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

## SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 9/28/2023  
RE: CS231 Jubilee Group Rezone

### Project Description

A request by Jubilee Group for approval of a Map Amendment (Rezone) of 14.35 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located on the south side of Falcon Highway, adjacent to the Falcon Highway and U.S. Highway 24 Intersection. (Parcel No. 5313001013) (Commissioner District No. 2)

### Notation

Please see the Planning Commission Minutes from 8/17/2023 for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Ms. Fuller moved / Mr. Trowbridge seconded to recommend approval for the Map Amendment (Rezoning) utilizing the resolution attached to the staff report, with one (1) condition and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a called-up consent agenda item. There was public opposition from one resident.

### Discussion

There was one public comment regarding this item. A citizen who owns property downstream from the property was concerned about stormwater mitigation and wanted more information on the proposed drainage plan. County Engineer Hernandez Martinez assured the citizen that drainage would be addressed at the Site Development Plan phase. The applicant was urged to meet with surrounding residents to mitigate any other potential concerns.

### Attachments

1. Planning Commission Minutes from 8/17/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting

Thursday, August 17, 2023

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:** THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, AND TIM TROWBRIDGE.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, JEFF RICE, JOE LETKE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** JIM OZBURN.

#### **1. REPORT ITEMS:**

**A. Planning Department.** Next PC Hearing is Thursday, September 7, 2023, at 9:00 A.M. Ms. Herington advised the board that Ms. Merriam and Mr. Schuettpelz were reappointed to 3<sup>rd</sup> Associate terms on the Planning Commission. Mr. Kilgore introduced Mr. Letke as a new planner for the department.

**2. Call for public comment for items not on the hearing agenda – NONE.**

#### **3. CONSENT ITEMS:**

**A. Adoption of Minutes of meeting held August 3, 2023.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).**

**B. CS-23-001**

**HAAS**

**MAP AMENDMENT (REZONE)  
JUBILEE GROUP REZONE**

A request by Jubilee Group for approval of a Map Amendment (Rezone) of 14.35 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located on the south side of Falcon Highway, adjacent to the Falcon Highway and U.S. Highway 24 Intersection. (Parcel No. 5313001013) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION. \*\***

**PC ACTION: TROWBRIDGE MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER CS-23-001, FOR A MAP AMENDMENT (REZONE), JUBILEE GROUP REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0). \*\***

\*\* (Item CS-23-001 was readdressed later in the meeting.)

**C. CS-22-004**

**BAGLEY**

**MAP AMENDMENT (REZONE)  
MERIDIAN STORAGE REZONE**

A request by Meridian Storage, LLC for approval of a Map Amendment (Rezone) of 15.30 acres from RR-5 (Residential Rural) to CS (Commercial Service). The properties are located at 11690, 11685, and 11750 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel Nos. 5301001001, 5301001002, and 5301001014) (Commissioner District No. 2).

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER CITIZEN REQUEST.**

**4. CALLED-UP CONSENT ITEMS**

**3C. CS-22-004**

**BAGLEY**

**MAP AMENDMENT (REZONE)  
MERIDIAN STORAGE REZONE**

A request by Meridian Storage, LLC for approval of a Map Amendment (Rezone) of 15.30 acres from RR-5 (Residential Rural) to CS (Commercial Service). The properties are located at 11690, 11685, and 11750 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel Nos. 5301001001, 5301001002, and 5301001014) (Commissioner District No. 2).

**STAFF & APPLICANT PRESENTATIONS:**

**Mr. Bailey** asked how the RR-5 properties to the west of this proposal will access their properties.

**Mr. Rice** answered that Owl Place will connect via the proposed roads that will access north to Bent Grass Meadows Drive, and south to Eastonville Road. He referenced a slideshow image.

**Mr. Bailey** clarified that Owl Place will remain but it will no longer intersect with Meridian Road.

**Mr. Rice** confirmed.

**Mr. Markewich** asked if there will be noise or hours of operation restrictions because the location is adjacent to residential.

**Ms. Bagley** answered that the LDC does have standards that address noise and hours of operations. PCD will ensure the applicant is aware of those restrictions when a future site development plan is proposed.

**Mr. Markewich** clarified that there are also restrictions preventing people from living within RVs that are stored on the property.

**Ms. Bagley** stated that is correct. This would not be zoned for an RV park, so people cannot reside within the stored RVs.

**Mr. Bailey** commented that this is the first stage of the process. There will be subsequent applications for the additional details.

**Mr. Carlson** commented that while the applicant is currently stating their intent is to propose storage, once this property is zoned CS, any of the allowed uses under that zoning type.

#### **NO PUBLIC COMMENTS.**

It was at this time that the board discovered the citizen had mistaken which project needed to be pulled and heard as a regular item. Ms. Seago recommended the Planning Commission return to the previously addressed file by making a motion to reconsider. This was done later in the meeting.

#### **NO FURTHER DISCUSSION.**

**PC ACTION: MORAES MOVED / CARLSON SECONDED FOR APPROVAL OF CALLED-UP ITEM NUMBER 3C, FILE NUMBER CS-22-004 FOR A MAP AMENDMENT (REZONE), MERIDIAN STORAGE REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**\*\* PC ACTION: TROWBRIDGE MOVED / FULLER SECONDED TO RECONSIDER ITEM NUMBER 3B, FILE NUMBER CS-23-001. THE MOTION WAS APPROVED (5-2).**

**IN FAVOR:** BRITAIN JACK, FULLER, MARKEWICH, MORAES, AND TROWBRIDGE.

**IN OPPOSITION:** BAILEY AND CARLSON.

**NO COMMENTS.**

**3B. CS-23-001**

**HAAS**

#### **MAP AMENDMENT (REZONE) JUBILEE GROUP REZONE**

A request by Jubilee Group for approval of a Map Amendment (Rezone) of 14.35 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located on the south side of Falcon Highway, adjacent to the Falcon Highway and U.S. Highway 24 Intersection. (Parcel No. 5313001013) (Commissioner District No. 2).

#### **STAFF & APPLICANT PRESENTATIONS:**

**Mr. Bailey** asked Mr. Hernandez Martinez if he had a general description of the drainage issue in the area.

**Mr. Hernandez Martinez** stated there is none he is aware of. The applicant's presentation began.

**PUBLIC COMMENT:**

**Mr. Jim Ozburn** stated that his property is downstream from the subject property. He is concerned about water control when it rains. He is concerned about flooding. He would like more information about the proposed drainage plan.

**DISCUSSION:**

**Mr. Bailey** reiterated that this is a multistep process. The drainage for a specific site plan will be addressed at a later stage. Comments and concerns regarding drainage can be addressed then.

**Mr. Hernandez Martinez** echoed Mr. Bailey remarks. Drainage impacts will be addressed with the future site development plan. It appears that water flows both east and west on the property. During review, it's a requirement that properties drain at historic rates, so flooding should be mitigated.

**Mr. Bailey** commented that CDOT will also review the proposal because of the location.

**Mr. Hernandez Martinez** stated CDOT and the City of Colorado Springs will be part of the review.

**Mr. Moraes** commented that the applicant will be required to develop and engineer drainage to not exceed historic rates; nothing more. He urged the developer to meet with surrounding residents to mitigate potential issues. He repeated that the rezone stage does not consider the drainage concerns. The next step, the site development plan, is when staff deeply reviews the intended development of the property.

**Mr. Carlson** stated that he heard in the presentation that commercial use could potentially increase the runoff by 4 times. This would need to be detained to only allow what historic runoff was.

**Mr. Ozburn** got back up to discuss the current conditions.

**Ms. Fuller** stated that even though drainage is not part of the current consideration, she's glad he came to the hearing to better understand and participate in the process. She asked County staff to work with Mr. Ozburn.

**PC ACTION: FULLER MOVED / TROWBRIDGE SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 3B, FILE NUMBER CS-23-001 FOR A MAP AMENDMENT (REZONE), JUBILEE GROUP REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**5. REGULAR ITEMS – NONE.**

**6. NON-ACTION ITEMS – NONE.**

**MEETING ADJOURNED** at 9:45 A.M.

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

FULLER moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-23-001

JUBILEE GROUP REZONE

WHEREAS, Jubilee Group, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 17, 2023; 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. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. That all exhibits were received into evidence;
5. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

CS-23-001

6. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That 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.

WHEREAS, when approving a map amendment, 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.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (as amended):

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Jubilee Group, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with 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.

#### 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 El Paso County Board of County Commissioners for its consideration.

Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / <u>absent</u>

The Resolution was adopted by a vote of 7 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17th day of August 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair



EXHIBIT A

LOT 1, ABIDING WORD LUTHERAN CHURCH SUBDIVISION, RECORDED UNDER RECEPTION NO. 206712443,  
RECORDS OF EL PASO COUNTY, STATE OF COLORADO,

CONTAINING AN AREA OF 14.35 ACRES, MORE OR LESS.

# EL PASO COUNTY COLORADO

COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Christian Haas, Planner I  
Carlos Hernandez, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: CS-23-001  
Project Name: Jubilee Group Rezone  
Parcel Number: 5313001013

OWNER:	REPRESENTATIVE:
Steve Kang Jubilee Group LLC 520 Edison Street Brush, CO 80723	David Gorman M.V.E Inc 1903 Learay Street, Suite 200 Colorado Springs, CO. 80909

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>8/17/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>9/28/2023</b>

### EXECUTIVE SUMMARY

A request by Jubilee Group, LLC for approval of a Map Amendment (Rezoning) of 14.35 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located on the south side of Falcon Highway, adjacent to the Falcon Highway and U.S. Highway 24 intersection.

### A. WAIVERS/DEVIATIONS/AUTHORIZATION

**Waiver(s)/Deviation(s):** There are no waivers/deviations associated with this application.

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OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), 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 (as amended):

- 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.

**C. LOCATION**

North:	City of Colorado Springs	Single-family Residential
South:	RR-5 (Residential Rural)	Commercial
East:	RR-5 (Residential Rural)	Single-family Residential
West:	RR-5 (Residential Rural)	Single-family Residential

**D. BACKGROUND**

The 14.35-acre property was platted in 2006, as Lot 1 of the Abiding Word Lutheran Church Subdivision. The property is currently zoned RR-5 (Residential Rural) and is unimproved. The applicant is proposing a rezone to CS (Commercial Service) to support the development of a self-storage facility, classified as a mini-warehouse use-type.

If the Map Amendment (Rezoning) application is approved, approval of a site development plan will be required prior to initiation of any uses on the property. The site development plan will need to show compliance with all relevant development standards in Chapter 6 and any relevant density and development standards for the CS zoning district in Section 5.4 of the Land Development Code (as amended).

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## E. ANALYSIS

### 1. Land Development Code Analysis

The applicant is proposing to rezone the property to CS (Commercial Service). Section 3.2 of the Code states the following as the intent of the CS zoning district:

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

### 2. Zoning Compliance

The applicant is requesting to rezone 14.35 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 zoning district area: 2 acres<sup>11</sup>
- Minimum lot size: N/A
- Setbacks
  - Front: 25 feet<sup>1,3,11</sup>
  - Side: 25 feet<sup>1,2,3,11</sup>
  - Rear: 25 feet<sup>1,2,3,11</sup>
- Maximum height: 45 feet

<sup>1</sup> Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

<sup>2</sup> 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.

<sup>3</sup> Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

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

To initiate any uses on the property, the applicant will need to obtain subsequent site development plan approval. The site development plan will be reviewed to ensure that all proposed and existing structures will comply with the zoning district



dimensional standards as well as the General Development Standards of the Land Development Code (As Amended) and Engineering Criteria Manual requirements.

## F. MASTER PLAN COMPLIANCE

### 1. Your El Paso County Master Plan

#### a. Placetype Character: Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*

#### **Recommended Land Uses:**

##### Primary

*Single family Detached Residential with lot sizes typically 2.5 acre lots or larger.*

##### Supporting

*Parks/Open Space*

*Commercial Retail (limited)*

*Commercial Service (limited)*

*Agricultural*

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**Analysis:**

The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods.

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

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

***Specific Strategies** – The Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment will be intense enough to transition the existing development setting to an entirely new type of 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 placetype to limit barriers to shopping districts and employment centers.*

***Objective ED3-6** – Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

The proposed rezone would convert approximately 14.35 acres from the RR-5 zoning district to the CS zoning district, which would support commercial development. Limited Commercial Retail and Commercial Services are consistent with the supporting land uses of the Large-Lot Residential placetype.

The subject property is located south of Highway 24 and could serve as a transition between RR-5 zoning to the south and a variety of PUD's, commercial and residential zoning districts to the north.

**b. Area of Change Designation:** Transition

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and*



*change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*

**Analysis:**

The proposed rezone would bring commercial development to an area that has commercial development approximately one mile to the north. The rezone would be consistent with the description of the Transition Area of Change Use Designation in the El Paso County Master Plan.

**c. Key Area Influences:** The property is not located within a key area.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has 3 main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan. Water will be supplied for a well in which sufficiency was found during subdivision. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at



build-out in 2060 for Region 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060.

A finding of water sufficiency is not required with a map amendment; however, sufficient water rights for the proposed use have been secured by the owner which include 3.9 acre-feet of annual groundwater to be withdrawn from the Denver Aquifer.

### 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and have the following comments:

“The applicant is hereby on notice that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable county, state, and federal laws and regulations, including, but not limited to, the Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, Colorado Noxious Weed Act and El Paso County Weed Management Plan.”

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan (MTCP).

## G. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

No hazards were identified during the review of the map amendment (rezoning).

### 2. Floodplain

The FEMA Flood Insurance Rate Map, 08041C0561G, indicates that the property is outside of a floodplain. There are no expected impacts from the proposed rezone and future use to a floodplain.

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PLNWEB@ELPASOCO.COM



### 3. Drainage and Erosion

The property is located within the Falcon Drainage Basin (CHWS1400) and Sand Creek Drainage Basin (FOFO2000). The property was platted as Lot 1, Abiding World Lutheran Church Subdivision in 2006. Drainage and bridge fees were paid at the time of plat, \$3,953 and \$1,225 respectively. Drainage and bridge fees are not assessed with Map Amendment (Rezone) requests.

Due to the change in land use and development, an updated final drainage report and grading and erosion control plan will be required at the Site Development Plan stage. The final drainage report shall provide hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development to downstream properties and stormwater runoff.

### 4. Transportation

The property is located at the southeast corner of the intersection of Highway 24 and Falcon Highway. Highway 24 is a Colorado Department of Transportation (CDOT) owned and maintained roadway classified as an Expressway. Due to the classification of Highway 24, no direct access will be allowed. Falcon Highway is a City of Colorado Springs (COS) owned and maintained roadway classified as a Principal Arterial. The submitted traffic impact study identifies that the primary access to the site will be via Falcon Highway. The proposed access and all public improvements adjacent to Falcon Highway will be required to be built and meet City of Colorado Springs standards. Further specifications will be provided by COS at the subsequent stage.

CDOT will require the applicant to obtain an access permit and will specify required improvements at the site development stage plan state and/or as part of the Access Permit process. Anticipated improvements include but are not limited to construction of a frontage road as specified in the SH24G Access Control Plan.

The proposed development is projected to generate 180 vehicle trips per day (ADT) at buildout per the submitted traffic impact study. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

## H. SERVICES

### 1. Water

Water will be provided by an onsite well. The applicant intends to seek State authorization for commercial withdrawal from the proposed well. Water sufficiency has been determined for the site at a rate of 3.9 acre-feet per year.

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## **2. Sanitation**

Wastewater will be provided by an onsite wastewater treatment system designed to conform to County requirements.

## **3. Emergency Services**

The property is within the Falcon Fire Protection District.

## **4. Utilities**

Electricity is provided by Mountain View Electric Association. The City of Colorado Springs had the following comment:

“The property has contiguity to the north for city of Colorado Springs boundary, if utilities are to be provided by CSU, annexation would be required. If utilities are provided by other means then the city would recommend annexation but would not be required.”

## **5. Metropolitan Districts**

The subject property is not within a metro district.

## **5. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

## **6. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

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

There are no outstanding major issues.

## **K. 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 (as amended), staff recommends the following conditions and notations:

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## **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.

## **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 ten (10) adjoining property owners on July 31, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

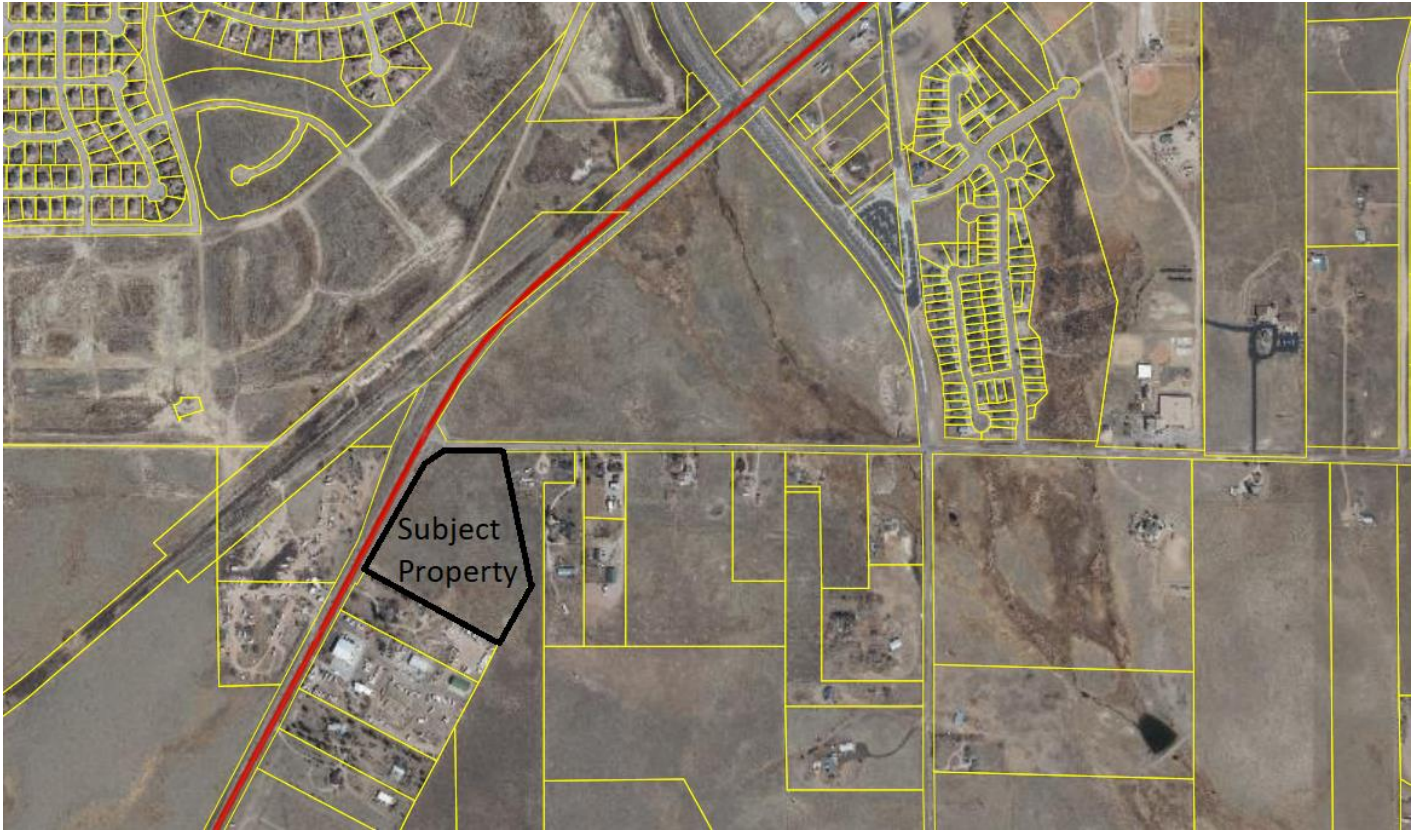
Map Exhibits  
Vicinity Map  
Letter of Intent  
Rezone Map  
Draft Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



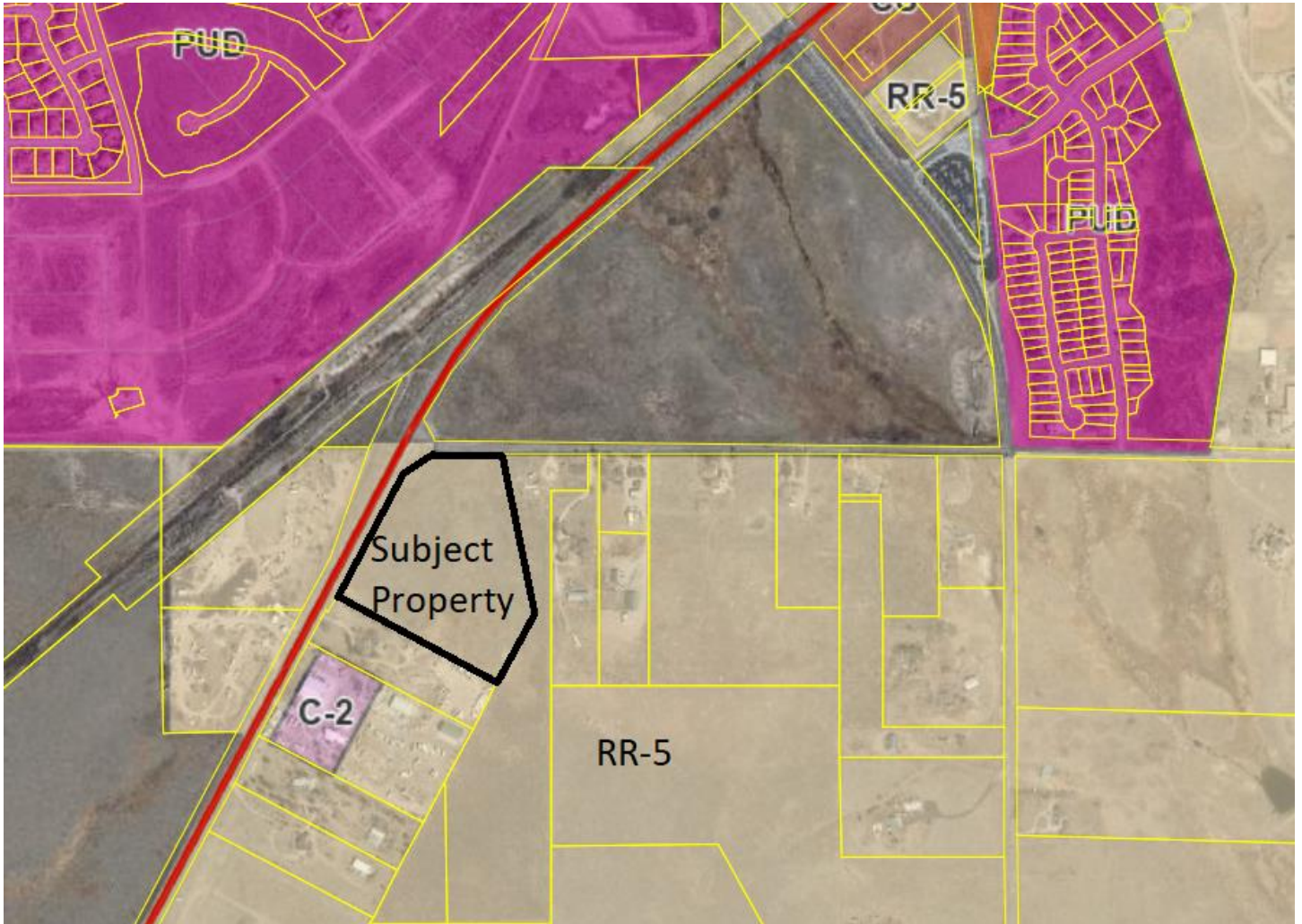
COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

# Map Exhibit #1: Aerial

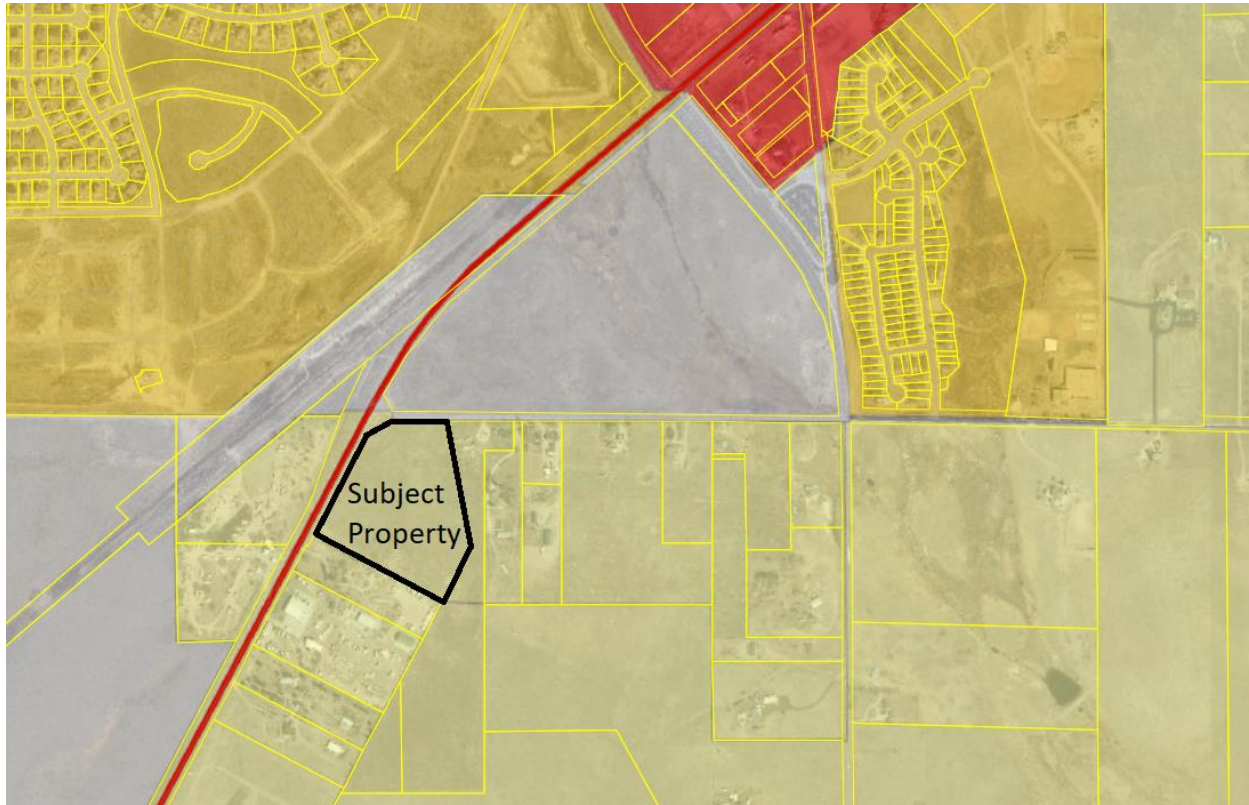
















# Map Exhibit #2: Zoning



# Map Exhibit #3: Placetype



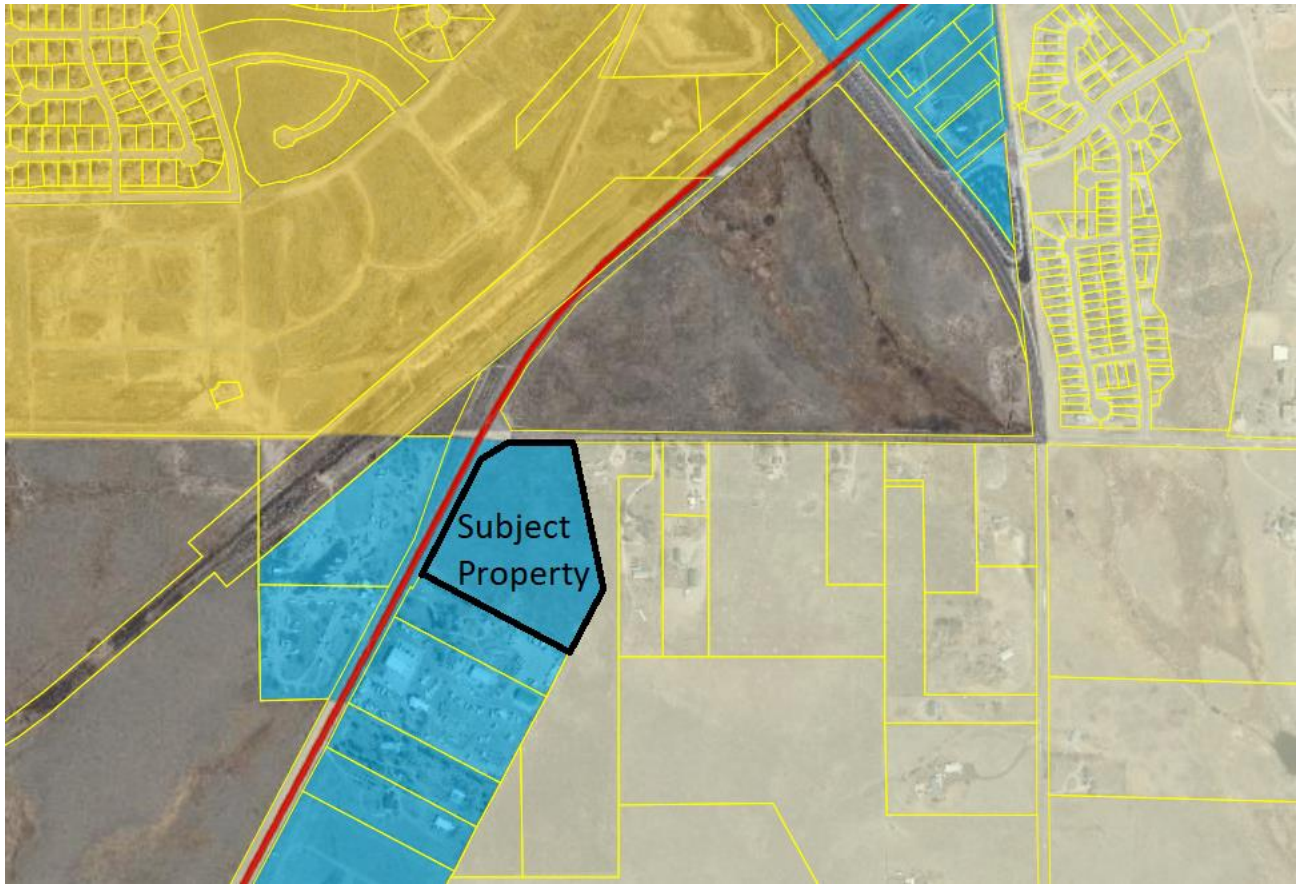
## Legend

-  Rural
-  Large-Lot Residential
-  Suburban Residential
-  Urban Residential
-  Rural Center
-  Regional Center
-  Employment Center
-  Regional Open Space
-  Mountain Interface
-  Military
-  Utility
-  Incorporated Area










## Map Exhibit #4: Area of Change



### Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition









December 21, 2022

PCD File No.:

**Letter of Intent  
Falcon Highway Mini Storage  
Zone Change**

**Owner:**

Steve Hui Kang and Annie Sungjoo Kwon  
520 Edison Street,  
Brush, CO 80723  
(970) 404-2298  
stevekang7777@outlook.com

**Applicant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Attn: David R. Gorman, P.E.  
daveg@mvecivil.com

**Request**

The request to the Board of County Commissioners is a rezoning of the 14.35-acre property, identified as Lot 1, Abiding Word Lutheran Church Subdivision and holding El Paso County Tax Schedule No. 5313001013, from Rural Residential (RR-5) to Commercial Service (CS). The property is located on the south side of Falcon Highway adjacent to the Falcon Highway and U.S. Highway No. 24 intersection in El Paso County, Colorado. At this time, no overlay zoning is applicable for this project site.

**Project Site Description**

The project site is located within the north half of Section 13, Township 13 South, Range 65 West of the 6<sup>th</sup> Principal Meridian in El Paso County, Colorado. The 14.35-acre property is currently zoned Rural Residential (RR-5) and identified by El Paso County Tax Schedule No. 5313001013. The property is described as Lot 1, Abiding Word Lutheran Church Subdivision and uses the address of 11401 E. Highway 24. The project site is adjacent to Falcon Highway, a 60' right of way bordering the northern edge, and to U.S. Highway No. 24 on the western edges. The property is adjacent to a 65.88-acre vacant agricultural property (Tax Schedule No. 5312400017) on the north side of Falcon Highway, 0.88-acre vacant agricultural property (Tax Schedule No. 5300000285) and 16.91± acre R.V. Park (Tax Schedule Nos. 5313000094 and 5313000006) on the west side of U.S. Highway 24, 4.98-acre single family residential property (Tax Schedule No. 5313000117) to the south, and 16.12-acre agricultural residence with several cattle sheds to the east. The project is anticipated to be accessed by a primary driveway on Falcon Highway. The proposed driveway will be improved to meet County Code and Fire District access criteria. It is acknowledged that a CDOT state highway access permit will be required for said access. The adjacent property owners have been

*Engineers • Surveyors*

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notified, as outlined by the county, of this proposed zone change as part of this request. A separate Traffic Impact Study addressing anticipated traffic generation and access has been prepared for this site and will be provided to the county for review as part of this request.

### **Proposed Uses**

The project site is currently vacant land with no significant improvements. The proposed use of the site is for the operation of a mini-warehouse/self-storage facility, an allowed use in the Commercial Service (CS) zoning district according to the El Paso County Land Development Code and a supporting use in the Large-lot residential placetype according to the El Paso County Master Plan. The construction and operation of the proposed mini warehouse will require the approval of a Site Development plan by El Paso County which will include landscaping per section 6.2.2 of the Land Development Code, a full photometric plan as per sec. 6.2.3 of the Land Development Code, all county required drainage impact improvements, a wastewater system design as required by the county, and the payment of the required road impact fees and CDOT Highway access fees. The submittal of the site development plan will follow the approval of this rezoning request. Utilities will be provided in accordance with the proposed development's Site Development plan which is to be submitted following the approval of this request. Utilities for a typical mini warehouse, according to the Land Development Code are provided only to service "a manger's apartment and for lighting and climate control of individual storage units." The site area included within the request does not contain within it sensitive natural or physical features such as wetlands, protected species habitat, or floodplains.

### **Justification**

The proposed rezone will allow the development of a mini warehouse, which is an allows use in the proposed CS zoning district. This section discusses the project's compliance with and conformance to the El Paso County Master Plan, the County Water Master Plan, and the criteria of approval listed in Section 5.3.5(B) in Chapter 5 of El Paso County Land Development Code.

The request satisfies and is in compliance with all of the **criteria of approval listed in Section 5.3.5(B) in Chapter 5 of El Paso County Land Development Code (2021)**:

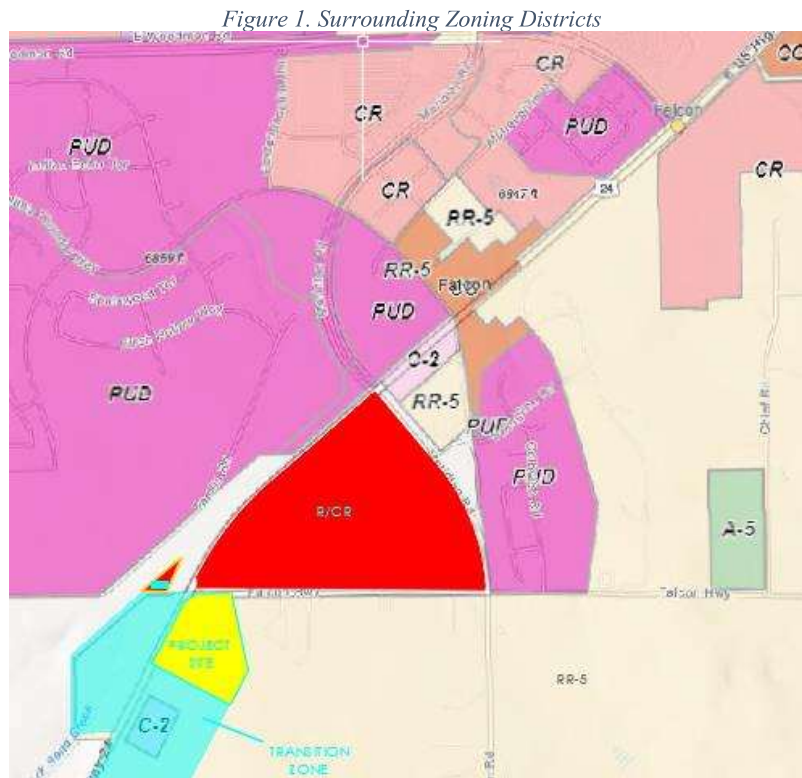
*The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;*

The El Paso County Master Plan ("**Your El Paso Master Plan**" adopted on May 26, 2021) is a comprehensive document communicating a vision for many factors that influence the quality of life in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

According to the Master Plan the project site is located within the **Large-Lot Residential placetype**. Supporting land uses of the Large-Lot Residential placetype include Commercial Service (limited). Although specified as a limited use, the site's location on a major highway and proximity to the Falcon Regional Center support the proposed commercial use of the site. The site is also located in the County Master Plan's **Transition Area of Change**. The proposed use promotes the level of change identified in the Areas of Change map. According to the County Master Plan, redevelopment in the Transition Areas is expected to be "*intense enough to transition the existing development setting to an entirely new type of development*". The transition of this area of the county is

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already beginning to appear in the existing developments, with the split zoning of two of the adjacent properties to the north and west of R/CR and the existing use of the R.V. park located on two of the adjacent parcels to west, which include the operation of an existing storage warehouse and convenience markets. Figure 1 highlights this transition with the existing zoning districts surrounding the property.



***“Falcon has the most-established Regional Center in unincorporated El Paso County”*** according to the Master Plan ***“and largely serves all communities in the northeastern part of the region”***. Figure 2 is a map from the Master Plan that highlights the project site’s proximity to Falcon’s Regional Center to the north and the Employment Center (Meadow Lake Airport, the largest airport in unincorporated El Paso County) to the east. This request is in support of objectives ***ED3-1: Continue promoting commercial development to serve increasing residential neighborhoods in the Falcon area, ED3-5: Prioritize commercial development within or near rural communities and within the Rural Center placetype to limit barriers to shopping districts and employment centers*** and ***ED3-6: Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.***

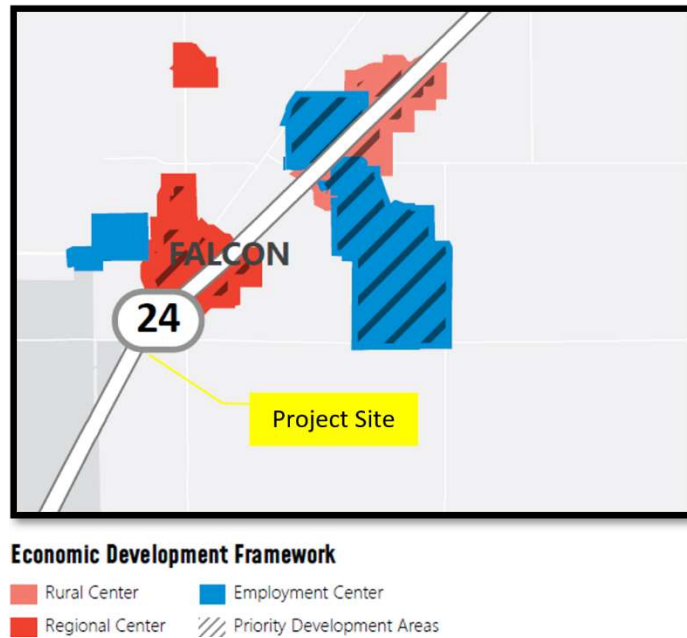
The request is in support of the following Economic Development specific strategies:

- ***“The Regional Center in Falcon and the Rural Center in Peyton should be expanded to meet the growing commercial needs of the expanding residential development in this area”***
- ***“Identify opportunities for infill and redevelopment such as underutilized properties along major transportation and transit corridors”***
- ***“The Regional Center in Falcon and the Rural Center in Peyton should be expanded to meet the growing commercial needs of the expanding residential development in this area.”***

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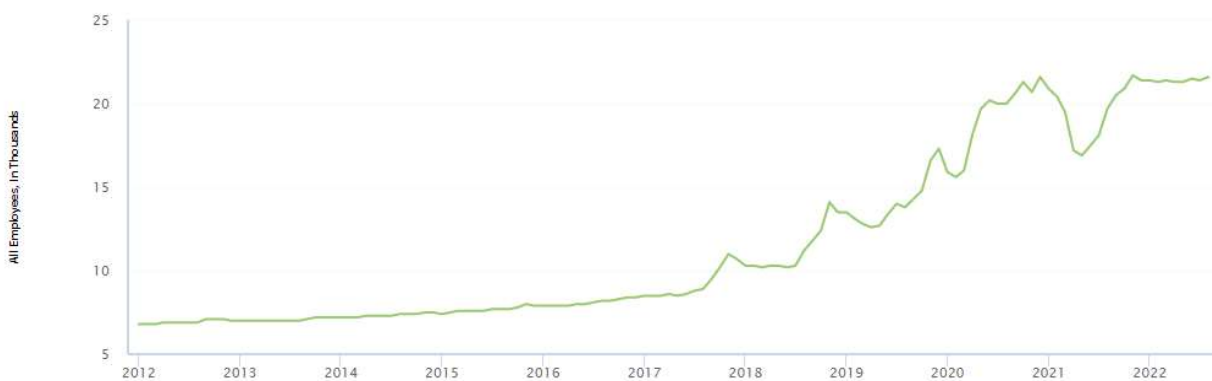
The request is also in support of Housing and Communities specific strategy “*Neighborhood-level commercial uses and public services should also be considered in Falcon at key intersections*”.

Figure 2. Economic Development Framework, Your El Paso Master Plan (pg.67)



The Master Plan identifies “opportunities to strengthen El Paso County’s overall economy through business collaboration, workforce expansion, and new development”. This request is in support of **Goal ED1 - Recruit new businesses and spur the development of growing sectors**. The Warehousing and Storage industry is a growing sector in recent year, seeing a threefold workforce expansion in Colorado over the past decade according to the U.S. Bureau of Labor Statistics (See Figure 3). The proposed use of the property will further allow the development

Figure 3. Warehousing and Storage Industry in Colorado (U.S. Bureau of Labor Statistics, 2022)



of the workforce in this growing sector and encourage its expansion. The property is also in the Pikes Peak Enterprise Zone, “a state income tax credit incentive” according to the Master Plan, started to encourage the location of businesses “in economically distressed areas”. The proposed use of the property will allow the utilization of this EZ zone and help encourage business development in an economically distressed area.

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**Fax 719-635-5450 • e-mail mve@mvecivil.com**

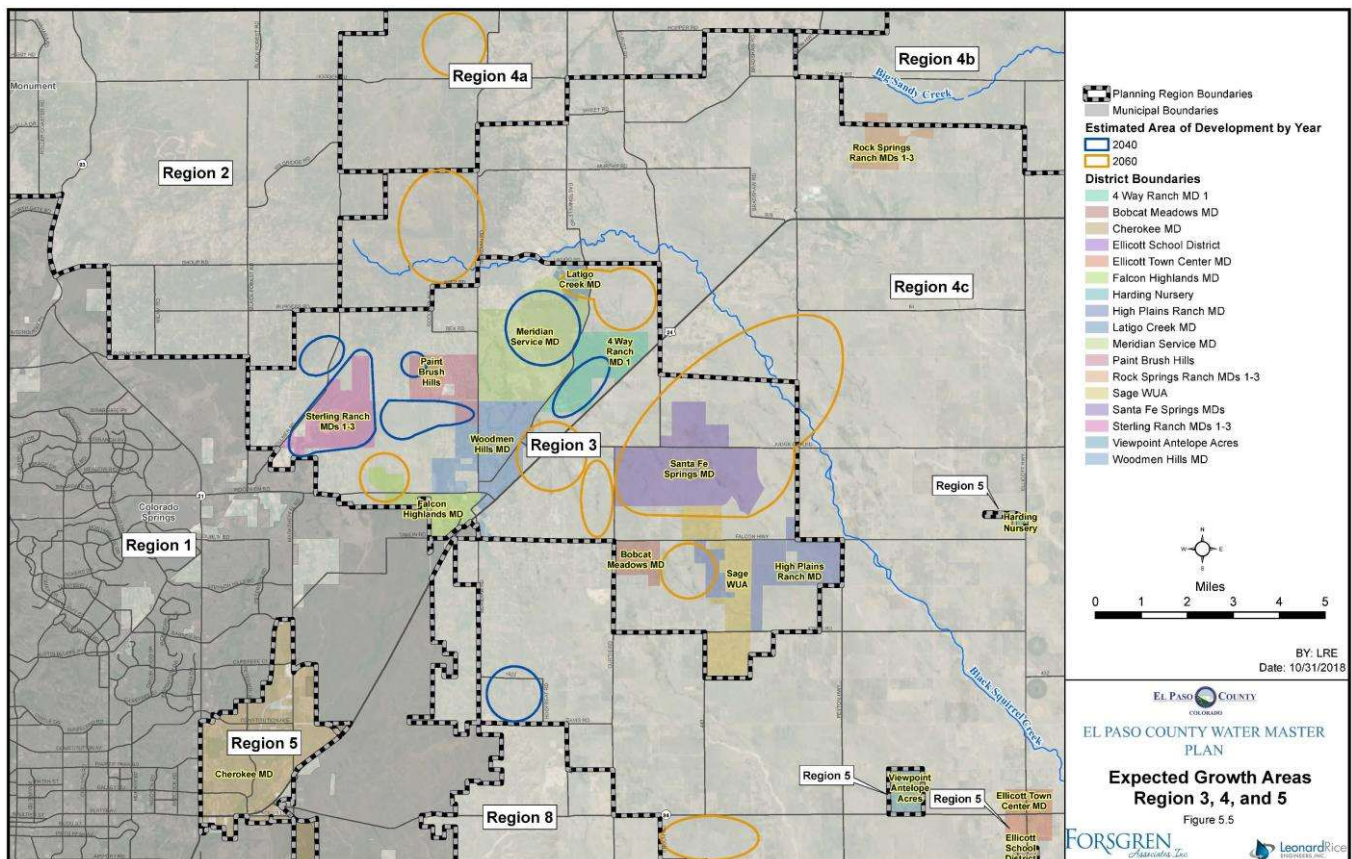


The site is located within the **Key Areas – Potential Areas for Annexation** to the City of Colorado Springs. The proposed use of the site aligns with Colorado Springs future plans and is not in conflict with the goals and policies of **PlanCOS** or **City of Colorado Springs 2020-2024 Strategic Plan**.

This request is in general conformance with the **County Water Master Plan**. The property is located in Region 4c on the Water Master Plan Planning Regions Map, which encompasses a portion of the Upper Black Squirrel Creek Basin (UBSCB). According to the Water Master Plan, water providers within Region 4c include Prairie Estates, Peyton Pines, Silver Bonnett Mobile Home Park, Ellicott Town Center Municipal District, Rock Springs Ranch Municipal Districts 1-3, and Ellicott Elem Sr High School. Water supply will come from a proposed well for which a finding of sufficiency was made at the time of subdivision platting. It is acknowledged that a permit will be required by the State to authorize commercial withdrawal from a well. The owner has sufficient water rights for the proposed uses of the property, which include 3.9 acre-feet of annual groundwater to be withdrawn from the Denver Aquifer in the eastern 8.1 acres of the property according to Colorado Ground Water Commission’s Findings and Order for Determination of Water Right No. 762-BD.

The proposed uses of the property do not require extensive utility improvements, extensive site grading, or significant water consumption, satisfying **Goal 5.3** of the WMP – **Reduce overall water consumption per end user in the County**. The proposed use of the site is not anticipated to generate additional demand beyond the projected 2060 groundwater “Build-Out Supplies”. Plans to ensure adequate future water supply on the site focus on limiting development of the site which reduces the amount of water needed for construction and erosion control activities, landscaping and required irrigation. See Figure 4 for the Region 4c growth map.

Figure 4. Region 4c Expected Growth Areas, EPC Water Master Plan



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This request is in general conformance with the **2016 Major Transportation Corridors Plan Update**. Relevant **2040 Roadway Improvement Projects** include the SH5 Project on US Highway 24 beginning Garrett Rd and ending Woodmen Rd, which runs west of the property and the U5 Project on Falcon Highway beginning US 24 and ending 1 mi east of Curtis Rd which runs north of the property. Relevant **2040 Multi-modal Improvement Projects** consist of the M4 Project which includes Bicycle & Secondary Regional Trail improvements on Falcon Highway beginning Meridian Road and ending S. Peyton Highway. A Public Road Easement exists on the property plat which includes a 70' easement facing US Highway 24 and over 70' easement facing Falcon Highway for a total of 2.67± acres of land as part of the Public Road Easement.

This request is in general conformance with the **El Paso County Parks Master Plan**. The Trails Masterplan map shows a proposed city trail parallel to a segment of US Highway 24 which is adjacent to the property to the west. The map also shows a proposed 6-8 foot wide Bicycle Route on Falcon Highway, in conformance with the M4 Project of the **2040 Multi-modal Improvement Projects** of the **2016 Major Transportation Corridors Plan Update**. The Trails Visioning map shows a proposed EPC Trail on Falcon Highway. The aforementioned Public Road Easement exists on the property plat and includes a 70' easement facing US Highway 24 and over 70' easement facing Falcon Highway for a total of 2.67± acres of land as part of the Public Road Easement.

This request is in general conformance with the **Master Plan for Mineral Extraction**. No severed mineral right owners were found after research of the records of El Paso County Clerk and Recorder, and an affidavit to that effect, stamped by a notary public, is being submitted with this request. The proposed use of this property does not include any mineral or natural resource extraction operations.

*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;*

This request is being submitted in conformance with the referenced sections of the Colorado Revised Statutes that allow the county to establish, limit, regulate, or amend zoning in the interests of public health and safety.

*The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions;*

As discussed above, the transition of this area is already appearing in the existing developments, with the split zoning of two of the adjacent properties to the north (TSN: 5312400017) and northwest (TSN: 5300000285) are both split zoned commercial/residential. The existing R.V. park to the west includes an existing storage warehouse and convenience markets. The site is also nearby C-2 zoned properties, one located less than 300 feet to the south (TSN: 5313000050) and less than half a mile to the north (TSN: 5312402016). Figure 1 shows the surrounding zoning districts and the aforementioned County Master Plan's **Transition Area of Change** in which the site falls. The proposed CS zone is compatible with the existing and permitted land uses and zone districts in all directions.

*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.*

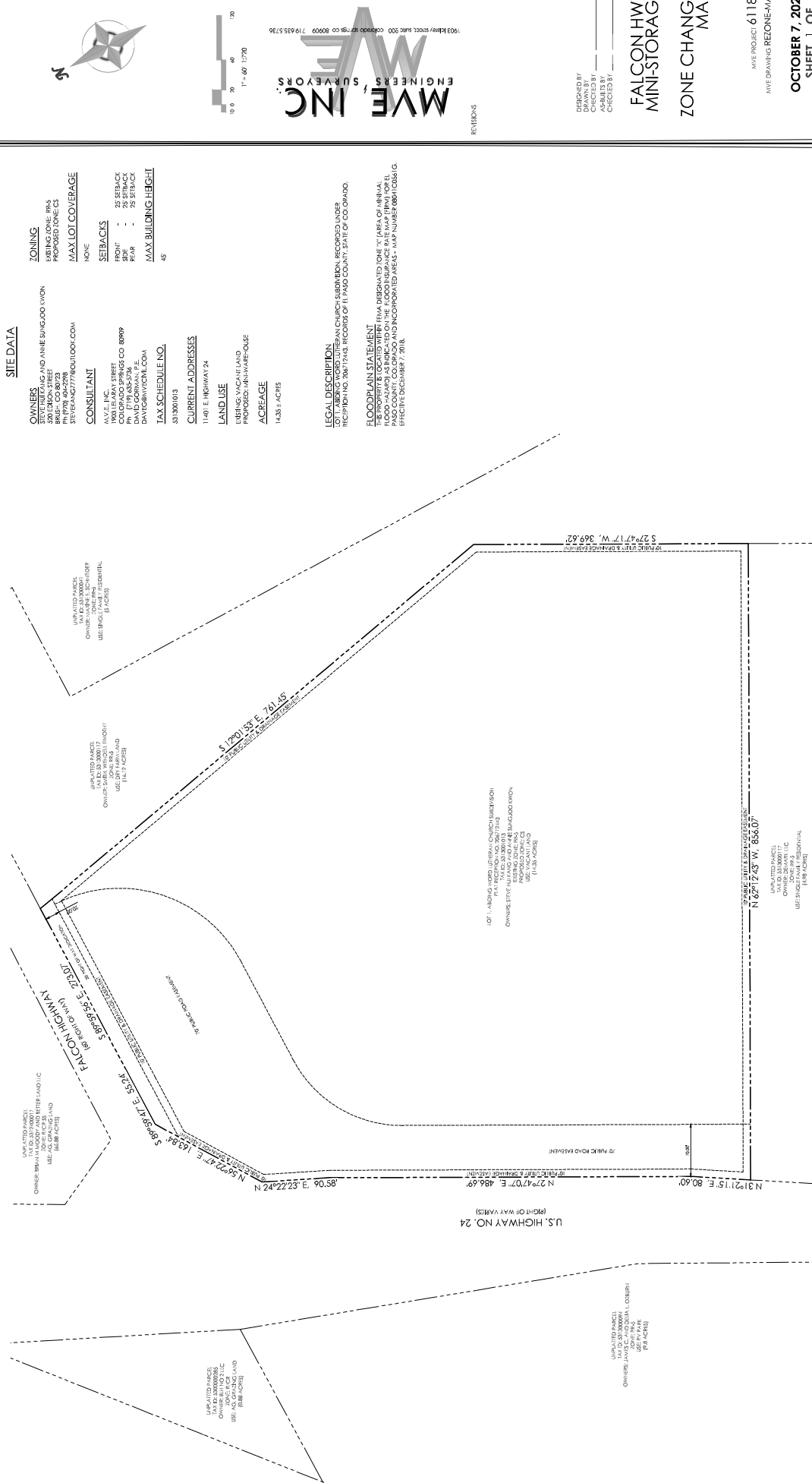
The project site is suitable, without significant site alteration, for commercial uses and development of the site will conform to the standards for the CS zoning district including any applicable or general development standards. The property meets all the dimensional requirements of the CS zone, including the minimum lot size and setbacks with

ample space for development of a mini warehouse, driveway and landscaping. This application, therefore, meet the dimensional standards for the CS zone district which includes: the minimum lot size of 2 acres, the minimum of 25 feet for front, rear, side setbacks and maximum height of 45’.

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# FALCON HWY MINI STORAGE ZONE CHANGE MAP

FOR LOT 1, ABIDING WORD LUTHERAN CHURCH SUBDIVISION,  
LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 65 WEST  
OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



**SITE DATA**

**OWNERS**  
STEVIE JAMES AND ANNIE SUNG LOO VIVON  
8845 S. 27TH ST.  
DENVER, CO 80233  
STEVIE@AOL.COM 773.600.1778  
ANNIE@AOL.COM 773.600.1778

**CONSULTANT**  
M.V.E. INC. 11400 E. HIGHWAY 24  
COLORADO SPRINGS CO 80909  
Ph: (719) 885-2738  
DAN@MVEENGINEERS.COM  
DAN@MVEENGINEERS.COM

**TAX SCHEDULE NO.**  
S13000103

**CURRENT ADDRESSES**  
11400 E. HIGHWAY 24

**LAND USE**  
EXISTING: VACANT LAND  
PROPOSED: MINI-STORAGE

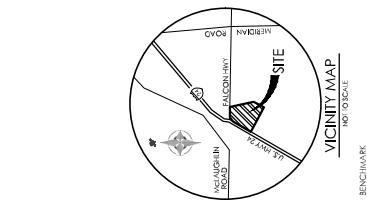
**ACREAGE**  
14.33 ± ACRES

**ZONING**  
EXISTING ZONE: RM-3  
PROPOSED ZONE: CS

**MAX. LOT COVERAGE**  
NONE

**SETBACKS**  
FRONT - 25 FEET  
REAR - 25 FEET

**MAX. BUILDING HEIGHT**  
45



REVISIONS

DESIGNED BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
ASSEMBLED BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_

**FALCON HWY  
MINI-STORAGE  
ZONE CHANGE  
MAP**

MVE PROJECT 61189  
MVE DRAWING REZONE-MAP  
**OCTOBER 7, 2022**  
SHEET 1 OF 1



RESOLUTION NO. 23-

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

APPROVAL OF MAP AMENDMENT (REZONE) TO CS  
JUBILEE GROUP REZONE (CS231)

WHEREAS, Jubilee Group, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 17, 2023, 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 the El Paso County Board of County Commissioners on September 28, 2023; 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That 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.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

6. That the proposed land use will be compatible with existing and permitted land uses in the area.
7. That 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. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That 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.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Jubilee Group, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district;

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

CONDITION

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.

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 28<sup>th</sup> day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

LOT 1, ABIDING WORD LUTHERAN CHURCH SUBDIVISION, RECORDED UNDER RECEPTION NO. 206712443, RECORDS OF EL PASO COUNTY, STATE OF COLORADO.

CONTAINING AN AREA OF 14.35 ACRES, MORE OR LESS.