEW FITZSIMMONS, DANIEL FEUERBACH, CHARLENE DURHAM, CARLOS HERNANDEZ MARTINEZ, RYAN HOWSER, TARA YOUNGER, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning & Community Development – Kevin Mastin or Justin Kilgore

Mr. Kilgore stated no announcements from PCD staff needed to be made. Turned it over to Ms. Parsons.

Ms. Parsons gave presentation on EDARP's 2022 project history for the Board's review. Asked if this covers the information the PC was requesting?

Mr. Trowbridge stated it did not. He was looking for a tracking system by year, by month, trends increasing/decreasing over time, etc.

Ms. Parsons stated we can prepare this type of EDARP report on a monthly or annually. It can be prepared and presented in this digital format during a hearing or Mr. Trowbridge is welcome to come into the office and go over it in-person as well.

Mr. Trowbridge stated he would like to see something quarterly or semi-annually.

Mr. Mastin stated that he is not aware that the Board of County Commissioners has requested this info. He clarified that generating these types of reports takes a significant amount of time. If the BOCC needs it, PCD would be happy to do it. PCD is currently in the process of re-working our public-facing info available online. In the future, the hope is that anyone could go online and select dates to populate this type of report. But there is a significant number of hours required from PCD staff to go back and mine this info to provide it in the way it is being asked for, particularly if BOCC is not requesting this info.

Mr. Risley voiced understanding and stated the Board is sensitive to the workload PCD staff currently has. He stated this info may be more beneficial to PCD to justify to BOCC why additional funding or staffing may be needed.

Mr. Mastin stated he is aware of that and PCD has processes in place to justify what is needed. PCD works closely with the Commissioners and a budget team within EPC. If summary reports are being requested, PCD needs to know it is for something tangible to be presented to the BOCC as a recommendation. PCD does not have the capacity to take on additional projects that will not result in something tangible.

Ms. Fuller asked if PCD was already creating something for BOCC for budgeting?

Mr. Mastin stated PCD will provide info if BOCC asks for it, but PCD can not produce reports BOCC *might* look at. If the info is asked for, PCD can go get it. PCD does not have the capacity to take on additional projects that will not result in something tangible that the BOCC needs. If PCD is going to take planners away from development projects, something tangible needs to come from it. It must be in pursuit of something. If this were a profit/loss company, PCD would have staff working for hours that are not billable hours. PCD is sensitive to something tangible coming from every hour spent by PCD staff and has a direct result of a benefit to EPC citizens. The long-term goal is the public-facing system accessible to anyone. If it's not something that will result in a recommendation to the BOCC, PCD is asking the PC to reconsider the demand it puts on the PCD staff.

Mr. Trowbridge clarified that he thought his inquiry was part of something already in place since a spreadsheet was presented to PC members in years prior from the previous PCD Director. He doesn't want to ask for something the PCD staff is not already doing. He's sorry to see that info is no longer available.

Mr. Mastin if PCD had more admin staff, we could put bells and whistles on everything. EPC is 400 positions short-staffed. EPC is larger than the state of Rhode Island, but they probably have more than 7 planners. We're very sensitive to protect the time of our PCD staff.

Ms. Fuller asked if the Board could see what PCD has already created for the county administrator? The Board would like to understand what the workload looks like this year compared to last year. It's a point of public interest. If it's a format that can be shared, that is acceptable. Is that something PCD has that they can share?

Mr. Mastin stated it was being developed internally. EPC Public Works is doing something similar. PC members and the public will have access to that eventually.

Ms. Fuller stated the Board is on PCD's side.

Mr. Mastin reiterated that he is very protective of PCD staff's time and trying to remain efficient. Historically, countywide, the staff member's time may not have been protected where their time was used on something tangible that positively affects EPC citizens.

Mr. Carlson wanted to clarify that his understanding of what Mr. Mastin was saying is that for this Board or any other, PCD will not acknowledge any request unless it comes from BOCC?

Mr. Mastin replied that that's not what he said at all. He stated that if there is a request from any commission to provide data that will pull planners or admin staff away from their projects, it needs to result in a tangible result, not just for the sake of wanting to know. It should be for something that is needed to provide a recommendation to the BOCC, or something needed to make a decision. Not just for the sake of knowing. That is not an effective use of PCD time or County resources, especially given to number of staff PCD has available.

Mr. Carlson voiced understanding. He asked if, when those requests are made, someone from PCD staff will inform the Board if it's been decided it is for something with a tangible result or not?

Mr. Mastin clarified that he is asking the Board that if the Board is going to ask PCD to provide something, to ensure it is something that is going to be used for something tangible.

Mr. Risley asked if there any other comments from Board members? There was not. He then stated that eventually being able to find this info (whether for BOCC or EPC citizens) would be a useful tool.

Ms. Parsons explained that there have been multiple meetings with an EDARP consultant within the last month and there is a weekly meeting during which requests are submitted. Simplifying these report items is something PCD is desperately asking for. The EDARP staff understands the request and is working on it. The old process of hand-entered spreadsheets took about an hour a week just in corrections from staff entering things manually. This was discontinued about 3 years ago. It was a tremendous amount of PCD staff time to go through receipts. She expressed gratitude to Mr. Mastin for not requiring that of PCD staff going forward.

Mr. Mastin clarified that it will benefit the public as well to get a public-facing system. This type of specific request for reporting has been asked by other individuals, and it should be answered with a link where they can find that info on their own. Staff does not have the time.

Ms. Parsons proceeded with agenda.

B. The next scheduled PC Hearing will be October 20, 2022, at 9:00 A.M. There will be no PC Hearing October 6, 2022.

C. CALL FOR PUBLIC COMMENT ON ITEMS NOT ON AGENDA – none.

2. CONSENT ITEMS.

A. Adoption of minutes from PC Hearing September 1, 2022.

Mr. Risley asked if any Board members had discussion or corrections?

Mr. Trowbridge made a comment of gratitude for utilizing the last meeting's feedback.

Mr. Risley asked for any other comments? There were none. Minutes from meeting held 9/1/2022 were adopted with no changes.

B. PUDSP-22-003

PARSONS

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN CREEKSIDE AT LORSON RANCH FILING NO. 2

A request by Lorson, LLC, and LLC Nominee for Lorson Murray Fountain LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) and approval of a preliminary plan for 38 single-family residential lots. The parcel, totaling 6.01 acres, is located immediately south of Lorson Boulevard, immediately east of the East Tributary of Jimmy Camp Creek and is within Section 23, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55231-14-075) (Commissioner District No. 4).

Mr. Risley asked if there were any PC members who would like the item pulled to be heard as a regular item?

Ms. Fuller requested that it be pulled to give a member of the public a chance to voice a concern.

CALLED UP CONSENT - DISCUSSION

Ms. Parsons asked if a full staff report presentation would be needed.

Ms. Fuller stated that would not be required, they just want to member of the public to have a chance to voice concerns.

Mr. Carlson asked about the letter of opposition regarding water runoff and water gathering?

Ms. Parsons showed part of the staff presentation which addresses water detention facility, large open space tract, and explained there is a requirement of the applicant to install water drains.

Ms. Ashley Guetsky resides in Lorson Ranch (points on map). The traffic in this area is like L.A., CA. There is a need for a continuous right turn lane off Fontaine Blvd. Marksheffel needs to be expanded. This number of homes going in is unsustainable with the existing roads. If there were a fire on the West side the community, this neighborhood would be trapped. There are no other exits than these two roads, Lorson Blvd and Fontaine.

Mr. Risley asked if there were any other members of the public that would like to comment? There were none.

Ms. Parsons stated there are three upcoming projects which triggered a warrant for a traffic light to be installed at Lorson Blvd and Marksheffel.

Mr. Trowbridge asked if there was an expected timeframe for the traffic light to be installed?

Ms. Parsons responded that a timeframe could not be anticipated. It would depend on when the developer records the final plats and completes construction. That developer is in the audience and may be able to answer that question.

Mr. Mark stated the design of the aforementioned traffic signal is currently underway. Once the appropriate designing and reviewing agencies approve, installation can begin. To address the other concern, sound traffic engineering happening with every development and plat application. A qualified traffic engineer prepares a report and updates are submitted to County staff. We are in compliance on impacts and what improvements are required. The County owns and maintains Marksheffel Rd. Expansion and improvements made to Fontaine and Marksheffel, for example, is up to the County. The general requirement in EPC and any other county or jurisdiction is for a subdivision to have two points of access to meet fire and safety standards. We meet that requirement.

Mr. Whitney asked if Mr. Mark was the developer for both agenda items 2B and 2C?

Mr. Mark confirmed.

Mr. Whitney asked why the soils testing was treated differently between the two reports?

Mr. Mark explained that CO's expansive soil types cause that general notation put on the plats. Geotechnical Engineers give recommendations for builder's excavations.

Mr. Whitney expressed gratitude.

Ms. Parsons further explained that PCD also requires a CO geological survey review, required under state statute. Another reason for the difference is that the CO geological survey calls for different recommendations on each property. They are site-specific reports.

Mr. Whitney expressed gratitude.

Mr. Risley asked if there were any other questions for the applicant? There were none. Asked if there were any other items for discussion from the Board? There were none.

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, PUDSP-22-003, FOR AN APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN OF CREEKSIDE AT LORSON RANCH FILING NO. 2, UTILIZING APPROVAL PAGE NOS. 25 & 29, WITH 8 CONDITIONS AND 7 NOTATIONS AND A FINDING OF SUFFICIENCY OF WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

C. PUDSP-22-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
HILLSIDE AT LORSON RANCH**

A request by Lorson, LLC, Love In Action, and LLC Nominee for Lorson Conservation Invest 2 LLP, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 489 single-family residential lots. The six (6) parcels, totaling 128.33 acres, are located immediately south of Lorson Boulevard, east of the East Tributary of Jimmy Camp Creek and are within Sections 23 and 24, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-370, 55000-00-281, 55000-00-282, & 55000-00-283) (Commissioner District No. 4).

Mr. Risley asked if any members of the Board would like them pulled to be heard as a regular item? There were none. Asked if any audience members would like the item pulled? There were none. Asked if any members of the Board had questions for staff? There were none.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, PUDSP-22-001, FOR AN APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN OF HILLSIDE AT LORSON RANCH, UTILIZING APPROVAL PAGE NOS. 25 & 29, WITH 8 CONDITIONS AND 7 NOTATIONS AND A FINDING OF SUFFICIENCY OF WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

D. PUDSP-22-004

HOWSER

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
SANCTUARY AT MERIDIAN RANCH**

A request by GTL, Inc. for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 343 single-family residential lots and seven (7) tracts. The 74.39-acre property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road and within Section 20, Township 12 South, Range 64 West of the 6th P.M. (Parcel Nos. 42000-00-402; 42000-00-450) (Commissioner District No. 2).

Mr. Risley asked if any members of the Board would like them pulled to be heard as a regular item? There were none. Asked if any audience members would like the item pulled? There were none. Asked if any members of the Board had questions for staff? There were none.

PC ACTION: LUCIA-TREESE MOVED/SCHUETTPELZ SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, PUDSP-22-004, FOR AN APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN OF SANCTUARY AT MERIDIAN RANCH, UTILIZING APPROVAL PAGE NOS. 25 & 29, WITH 6 CONDITIONS AND 5 NOTATIONS AND A FINDING OF SUFFICIENCY OF WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

3. CALLED UP CONSENT ITEM, 2B PUDSP-22-003 CREEKSIDE AT LORSON RANCH FILING NO. 2 (see above)

4. REGULAR ITEMS

A. P-22-017

FITZSIMMONS

**MAP AMENDMENT (REZONE)
COUNTY INITIATED REZONE FROM PUD TO RR-5**

A request by El Paso County Planning and Community Development for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RR-5 (Residential Rural). The nine parcel site totals 24.31-acres and is located at the northwest corner of the intersection of Highway 24 and Old Meridian Road, approximately one-quarter of a mile south of East Woodman Road and within Section 12, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos. 53121-00-011, 53121-00-013, 53121-10-004, 53121-10-007, 53121-12-006, 53124-00-013, 53124-00-016, 53121-10-010, and 53124-07-001) (Commissioner District No. 2).

Mr. Fitzsimmons gave staff presentation. Introduced LDC consultant, Mr. Kupferer, for presentation.

Mr. Kupferer spoke on history of rezoning this PUD.

Mr. Carlson asked Mr. Kupferer for clarification on what he said regarding the fire department?

Mr. Kupferer stated it was an allowed use.

Ms. Fuller asked if the 9 individual property owners were paying any fees to complete this rezone?

Mr. Fitzsimmons stated they are not.

Ms. Fuller asked if a count-initiated rezone had ever happened before?

Ms. Seago stated she remembers it happening at least once before and at least one more is in process currently.

Mr. Bailey expressed concern that multiple property owners do not agree, and wondered if the county was taking a side or initiating a situation that benefited some property owners over others?

Ms. Seago stated she does not share those concerns. The whole property can no longer be used as it was originally approved. No current owners can develop their property unless it is rezoned. This step is a benefit to all property owners.

Mr. Bailey expressed gratitude.

Mr. Trowbridge asked for explanation on the need for a traffic study and the burden that places on the current property owners.

Ms. Parsons explained that commercial rezones require a traffic study. She explained a history of the previous PUD zoning, which held up development. Moving forward, when the property owners decide to rezone their individual parcels, each applicant will be responsible for the impacts of their specific proposals. EPC, the taxpayers, are not going to run a traffic study and then impose a requirement on private property landowners to do improvements. All property owners will get a clean slate to operate independently.

Mr. Carlson clarified that all these sites will need to do a traffic study to rezone (to commercial)?

Ms. Parsons answered that was correct, which is standard for all commercial rezones.

Mr. Trowbridge clarified that each landowner would need to do a traffic study, not just the first to rezone or develop?

Ms. Parsons stated that was correct.

Mr. Fitzsimmons completed staff presentation.

DISCUSSION

Mr. Risley asked if there were any members of the public that would like to comment?

Ms. Bartlett owners of Bartlett Hay and Feed, the one lot not included in this proposal, stated she is now part of this project because they purchased the lot behind them. She asked about the traffic study done in the past. Traffic used to go across her business, where it no longer does. She asked why a traffic study is required when the residents who live there can tell you what the conditions are. The current PUD status was a hardship.

Mr. Bartlett stated the Lowes did not want to buy their lot. Old Meridian Road used to just be Meridian Road. When that was changed, they had to change their address on everything. It's crazy that the Fire Department needs to get a permit to be there; They are a needed and appreciated service. If we rezone to CS, we provide a service to our community, why would we be forced to do a traffic study? They just replaced roads during the last several years. Why should we have to pay for a traffic study, a water drainage study, when you can see in the Staff Report it's sufficient? We just want to rezone to CS so we can continue to do our business without having to get a variance.

Mr. Risley asked for any other public comment. There was none. Applicant was asked for rebuttal.

Mr. Fitzsimmons deferred to Mr. Kupferer for comment.

Mr. Kupferer clarified details about the past traffic study on Meridian Road and history of the zoning in the area.

Mr. Fitzsimmons stated he believes Ms. Parsons already addressed the concerns brought up by the public.

Mr. Risley asked if there were any discussion from Board members?

Ms. Fuller stated she believes the public's concerns bring up a great point about traffic studies. She referred the members of the public to the BOCC, who make that level of decision.

Ms. Parsons clarified that the 5-year limitation for variance of use from the LDC has been removed. An applicant can request from BOCC an indefinite variance in cases where the variance is not expected to change. However, in this case, that was not granted because of the details included in the PUD. To offset the burden that caused the Bartletts, the previous director reduced the fees for that variance request at that time.

Mr. Risley asked if there were any further discussion?

Mr. Kupferer attempted to rebut Ms. Parson's statement.

Mr. Risley stated public discussion had been closed. Asked if there were any other discussion needed from Board members? There was none.

PC ACTION: LUCIA-TREESE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 4A, P-22-017, FOR AN APPROVAL OF MAP AMENDMENT (REZONE) OF

COUNTY INITIATED REZONE FROM PUD TO RR-5, UTILIZING APPROVAL PAGE NO. 27, WITH 2 CONDITIONS AND 2 NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

Meeting adjourned.

Minutes prepared by: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Board Member LUCIA-TREESE moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. P-22-017
MAP AMENDMENT (REZONE)
COUNTY INITIATED REZONE FROM PUD TO RR-5**

WHEREAS, El Paso County Planning and Community Development 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 RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 15, 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 El Paso County Planning and Community Development 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 RR-5 (Residential Rural) 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. Developers of the property 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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual unless a subsequent rezone to another zoning district is approved.

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.

Board Member BAILEY seconded the adoption of the foregoing Resolution.

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

Board Chair Risley	aye
Board Member Bailey	aye
Board Member Carlson	aye
Board Member Fuller	aye
Board Member Lucia-Treese	aye
Board Member Schuettplez	aye
Board Member Trowbridge	aye
Board Member Whitney	aye

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

September 15, 2022

Brian Risley, Chair

EXHIBIT A

1. 5312100011 – 1.41 acres

Old Meridian Road
FKJ Properties LLC
5165 GRANBY CIR
COLORADO SPRINGS CO, 80919

Legal Description: TRACT IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 13S, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MERIDIAN ROAD AND THE WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD, THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD 300.00 FEET MORE OR LESS FOR POINT OF BEGINNING, THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY 197.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF MCLAUGHLIN ROAD, TH SW 42 DEGREES 12 MINUTES 00 SECONDS 155.00 FEET MORE OR LESS, THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT 190.00 FEET MORE OR LESS, THENCE SOUTHWEST 42 DEGREES 12 MINUTES 00 SECONDS 235.00 FEET MORE OR LESS, THENCE NORTHWEST 00 DEGREES 01 MINUTES 49 SECONDS 147.00 FEET MORE OR LESS, THENCE NORTHEAST 42 DEGREES 05 MINUTES 33 SECONDS 446.00 FEET MORE OR LESS TO POINT OF BEGINNING EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219135121.

2. 5312100013 – 8.68 acres

Cygenet Land LLC
Meridian Road
630 Southpointe Ct.
Colorado Springs CO, 80906

Legal Description: TRACT IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST LYING WESTERLY OF DENVER, TOPEKA, AND FORT WORTH RAILROAD AND FALCON PLAT 563, NORTHERLY OF CHICAGO ROCK ISLAND AND PACIFIC RAILROAD, EASTERLY OF MERIDIAN ROAD, SOUTHERLY OF ROLLING THUNDER WAY AND MERIDIAN ROAD, EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 220215112, AND EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 21192714.

3. 5312110004 – 43,500 sf

Laron A. Bartlett
7060 N. Meridian Road
Peyton CO, 80831

Legal Description: LOTS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND 22 IN BLOCK 15 IN FALCON

4. 5312110007 – 15,075 sf

McLaughlin Road
Brian Ullom

3910 Cooke Drive
Colorado Springs, CO 80911
Legal Description: LOTS 6, 7, 8, 9, AND 10 IN BLOCK 15 IN FALCON

5. 5312112006 – 1.47 acres
7060 Old Meridian Road.
Sedlak Family Trust
7060 Old Meridian Road
Peyton CO, 80831

Legal Description: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16 IN BLOCK 21 IN FALCON EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219163835.

6. 5312400013 – 2.2 acres
E Highway 24
Falcon Highlands Metro District
111 S. Tejon St.
Suite 705
Colorado Springs, CO 80903

Legal Description: TRACT IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 08 DEGREES, 31 MINUTES, 04 SECONDS 2642.69 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL DESCRIBED BY A DOCUMENT RECORDED AT RECEPTION NUMBER 201178610 AND THE POINT OF BEGINNING, TH SOUTHEAST 39 DEGREES 58 MINUTES 11 SECONDS ALONG THE WESTERLY LINE OF SAID PARCEL 70.82 FEET, THENCE SOUTHWEST 04 DEGREES 25 MINUTES 05 SECONDS 40.80 FEET, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 41 SECONDS 1933.60 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, TH NORTHWEST 89 DEGREES 26 MINUTES 17 SECONDS 154.11 FEET, THENCE NORTHEAST 50 DEGREES, 04 MINUTES, 46 SECONDS 2079.27 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219123556, AND EXPECT THAT PART LYING NORTHEASTERLY OF MERIDIAN ROAD.

7. 5312400016 – 14,863 sf
Meridian Road
Falcon Highlands Metro District
111 S. Tejon St.
Suite 705
Colorado Springs, CO 80903

Legal Description: TRACT OF LAND IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 18 DEGREES 39 MINUTES, 43 SECONDS 3363.36 FEET, THENCE SOUTHWEST 50 DEGREES 04 MINUTES 00 SECONDS 160.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 00 SECONDS 160.91 FEET, THENCE NORTHWEST 00 DEGREES, 01 MINUTES 34 SECONDS 195.55 FEET, THENCE NORTHEAST 50 DEGREES 04 MINUTES 00

SECONDS 39.28 FEET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 07 MINUTES 23 SECONDS, AND AN ARC DISTANCE OF 106.50 FEET WHICH CHORD BEARS SOUTHEAST 37 DEGREES 52 MINUTES 43 SECONDS, THENE SOUTHEAST 39 DEGREES 56 MINUTES 24 SECONDS 43.66 FEET TO THE POINT OF BEGINNING.

8. 5312407001 – 5.42 acres

7020 Old Meridian Road
Farmers State Bank of Calhan
1500 8th Street
Calhan, CO 80808

Legal Description: LOT 1 FALCON FIRE PROTECTION DISTRICT STATION NO 3
EXEMPTION PLAT

9. 5312110010

7110 Old Meridian Road
Bare Enterprises LTD
8150 Blue Bill Drive
Peyton CO, 80831

Legal Description: ABANDONDED RAILROAD RIGHT OF WAY RUNNING THROUGH LOTS 1, 2, 3, 4, AND 5 TOGETHER WITH LOTS 1, 2, 3, 4, AND 5 IN BLOCK 15 IN FALCON EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENTS RECORDED AT RECEPTION NUMBERS 219166384 AND 219166385.

RESOLUTION NO. 22-

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

**APPROVAL OF THE COUNTY INITIATED REZONE FROM PUD TO RR-5
MAP AMENDMENT (REZONE) (P-22-017)**

WHEREAS El Paso County Planning and Community Development 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 RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 15, 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 October 4, 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 El Paso County Planning and Community Development 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 RR-5 (Residential Rural) zoning district ;

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

CONDITIONS

1. Developers of the property 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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual unless a subsequent rezone to another zoning district is approved.

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 4th day of October, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

1. 5312100011 – 1.41 acres

Old Meridian Road
FKJ Properties LLC
5165 GRANBY CIR
COLORADO SPRINGS CO, 80919

Legal Description: TRACT IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 13S, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MERIDIAN ROAD AND THE WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD, THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD 300.00 FEET MORE OR LESS FOR POINT OF BEGINNING, THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY 197.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF MCLAUGHLIN ROAD, TH SOUTHWEST 42 DEGREES 12 MINUTES 00 SECONDS 155.00 FEET MORE OR LESS, THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT 190.00 FEET MORE OR LESS, THENCE SOUTHWEST 42 DEGREES 12 MINUTES 00 SECONDS 235.00 FEET MORE OR LESS, THENCE NORTHWEST 00 DEGREES 01 MINUTES 49 SECONDS 147.00 FEET MORE OR LESS, THENCE NORTHEAST 42 DEGREES 05 MINUTES 33 SECONDS 446.00 FEET MORE OR LESS TO POINT OF BEGINNING EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219135121.

2. 5312100013 – 8.68 acres

Cygenet Land LLC
Meridian Road
630 Southpointe Ct.
Colorado Springs CO, 80906

Legal Description: TRACT IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST LYING WESTERLY OF DENVER, TOPEKA, AND FORT WORTH RAILROAD AND FALCON PLAT 563, NORTHERLY OF CHICAGO ROCK ISLAND AND PACIFIC RAILROAD, EASTERLY OF MERIDIAN ROAD, SOUTHERLY OF ROLLING THUNDER WAY AND MERIDIAN ROAD, EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 220215112, AND EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 21192714.

3. 5312110004 – 43,500 sf

Laron A. Bartlett
7060 N. Meridian Road
Peyton CO, 80831

Legal Description: LOTS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND 22 IN BLOCK 15 IN FALCON

4. 5312110007 – 15,075 sf

McLaughlin Road
Brian Ullom
3910 Cooke Drive

Colorado Springs, CO 80911

Legal Description: LOTS 6, 7, 8, 9, AND 10 IN BLOCK 15 IN FALCON

5. 5312112006 – 1.47 acres

7060 Old Meridian Road.

Sedlak Family Trust

7060 Old Meridian Road

Peyton CO, 80831

Legal Description: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16 IN BLOCK 21 IN FALCON EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219163835.

6. 5312400013 – 2.2 acres

E Highway 24

Falcon Highlands Metro District

111 S. Tejon St.

Suite 705

Colorado Springs, CO 80903

Legal Description: TRACT IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 08 DEGREES, 31 MINUTES, 04 SECONDS 2642.69 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL DESCRIBED BY A DOCUMENT RECORDED AT RECEPTION NUMBER 201178610 AND THE POINT OF BEGINNING, TH SOUTHEAST 39 DEGREES 58 MINUTES 11 SECONDS ALONG THE WESTERLY LINE OF SAID PARCEL 70.82 FEET, THENCE SOUTHWEST 04 DEGREES 25 MINUTES 05 SECONDS 40.80 FEET, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 41 SECONDS 1933.60 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, TH NORTHWEST 89 DEGREES 26 MINUTES 17 SECONDS 154.11 FEET, THENCE NORTHEAST 50 DEGREES, 04 MINUTES, 46 SECONDS 2079.27 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219123556, AND EXPECT THAT PART LYING NORTHEASTERLY OF MERIDIAN ROAD.

7. 5312400016 – 14,863 sf

Meridian Road

Falcon Highlands Metro District

111 S. Tejon St.

Suite 705

Colorado Springs, CO 80903

Legal Description: TRACT OF LAND IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 18 DEGREES 39 MINUTES, 43 SECONDS 3363.36 FEET, THENCE SOUTHWEST 50 DEGREES 04 MINUTES 00 SECONDS 160.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 00 SECONDS 160.91 FEET, THENCE NORTHWEST 00 DEGREES, 01 MINUTES 34 SECONDS 195.55 FEET, THENCE NORTHEAST 50 DEGREES 04 MINUTES 00 SECONDS 39.28 FEET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 07 MINUTES 23 SECONDS, AND AN ARC DISTANCE OF 106.50 FEET

WHICH CHORD BEARS SOUTHEAST 37 DEGREES 52 MINUTES 43 SECONDS,
THENE SOUTHEAST 39 DEGREES 56 MINUTES 24 SECONDS 43.66 FEET TO THE
POINT OF BEGINNING.

8. 5312407001 – 5.42 acres

7020 Old Meridian Road
Farmers State Bank of Calhan
1500 8th Street
Calhan, CO 80808

Legal Description: LOT 1 FALCON FIRE PROTECTION DISTRICT STATION NO 3
EXEMPTION PLAT

9. 5312110010

7110 Old Meridian Road
Bare Enterprises LTD
8150 Blue Bill Drive
Peyton CO, 80831

Legal Description: ABANDONDED RAILROAD RIGHT OF WAY RUNNING THROUGH
LOTS 1, 2, 3, 4, AND 5 TOGETHER WITH LOTS 1, 2, 3, 4, AND 5 IN BLOCK 15 IN
FALCON EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENTS
RECORDED AT RECEPTION NUMBERS 219166384 AND 219166385.