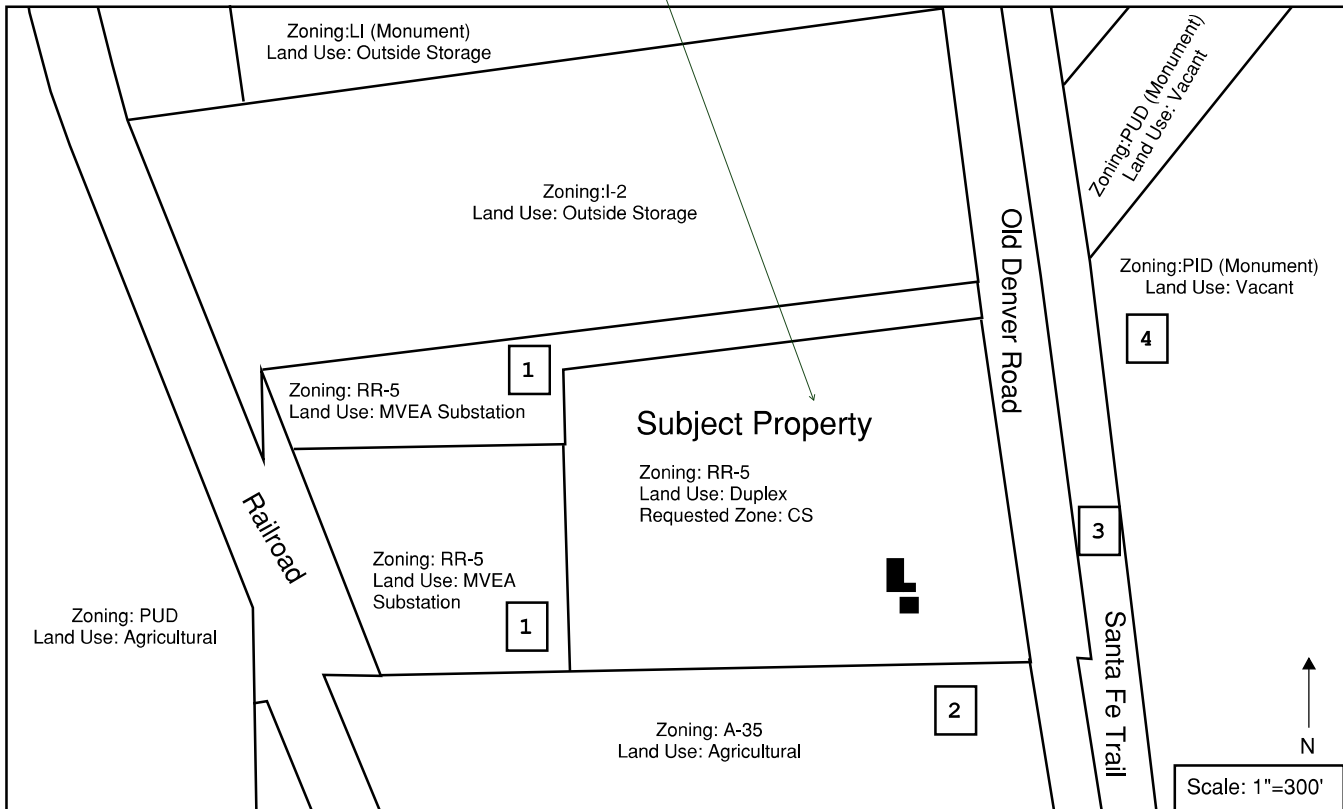


Include parcel size,
property tax schedule
number, property
address and legal
description

RESPONSE: parcel size added,
tax no., property address. the legal
description is below.

16050 Old Denver Road CS Rezone



Owner: All in Investments, LLC
PO Box 1204
Monument, CO 80132
kristinottaway@gmail.com
(719)491-6887

Adjacent Ownership	
1	Mountain View Electric Association Inc.
2	Dellacroce Ranch LLC
3	El Paso County
4	Phoenix Bell Associates L L P

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD, THENCE SOUTH 5 DEGREES 42 MINUTES 55 SECONDS WEST ALONG SAID RIGHT OF WAY LINE FOR 499.95 FEET, THENCE SOUTH 19 DEGREES 48 MINUTES 54 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 235.37 FEET, THENCE SOUTH 7 DEGREES 33 MINUTES 02 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 1,312.60 FEET TO THE POINT OF BEGINNING OF THE TRACT THEREIN DESCRIBED, THESE (1) CONTINUE ALONG SAID RIGHT OF WAY FOR 601.98 FEET TO INTERSECT THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AT A POINT OF 149.56 FEET SOUTH 88 DEGREES 58 MINUTES WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, (2) SOUTH 88 DEGREES 58 MINUTES WEST ON SAID SOUTH LINE FOR 1,020.03 FEET TO INTERSECT THE EAST RIGHT OF WAY LINE OF THE D & ROW R.R., (3) NORTH 21 DEGREES 14 MINUTES WEST ALONG SAID RIGHT OF WAY FOR 513.7 FEET, (4) NORTH 83 DEGREES 04 MINUTES 31 SECONDS EAST FOR 1,134.91 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO EXCEPT FOR THAT PORTION OF SUBJECT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION IN WARRANTY DEED RECORDED AUGUST 21, 1998 AT RECEPTION NO. 98119681. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.

PARKS AND COMMUNITY SERVICES DEPARTMENT

Date: December 15, 2023
To: Kylie Bagley, Planning and Community Development Department
From: Nancy Prieve, Environmental Division, Parks & Community Services Department
Subject: 16050 Old Denver Road Rezone CS235

The El Paso County Environmental Division has completed its review of the 16050 Old Denver Road Rezone CS235. Our review consisted of the following items: wetlands, federally listed threatened or endangered species, general wildlife resources and noxious weeds.

1. The property contains Preble's meadow jumping mouse habitat. Documentation from the U.S. Fish and Wildlife Service (USFWS) regarding the Preble's meadow jumping mouse **must** be provided to the Planning and Community Development. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act.
2. The property contains jurisdictional wetlands. A completed U.S. Army Corps of Engineers (USCOE) permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.

The applicant must obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7845.

RESPONSE: We are not at the site development plan stage, therefore the limits of development are unknown. USFW cannot make a determination of no impact without knowing the extent of development.

We suggest a condition of approval to require the USF&W clearance prior to approval of a subsequent site development plan or prior to scheduling a subdivision for hearing.

Please add the following

A discussion summarizing any potentially sensitive natural or physical features (protected species habitat) within the area included within the request. -The site lies within the occupied range of the mouse

16050 Old Der

Letter

RESPONSE: added

October

All In Investments, LLC
PO Box 1204
Monument, CO 80132

Planner: Vertex Consulting Services, LLC, Nina Ruiz
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8605
Nina.ruiz@vertexc.com

Tax Schedule No: 71260-04-010
Acreage: 8.07 Acres
Current Zoning: RR-5 (Residential Rural)

Site Location, Size, Zoning:

Vertex Consulting Services, LLC, on behalf of All In Investments, LLC, is respectfully submitting an application for a map amendment (rezone) of 8.07 acres from the RR-5 zoning district to the CS zoning district. The property is located on the west side of Old Denver Road and approximately one half of a mile north of the Old Denver Road and Baptist Road intersection. The proposed rezone is compatible with the surrounding planned and existing developments and is consistent with the Your El Paso Master Plan.

Utilities

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service to the area. The existing duplex is served by well and septic. The owners intend to utilize the property for storage, without the need for additional water and sanitation. The owner understands the well permit may have to be updated with the State Engineer if a future commercial use needs additional water. Similarly, a new septic system may be required to allow for other commercial uses on the property.

Request:

Request for approval of a map amendment (rezone) of 8.07 acres from the RR-5 zoning district to the CS zoning district. The request also includes El Paso County acknowledging in a notation that the duplex may remain onsite and continue to be utilized as a residence until the time that either it remains vacant for longer than one year, it is removed from the property, or is repurposed for a use permitted within the CS zoning district.

Justification:

The pages that follow address each one of the criteria included within Section 5.3.5 (map amendment), of the El Paso County Land Development Code.

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 proposed map amendment (rezone) is in general conformance with the Master Plan. Please see the Master Plan analysis below.

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.

Pursuant to the El Paso County procedures, the County will post the public hearing date in the newspaper ensuring all statutory requirements have been satisfied.

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

The property owners are requesting to rezone the property from the RR-5 zoning district to the CS zoning district. Section 2.5.C of the Land Development Code states the purpose of the CS zoning district:

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

The property is accessed by Old Denver Road, a minor collector. To the rear there is a MVEA substation as well as the Union Pacific Railroad. Beyond the MVEA access parcel to the north are two industrial zoned parcels and immediately adjacent, across Old Denver Road, is a planned industrial development. The property is also located within one-quarter of a mile of urban single-family attached development and a mixed-use PUD within the Town of Monument to the north.

The proposed CS zoning district is compatible with the existing and planned urban residential, commercial, and industrial land uses in the area.

Below is a map illustrating the existing development pattern as well as the permitted uses on the vacant and developing parcels:



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.

Table 5-5 of the Land Development Code identifies the density and dimensional standards of the CS zoning district:

- Minimum zoning district size: 2 acres
- Minimum lot size: none
- Front Setback: 25 feet
- Side Setback: 25 feet
- Rear Setback: 25 feet
- Maximum Height: 45 feet

The existing duplex and accessory structure meet all setback and height requirements of the CS zoning district. A site development plan will be required prior to the initiation of most permitted uses within the CS zoning district. The site development plan will ensure compliance with the Land Development Code and Engineering Criteria Manual are met.

Master Plan Elements

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the requested map amendment (rezoning) to the CS zoning district, as identified below.

Key Area Analysis

The property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

“Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.” (emphasis added).

The Key Area recommends that commercial service opportunities be allowed within the key area. As discussed above, the subject parcel is surrounded by existing commercial, urban residential, and industrial uses. The CS zoning district will further enhance the character of the surrounding area, thereby strengthening and supporting existing and future residential neighborhoods.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“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." (Emphasis added)

The subject property is underutilized is currently developed with a duplex and is surrounded by commercial and industrial parcels to the north, east, and west. To the south is a large 711-acre vacant parcel presently zoned A-35. It is likely that this large parcel will be developed in the future as those planned commercial and industrial developments to the south and north of the parcel are built out. The Master Plan anticipates redevelopment, even redevelopment of a more intensity, as long as the character can be maintained. As discussed above, the proposed rezone is compatible with the existing and planned uses within the vicinity and the overall character will be maintained.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Rural Placetype.

Page 24 of the Plan identifies the following land uses as being Primary Land Uses within the Rural Placetype:

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

Rural

In addition, the Placetype includes the following Supporting Land Uses:

- Estate Residential (minimum 1 unit/5 acres)
- Institutional

RESPONSE: revised

The Large-Lot Residential Placetype is described further on page 24 as follows:

"The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural place-type covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and

unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by proactively permitting changing areas contiguous to existing development to another placetype.” (emphasis added)

The subject parcel is surrounded by a railroad and electric substation to the west, two industrial zoned parcels to the north, and a planned industrial development to the east. This portion of El Paso County is quickly growing and has transformed from the Rural Placetype into an Employment Center Placetype. Rezoning the property to the CS zoning district would not be considered leapfrog development as all immediately adjacent parcels to the north and west are developed and the parcel to the east is actively developing.

El Paso County Water Master Plan

The subject property is located within Planning Region 2 of the Water Master Plan, pursuant to Figure 3-1 on page 25. The Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supplies for Region 2 amounts to 13,607 AF of water per year with 2060 being 20,756 AF of water per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County. A Water Resources Report is not required with a rezone application and, therefore, has not been provided.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) depicts the Santa Fe Trail along the eastern side of Old Denver Road. Land dedication, or fees in lieu of land dedication are not required with a rezone application.

2016 Major Transportation Corridors Plan (MTCP)

The 2016 MTCP depicts Old Denver Road as a Minor Collector roadway. A traffic impact study prepared by LSC dated December 12, 2023 provides a full analysis of the anticipated traffic-related impacts. The study does not anticipate any roadway improvements being required. The applicant will pay the road impact fee at the time of the site development plan.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.