

## **RHETORIC RM-30 REZONING**

### **LETTER OF INTENT**

**JULY 2022, REVISED SEPTEMBER 2022**

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#### **OWNER:**

RHETORIC, LLC  
20 BOULDER CRESCENT  
COLORADO SPRINGS, CO 80903

SR LAND, LLC  
20 BOULDER CRESCENT SUITE 200  
COLORADO SPRINGS, CO 80903

#### **APPLICANT:**

RHETORIC, LLC  
20 BOULDER CRESCENT  
COLORADO SPRINGS, CO 80903

#### **CONSULTANT:**

N.E.S. INC.  
ANDREA BARLOW  
619 N. CASCADE AVE. SUITE 200  
COLORADO SPRINGS, CO 80903  
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#### **SITE DETAILS:**

**TSN:** 5300000743 & 5232400003

**ACREAGE:** 20.0232 ACRES

**CURRENT ZONING:** I-3 & RR-5

**CURRENT USE:** RECYCLING (ASPHALT & CONCRETE) & VACANT

**PCD FILE #:**

#### **REQUEST**

N.E.S. Inc. on behalf of Rhetoric, LLC requests approval of a rezoning from I-3(16.42 AC) and RR-5 (0.19 AC) to RM-30.

## LOCATION

The Rhetoric multifamily rezone area includes 20.0232 acres and is located east of Vollmer Road, west of the proposed future extension of Sterling Ranch Road, and south of future Mark Sheffel Road. Trails at Forest Meadows is west of the site across Vollmer Road. Copper Chase at Sterling Ranch PUD (currently under County review) is north of the site. Vacant land and Pioneer Landscape are south of the site.

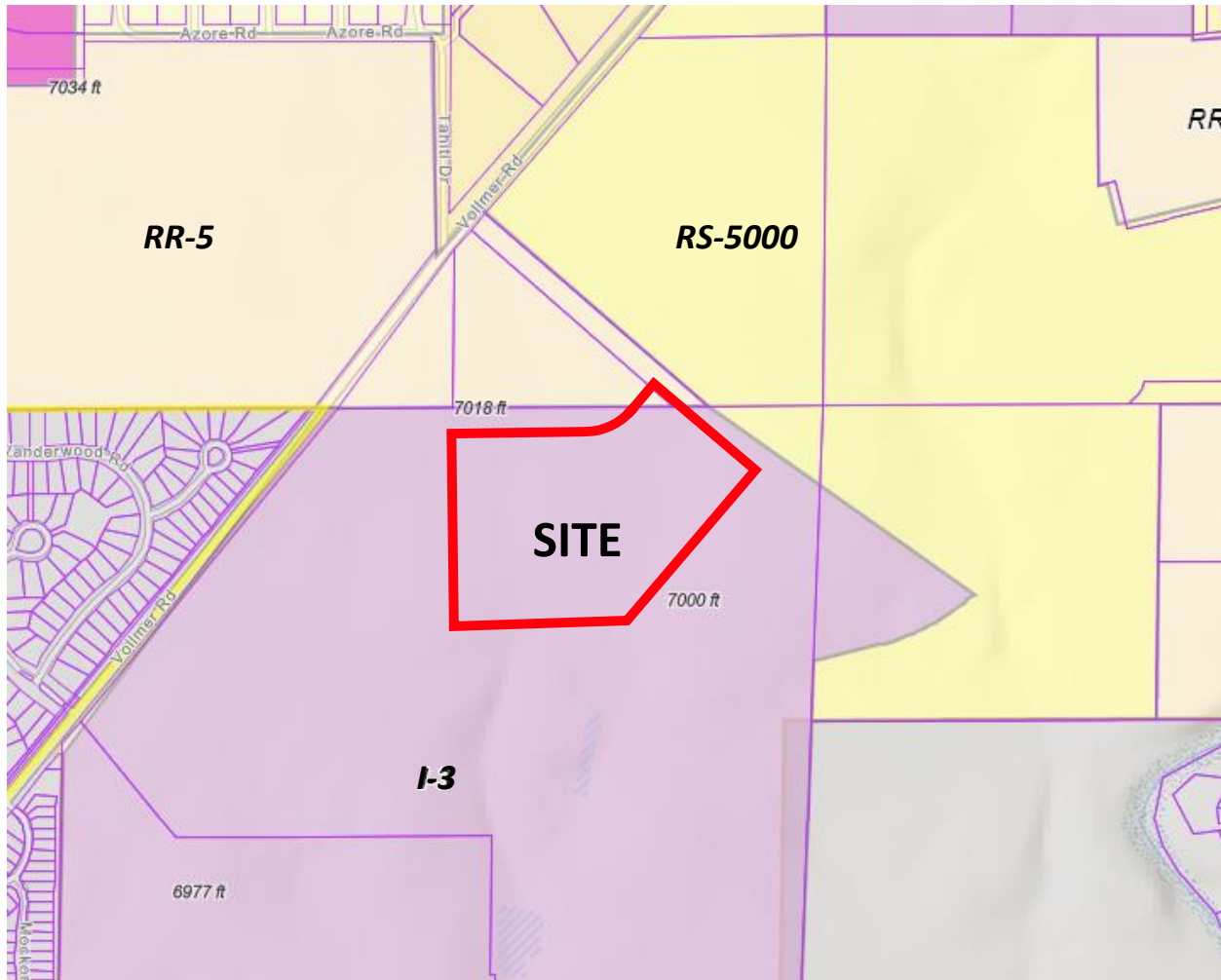


## PROJECT DESCRIPTION & CONTEXT

Aspen Meadows

The Rhetoric rezone request is for a zone change from I-3 (16.42 AC) and RR-5 (0.19 AC) to 16.61 Acres RM-30. The current Sketch Plan Amendment, currently under county review, shows the northernmost portion of the parcel (RR-5 0.19 ac) within the proposed mixed-use area; with the intent for this area to provide a shared access in the future. The majority of the site (16.42 AC) is proposed to be rezoned as RM-30 and is outside out of the approved Sketch Plan. This rezoning is requested to facilitate the development of the property for multi-family apartments. Future development of the apartments may include accessory uses and structures related to on-site parking and private recreation facilities such as a clubhouse, pool, open space, and play area. There are no specific development standards for the

principal or accessory uses proposed on the property. The site is currently undeveloped with no permanent services, facilities, or structures. A temporary recycling facility (concrete and asphalt) operates on site. The property to the west, south, and east is zoned I-3. Properties to the north are zoned RR-5 and RS-5000.



**UTILITIES:** Water and wastewater will be provided by the Sterling Ranch Metropolitan District. The site is within the service area of Mountain View Electric Association, Inc. for electricity supply, and within the service area of Colorado Springs Utilities for natural gas supply.

**WETLANDS & FLOODPLAIN:** There are no wetlands within the project boundaries. The site is located in Zone X (FEMA Floodplain Map Nos. 08041C0533G & 08041C0529G, dated December 7, 2018), indicating the flood risk of the site is deemed by FEMA to be 'minimal'.

**WILDLIFE:** In general, the site provides moderate to poor quality habitat for wildlife. No State-listed or State sensitive species were observed on the site. The site is not suitable habitat for any Federally-listed threatened and endangered species.

**WILDFIRE:** The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a moderate-high wildfire hazard potential and listed a moderate risk, as this

area is currently undisturbed grassland. Development of the site will reduce available wildfire fuels in this area.

**DISTRICTS SERVING THE PROPERTY:**

The following districts will serve the property:

- Academy School District 20
- Falcon School District 49
- Mountain View Electric Association
- City of Colorado Springs Utilities Department – Gas
- Sterling Ranch Metro District – water and wastewater
- Black Forest Fire Protection District

**PROJECT JUSTIFICATION**

The request is consistent with the criteria in Section 5.3.5.B for a Map Amendment (Rezoning) as follows:

**1. THE APPLICATION IS IN GENERAL CONFORMANCE WITH THE EL PASO COUNTY MASTER PLAN INCLUDING APPLICABLE SMALL AREA PLANS OR THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAND WAS LAST ZONED;**

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

**YOUR EPC MASTER PLAN**

The project site is denoted as a Suburban Residential and Employment Center placetypes within a priority development area in the County Master Plan. The Employment Center placetype is likely meant to reflect the Pioneer Landscape operation to the south of the site. The majority of the placetype surrounding the property is Suburban Residential reflective of a portion of the property in the Sterling Ranch Master Plan area. Supporting land uses for the Suburban Residential placetype include single-family attached, multifamily residential, commercial retail, commercial service, institutional, parks, and open space. The proposed RM-30 zoning will accommodate densities of up to 30 du/ac, is consistent with the Suburban Residential placetype land uses and characteristics.

The Master Plan states of the Suburban Residential placetype “this placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area”. This development meets the spirit and intent of the Suburban Residential placetype as it is a small multi-family development surrounded by a larger single-family detached neighborhood of varying lot sizes, and is secondary to, and supporting of such land use. The property also serves as a buffer and transition from the Pioneer Landscape operations, and the Vollmer Road and Marksheffel Road intersection to the lower density neighborhoods.

In the Key Area Influences chapter, this site is also designated as a potential area for annexation. This is indicative of the sites' suburban character and need for centralized services. The Owner/developer has chosen not to annex into the City as the Sterling Ranch Metropolitan District is already created and bonded and will supply water and wastewater services.

In the Areas of Change chapter of the County Master Plan, the area is identified as a "New Development" area, which will be significantly transformed as new development takes place. These areas are often on undeveloped or agricultural areas, and are expected to be complimentary to adjacent development. The proposed RM-30 zoning will implement this transformation through new development that is consistent with the densities for the Suburban Residential placetype.

Core Principle 1, Land Use and Development, seeks to "manage growth to ensure a variety of compatible land uses that preserve all character areas of the county," and Goal 1.1 seeks to, "ensure compatibility with established character and infrastructure capacity." The proposed RM-30 zoning is compatible with adjacent residentially zoned areas and continues the suburban and mixed use density included with the current amendment to the Sterling Ranch Sketch Plan.

#### **WATER MASTER PLAN**

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

*Goal 6.0 – Require adequate water availability for proposed development.*

*Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*

*Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.*

The Falcon Area Water and Wastewater Authority (FAWWA) has sufficient supply and infrastructure in the area to serve this development. The FAWWA is expected to serve 3,710 single-family equivalent (SFE) homes in the year 2040 requiring 1,310 annual acre-feet. In the year 2060 the system is expected to serve 7,310 single-family equivalent homes requiring 2,580-acre feet per year.

In order to meet future demands, contractual arrangements have been made to obtain additional legal and physical supply including contracts with McCune Water SR Water LLC and the Bar X Water. In addition to adding off-site sources, additional priority is to acquire and invest in additional renewable water supplies. Future supply has been contracted for and implementation is under way.

FAWWA's main supply source is centralized at a point that both Cherokee Metropolitan District and Woodmen Hills Metropolitan District have adjacent major storage and delivery facilities. It is possible that future agreements could be made.

A finding of water sufficiency regarding quantity, dependability, and quality is not being requested, nor is it required, with the proposed rezoning, but would occur later at the site development plan stage of development.

### **EL PASO COUNTY MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)**

The MTCP identifies Vollmer Road as a Minor Arterial by 2040. No additional change of classification or widening is identified on the 2060 Corridor Preservation Map.

### **EL PASO COUNTY PARKS MASTER PLAN**

The Trails Master Plan map identifies a proposed Regional Trail adjacent to Sand Creek through Sterling Ranch. This has been accommodated in the Sterling Ranch filings already approved or in progress on the west side of the creek just north and east of the Rhetoric site. There are no proposed regional trails in the Trails Master Plan within this site, although multiple local trails will be included for circulation and recreational use through the rezone area. These trails will be privately owned and maintained.

**2. THE REZONING IS IN COMPLIANCE WITH ALL APPLICABLE STATUTORY PROVISIONS, INCLUDING BUT NOT LIMITED TO C.R.S. §30-28-111 §30-28-113, AND §30-28-116;**

As the proposed rezoning fulfils the goals of the County Master Plan as described under criterion (1) above and is a compatible transition between the adjacent uses, as described in criterion (3) below, it therefore complies with the statutory provisions that allow County's to establish, limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

**3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS;**

As noted above, the proposed RM-30 zoning is compatible with adjacent PUD and RS-5000 zoning and land uses, as it will be subordinate to the surrounding single-family residential uses and acts as a buffer and transition from the Pioneer Landscape operations, and the Vollmer Road and Marksheffel Road intersection to the lower density neighborhoods. The proposed rezone to allow multi-family uses is consistent with the current amendment to the Sterling Ranch Sketch Plan, which includes mixed use development as an acceptable type of use for the property.

**4. THE SITE IS SUITABLE FOR THE INTENDED USE, INCLUDING THE ABILITY TO MEET THE STANDARDS AS DESCRIBED IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE, FOR THE INTENDED ZONE DISTRICT.**

Future development of this portion of the property will meet the use and dimensional standards for the RM-30 zone as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for the proposed residential density and provides a transition between residential use types. The project has adequate access to Mark Sheffel Road and proposed Sterling Ranch Road and has access to adequate utilities.