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**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
**CRAIG DOSSEY, EXECUTIVE DIRECTOR**

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

**FROM: Len Kendall, Planner I**  
**Beck Grimm, EI Engineer I**  
**Craig Dossey, Executive Director**

**RE: Project File #: CS-18-004**  
**Project Name: Tamlin Road Rezone**  
**Parcel No.: 53210-02-001**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
C & M Properties LLC c/o Peter Carroll 12748 Barossa Valley Road Colorado Springs, CO 80921	NES, Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

**Commissioner District: 2**

Planning Commission Hearing Date:	4/2/2019
Board of County Commissioners Hearing Date:	4/23/2019

**EXECUTIVE SUMMARY**

A request by NES, Inc., on behalf of C & M Properties, LLC, for approval of a map amendment (rezoning) of 16.49 acres from a split-zoned parcel of RR-5 (Residential Rural) and CC (Commercial Community) to CS (Commercial Service). The property is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane. The property is not included within a comprehensive planning area.

Water service to the property is provided via an agreement with Woodmen Hills Metropolitan District and is proposed to be served by an onsite wastewater treatment facility (OWTS) for sewage disposal. Per El Paso County Public Health, it is recommended that central water and wastewater services be provided, however, connection to such services would not be required with this application. The proposed commercial use does not require water supply, however, any future use may need to use the water provided via the agreement with Woodmen Hills Metropolitan District.



If the commercial use proposes to utilize an OWTS for wastewater disposal, the OWTS must be designed by a Colorado Registered Professional Engineer and permitted by El Paso County Public Health. Any new or expanded use may require the provision of adequate water and wastewater services.

The property is located within an enclave of the City of Colorado Springs and is adjacent to the CC (Commercial Community) and RR-5 (Residential Rural) zoning districts in the County, as well as City of Colorado Springs zoning districts.

#### **A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by NES, Inc., on behalf of C & M Properties, LLC, for approval of a map amendment (rezoning) of 16.49 acres from a split-zoned parcel of RR-5 (Residential Rural) and CC (Commercial Community) to CS (Commercial Service).

**Waiver(s)/Deviation(s):** There are no waivers or deviations in association with this request.

**Authorization to Sign:** There are no documents associated with this application that require signing.

#### **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 (2019):

- 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-5 and CC	Religious Institution/storage
South: City of Colorado Springs	Cherokee Metropolitan District water tank/vacant
East: City of Colorado Springs	Vacant
West: City of Colorado Springs	Single-family residential

## E. BACKGROUND

The parcel was created on June 23, 1965, and was initially zoned on September 21, 1965, as A-4 (Agricultural). The property was reclassified in 1991 as RR-3 (Rural Residential) as a result of comprehensive revisions to the Land Development Code. In 2003, the Board of County Commissioners approved a rezone of a 5.25 acre portion of the parcel to PBP (Planned Business Park). Due to nomenclature changes the RR-3 and the PBP zoning districts have been renamed to the RR-5 (Residential Rural) and CC (Commercial Community) zoning districts. The rezoning of a portion of the property was in anticipation of a preliminary plan and final platting process, however, the project was not completed and the parcel was never subdivided. The applicant is proposing to rezone the entire parcel to the CS (Commercial Service) zoning district. The applicant is anticipating initiating a mini-storage use on the property, which would be an allowed use in the CS zoning district, and a special use in the existing CC zoning district. The property to the north is zoned CC and applied for and received approval of a mini-warehouse use in 1995 (AL-95-003). The property is located within an enclave of the City of Colorado Springs, but is not recognized in the Colorado Springs Annexation Plan (2006).

## F. ANALYSIS

### 1. Land Development Code Analysis

The current zoning on the property is split between two zoning districts, RR-5 (Residential Rural) and CC (Commercial Community). The entire parcel meets the minimum requirements of the CS zoning district. The rezone request will unify the zoning on the parcel under a single zoning district, the CS (Commercial Service) zoning district. The CS zoning district allows certain uses that are more intense than the CC zoning district, including hotels, food processing, and shopping centers. Some special uses in the CC zoning districts are allowed uses in the CS zoning district and some land uses that more closely relate to light industrial would require special use approval in the CS zoning district, where they are not allowed in the CC zoning district. The rezone request complies with Section 5.3.5.B of the Code. The Code describes the CC and CS zoning districts as follows:

CC (Commercial Community): The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.

CS (Commercial Service): The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.

The CS zoning district allows more intense commercial land uses than the CC zoning district, however, many of the same uses are allowed in both zoning districts either as by right or by special use.

## **2. Zoning Compliance**

The applicant is requesting to rezone 16.49 acres to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum lot size – no minimum lot size
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet. The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district
- Maximum building height – 45 feet
- Maximum lot coverage – no maximum lot coverage

The property is located within an enclave of the City of Colorado Springs and is adjacent to a church and a storage facility. To the west of this property is higher density single family residential development located within the City of Colorado Springs.

The property is split zoned. Approval of the requested map amendment (rezoning) will eliminate the split zoning situation. Although the property is not recognized in the Colorado Springs Annexation Plan (2006), it is in an enclave and staff gave the option and recommended annexing into the City of Colorado Springs.

## **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.

The property is adjacent to a storage facility, a church, single family residential, and vacant land. The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. Residents of both the City of Colorado Springs and El Paso County are adjacent to the subject property. The property is located within an enclave of the City of Colorado Springs and could be considered an urbanizing area of the County.

#### **4. Small Area Plan Analysis**

The property is not located within a comprehensive (small area) planning area.

#### **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

There are no hazards on this property.

#### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

#### **3. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panels 08041C0343G and 08041C0345G dated 12/07/2018 show that the property lies within Zone X, an area determined to be outside the 500 year floodplain.

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

The property is located within the Sand Creek (FOFO4000) drainage basin. Although the Sand Creek drainage basin is a fee basin, no drainage or bridge fees are required for a rezoning. A drainage report will be required with any future subdivision applications. No public drainage improvements are anticipated.

#### **5. Transportation**

The property is adjacent to and accessed via Tamlin Road. A traffic impact study dated March 5, 2019, was completed by LSC Transportation Consultants, Inc. The traffic impact study analyzed three levels of buildout intensity in order to determine potential trigger points for offsite public roadway improvements. It is anticipated that the parcel will be subdivided into two parcels. Each lot will be required to submit a

separate traffic study at the site development plan stage to determine necessary offsite public improvements. The 2040 Major Transportation Corridors Plan (MTCP) shows Tamlin Road upgraded to a collector level roadway. Additional right-of-way dedication will be required at the time of final plat.

The proposed development will be subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

## **H. SERVICES**

### **1. Water**

The anticipated commercial use is not proposed to require water supply service. Any future development of the site that does require water supply service may be served by Woodmen Hills Metropolitan District as part of a pipeline easement agreement with the former property owners.

### **2. Sanitation**

Wastewater service is proposed to be provided via an onsite wastewater treatment system (OWTS).

### **3. Emergency Services**

The property is within the Falcon Fire Protection District.

### **4. Utilities**

Electrical service is provided by Mountain View Electric Association and natural gas services is provided by Colorado Springs Utilities.

### **5. Metropolitan Districts**

The property is not located within a metropolitan district.

### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application.

### **7. Schools**

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

## **I. APPLICABLE RESOLUTIONS**

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Disapproval Page 28

## **J. STATUS OF MAJOR ISSUES**

There are no major issues.

## **K. CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

### **CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. A site development plan shall be applied for and approved prior to authorization of a building permit or the establishment of a new use on the property.
4. Prior to the establishment of new uses on the property, the applicant shall provide evidence of the availability of water supply and wastewater treatment adequate to support the proposed use.

### **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.

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

The Planning and Community Development Department notified eighteen (18) adjoining property owners on March 18, 2019, for the Planning Commission hearing. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map

# El Paso County Parcel Information

File Name: CS-18-004

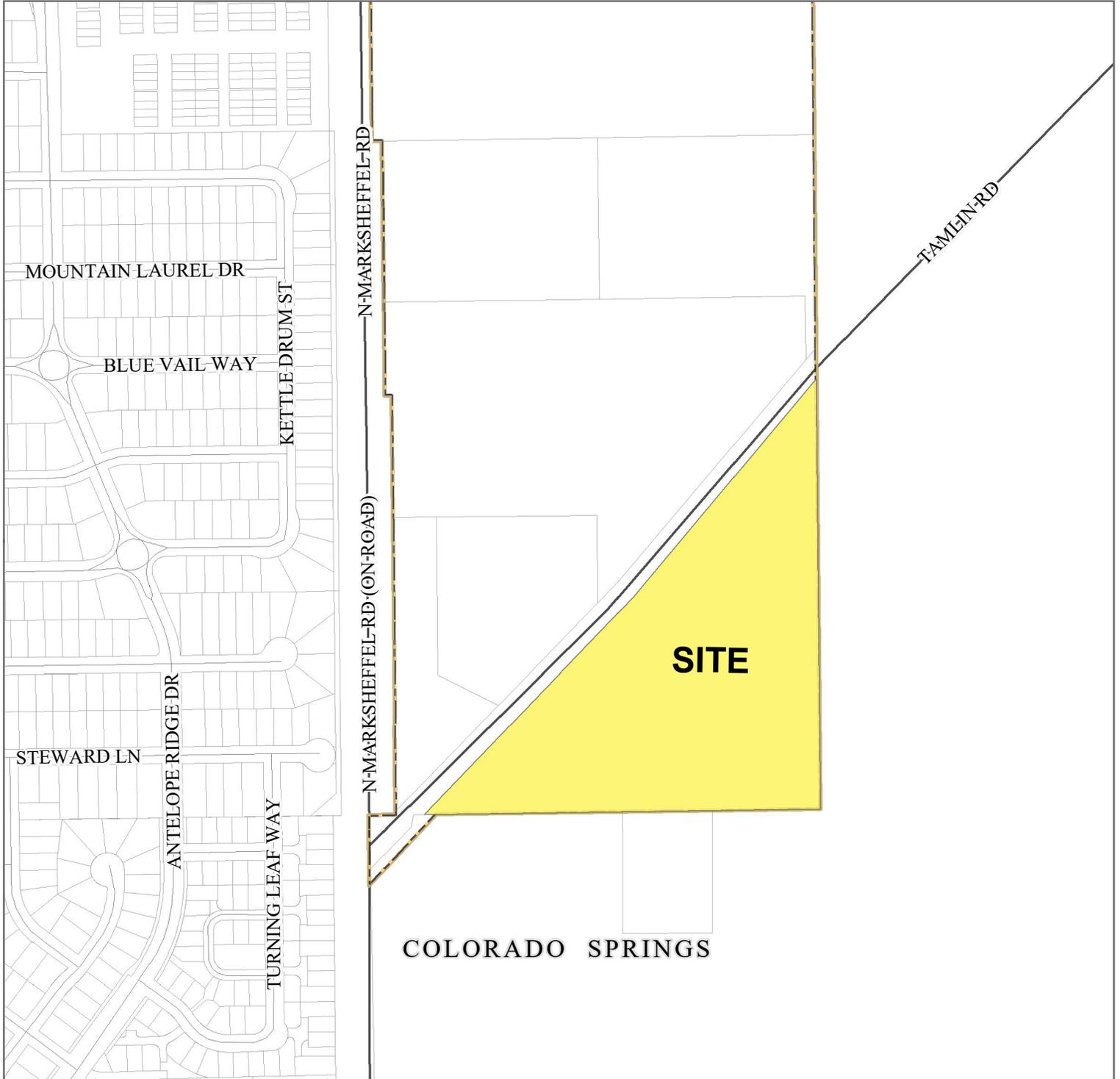
PARCEL	NAME
5321002001	C & M PROPERTIES LLC

Zone Map No. --

ADDRESS	CITY	STATE
12748 BAROSSA VALLEY RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80921	1912

Date: MARCH 12, 2019



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (970) 520-6600



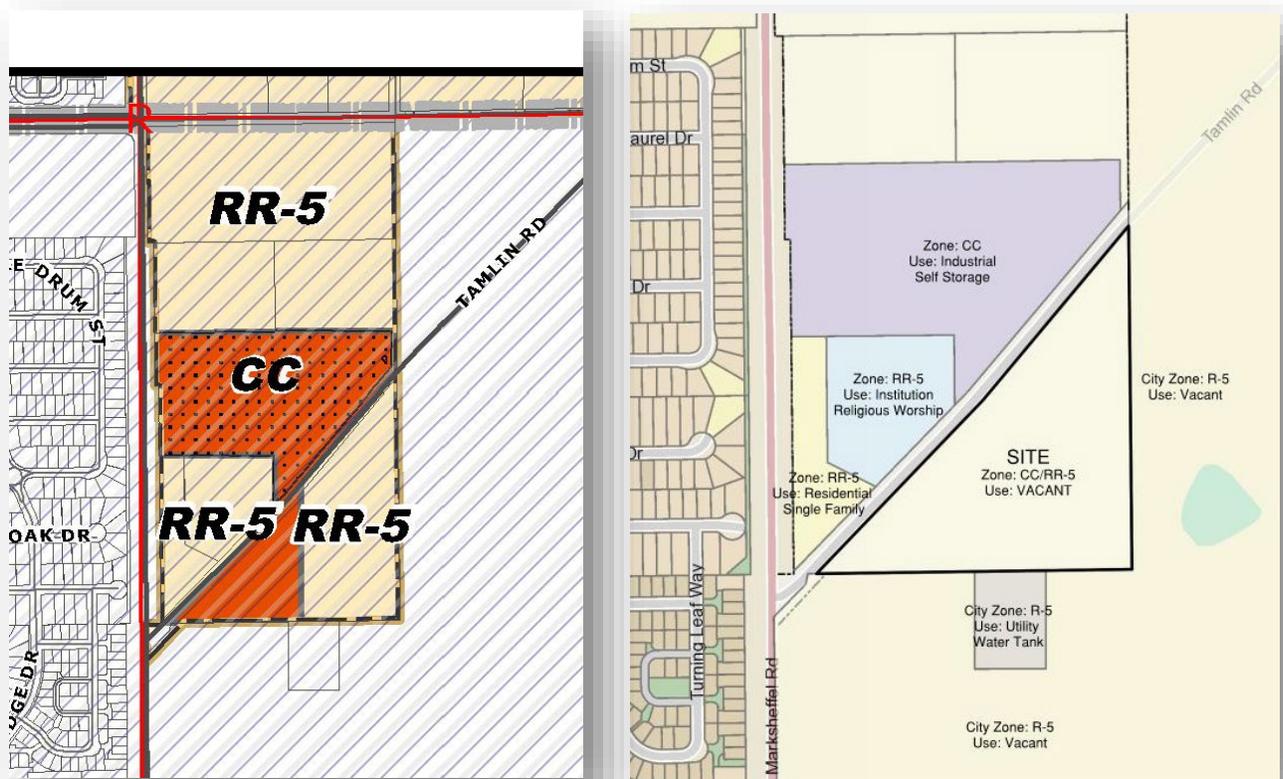
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## CONTEXT

The site is surrounded by a mix of uses and zones under City and County jurisdictions. The following table outlines the surrounding zoning, land uses, and jurisdictions.

LOCATION	ZONE DESIGNATION	LAND USE	JURISDICTION
Northwest	CC RR-5 RR-5	Self Storage Religious Worship Residential Single-family	County
East	R-5/R1-6	Vacant/Residential - low	City
South	R-5	Vacant/Utility/Residential - low	City



## PROJECT DESCRIPTION

The proposed zone change to CS Commercial Services provides a consistent zone for the property by removing the two arbitrary CC/R-5 zones. The two zones do not follow any known property line or easements. The change to CS provides the opportunity for development of the site and allows a wider range of commercial uses appropriate for the site's location and shape. Subsequent plans and reports will address the requirements of specific uses, such as drainage, water, and wastewater services. Woodmen Hills Metro District has committed to provide water service to the property. An On-site Wastewater Treatment System will provide wastewater service. Future plans for development will assess water and wastewater more specifically based on the proposed development.

The CC and CS zones are defined as follows:

***CC, Commercial Community District***

*The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.*

***CS, Commercial Services District***

*The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.*

While both zones are intended to accommodate retail sales and services. The proposed zone change to CS provides additional commercial uses to serve the general public while the CC zone provides services to the surrounding neighborhood. The property owners intended use/uses of the site are permitted as a Special Use in the CC zone. The change to CS allows the storage use as a permissive use. All necessary reports specific to site design such as the drainage report will be submitted with subsequent plans.

**PROJECT JUSTIFICATION**

**Chapter 5.2.5.B: Map Amendment (Rezoning) Criteria**

**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;**

**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 6.1.1**

*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 6.3.6**

*Where feasible, when compatible and service level issues have been addressed; smaller commercial, office and institutional uses should be allowed to locate within, or convenient to, the residential neighborhoods they serve or complement.*

The proposed zone change accommodates an intended use within the CS zone compatible with the surrounding uses by providing a self storage facility near residential development. The commercial use is a low intensity use with little impact on the existing infrastructure and utilities. Through subsequent preliminary plans, the facility will be gated and screened to minimize any visual impact to future uses. Many of the surrounding properties are currently vacant therefore, not impacted. Access from Tamlin Road to the site is intended to align with the storage access to the north.

**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 rezone is in compliance with all applicable statutory provisions.

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

The zone change is compatible with the surrounding land uses and zone districts by providing a commercial service to the surrounding residential. In addition the CC zone to the north contains a Special Use Permit for Mini-warehouse. In essence, this proposed zone change accomodates the same use as the property to the north. The use has minimal impact on the existing infrastructure in the area. It is acknowledged that the proposed CS zone will allow a range of commercial uses and any impacts to traffic and utilities associated with a specific use will be assessed with future Preliminary Plans.

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

The intended use is suitable for the site as stated previously, the storage facility design can accommodate the irregular site and the utility easement while meeting the buffering and other site development standards. Future Preliminary Plans will assess the ability of the specific use to meet zone standards and will provide the necessary studies and/or reports.

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