

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

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: 5/9/2024
RE: CS235 16050 Old Denver Road Rezone

Project Description

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The item was heard on the called-up consent agenda on the April 18, 2024, Planning Commission Hearing Discussion by the Planning Commission members was primarily focused on the Rural Master Plan Placetype and if the application was in line with the land uses outlined in that Placetype. The rezone application was unanimously recommended for approval by the Planning Commission with a vote of 7-0. The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

Notation

Please see the Planning Commission Minutes 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. Merriam moved / Mr. Whitney seconded for approval, for the rezone from RR-5 (Rural Residential) to CS (Commercial Service), utilizing the resolution attached to the staff report, with three (3) conditions and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-0)**. The item was heard as a called-up consent agenda item.

Discussion

Discussion by the Planning Commission members was primarily focused on the Rural Master Plan Placetype and if the application was in line with the land uses outlined in that Placetype.

Attachments

1. Planning Commission Minutes from 4/18/2024.
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, April 18, 2024
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: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTEL, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, JIM BYERS, JEFFREY MARKEWICH, ERIC MORAES, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, ASHLYN MATHY, DANIEL TORRES, ED SCHOENHET, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RICHARD SMITH, JEFF PARR, LORNA BENNETT, PHILLIP DREW, MICHAEL HITE, KELLY PARR, AND ROGER LUND.

1. REPORT ITEMS (NONE)

The next PC Hearing is Thursday, May 2, 2024, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held March 21, 2024.

Mr. Whitney disclosed that he requested one revision, which was incorporated.

PC ACTION: THE MINUTES WERE APPROVED WITH ONE REVISION BY UNANIMOUS CONSENT (8-0).

B. VR2316

MATHY

**VACATION AND REPLAT
BENT GRASS REPLAT**

A request by Virgil Sanchez for approval of a 1.46-acre Vacation and Replat creating 2 commercial lots. The property is zoned CS (Commercial Service) and is located at 8035 Meridian Park Drive, south of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. (Parcel No. 5301104002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2316 FOR A VACATION AND REPLAT, BENT GRASS REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. CS241

HAAS

**MAP AMENDMENT (REZONING)
7125 N MERIDIAN ROAD REZONE**

A request by CAP Storage Falcon, LLC for approval of a Map Amendment (Rezoning) of 2.13 acres from CR (Commercial Regional) to CS (Commercial Service). The property is located approximately one-quarter mile south of East Woodmen Road on the northwest corner of Old Meridian Road and McLaughlin Road. (Parcel No. 5312114004) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked for an explanation of the difference between CR and CS zoning districts.

Ms. Mathy, who was assigned the project following Mr. Haas' resignation, explained that the applicant is requesting a rezoning to CS (Commercial Service) so they can proceed with the establishment of a mini-warehouse storage facility. The process would be more difficult under its current zoning of CR (Commercial Regional).

Mr. Carlson asked for the definitions of each zoning type.

Mr. Kilgore stated he put the definitions in the Staff Report packet, found on page 4.

Ms. Mathy explained that CR (Commercial Regional) is for regional centers and should ease use of pedestrian and vehicular circulation, serve as a convenience to the public, and should be an esthetic enhancement to the community and region. CS (Commercial Service) is meant to accommodate retail, wholesale, and services of commercial use to the public. Overall, the CS zoning is more suitable to the applicant's intention to establish a mini-warehouse.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTEL SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER CS241 FOR A MAP AMENDMENT (REZONING), 7125 N MERIDIAN ROAD 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 TO RECOMMEND APPROVAL PASSED (8-0).

BOCC Report Packet

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D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

E. SF2324

BAGLEY

**FINAL PLAT
HAY CREEK VALLEY SUBDIVISION**

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. MERRIAM.

G. CS234

LETKE

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 2A CS REZONE**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Vacation and Replat is also being requested (VR2323). The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414201031 and 3414201030) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked if the two Mayberry files (CS234 & VR2323) had a combined staff report. She further asked if they would be voted on individually.

Mr. Trowbridge explained that they are related but considered individually.

Mr. Carlson further explained that the Rezoning request must be considered before the Final Plat.

PC ACTION: MR. TROWBRIDGE MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3G, FILE NUMBER CS234 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 2A CS 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 TO RECOMMEND APPROVAL PASSED (8-0).

H. VR2323

LETKE

**VACATION AND REPLAT
MAYBERRY FILING NO. 2A**

A request by Mayberry Communities, LLC for approval of a Vacation and Replat to reconfigure the properties of 1 tract, 3 lots, and dedication of right-of-way on approximately 3.5 acres. The proposal does not increase the number of lots or tracts on the property. Approval of the Map Amendment (Rezoning) CS234 shall be considered prior to consideration of the Vacation and Replat. The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414101001 3414101002 3414201028, and 3414201031) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. SCHUETTPELZ MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER VR2323 FOR A VACATION AND REPLAT, MAYBERRY FILING NO. 2A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

I. PUDSP235

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
ROLLING HILLS RANCH NORTH**

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. CARLSON.

4. CALLED-UP CONSENT ITEMS

3D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-

half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked if Ms. Bagley could further explain the area's location and the relationship between placetype and zoning district during her presentation.

Mr. Trowbridge asked if Ms. Bagley could cover any impacts or encumbrances that the applicant will encounter from the non-conformance.

Ms. Merriam stated that her questions are associated with rezoning RR-5 to CS in the area.

Mr. Whitney added that he's unsure if the conditions within the Staff Report were fully captured in the drafted resolution. Ms. Bagley's presentation then began.

Ms. Bagley described the surrounding zoning types and uses in relation to the subject property to address Ms. Merriam's earlier question. The property west is zoned RR-5 (Residential Rural) but is used as a substation for Mountain View Electric Association (MVEA). The property north is zoned I-2 (Industrial) and is used for outside storage. Further north, the property within the Town of Monument is used for industrial and commercial services. The vacant property south is zoned A-35 (Agricultural). To address Mr. Trowbridge and Mr. Whitney's questions, she explained that the existing duplex on the property would not be allowed-by-right in the CS zoning district. She further explained that the LDC requires that duplexes be served by central services, but the existing building is served by well and septic. If the duplex is allowed to remain on the property after rezoning to CS, it would create a legal non-conformity.

Mr. Whitney asked if the County would typically authorize a zoning change when it would knowingly create a legal non-conformity.

Ms. Bagley answered that it is not typical. The County normally requests that existing uses should cease (if no longer allowed) once rezoning occurs. She further explained that this is the reason the third condition of approval in the Staff Report states that the duplex will only be allowed to remain until commercial development begins.

Mr. Whitney asked for clarification on whether the condition is phrased as once commercial development begins or for one year, whichever happens first.

Ms. Bagley read the proposed condition of approval number 3. "The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction." She clarified that the definition was pulled from the LDC.

Ms. Merriam asked for additional clarification. She asked if parking RVs, trailers, etc. on the property for outdoor storage constitutes commercial development.

Ms. Bagley confirmed that would be a change in use of the land and would be considered commercial development.

Ms. Fuller asked if the duplex could be allowed to remain after commercial development if it served on-site management.

Ms. Bagley answered that if the applicant were requesting the duplex serve as a caretaker's quarters, a different application would be needed with that request. She is unsure if a duplex would be allowed for that purpose.

Ms. Herington explained that converting the duplex to serve as a caretaker's quarters would be part of a new use on the property and would be incorporated into a Site Development Plan, which is required for outdoor storage or contractor's equipment yards. An on-site residence would need to be included as part of the overall use and be formalized in the Site Development Plan.

Ms. Fuller asked if the duplex not being on central services would be an issue at that point.

Ms. Herington responded that once the building is converted to a caretaker's quarters, it would no longer be considered two rentals. If the applicant went through the Site Development Plan process with the existing well and showed sufficient utility service to keep a caretaker's residence in their overall commercial development, there shouldn't be a problem. Utilities and infrastructure would be evaluated with any Site Development Plan for any commercial use on the site.

Ms. Bagley then addressed Mr. Whitney's earlier question regarding placetype. She explained that while the proposed rezone doesn't align with the Master Plan placetype of Rural, it does match the surrounding established neighborhood and existing land uses.

Mr. Whitney remarked that he finds it interesting how placetype trumped zoning on a past project and it's the other way around for this project.

The presentation then continued. There were no questions for Engineering. Ms. Nina Ruiz, with Vertex Consulting Services, then began her presentation for the applicant. There were no questions for the applicant.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MR. WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER CS235 FOR A MAP AMENDMENT (REZONING), 16050 OLD DENVER ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

3E. SF2324

BAGLEY

FINAL PLAT HAY CREEK VALLEY SUBDIVISION

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification of the location. She stated combining then subdividing the 6 existing parcels seemed awkward. She also mentioned the traction of the roads. She expressed concern regarding its nearness to USAFA property and asked if air quality would be affected.

Mr. Whitney added that he is concerned about this project's relationship to the nearby military installation. The subject property is right off Jacks Valley where artillery training takes place. He understands that the County doesn't have the jurisdiction to deter development close to military property, but he wanted the record to show, "this is nuts". He believes there *should* be interplay between military installations and land-use proposals, even if it's not part of the LDC criteria. He referenced the presentation given to the Planning Commission on March 21, 2024, by the Defense Mission Task Force. He stated, "this is scary". Plat notes may be effective for the first sale, but he worries about property owners in the future that may have no idea what they bought and where it's located. He stated that because the military is not allowed to complain, they may make a mild comment or remark which can be interpreted as them standing on a desk and shrieking. He then asked if the Air Force Academy (USAFA) submitted a review comment for the project.

Ms. Bagley replied that they did submit a comment with the past Preliminary Plan, which has since been approved by the BoCC. They requested a plat note and suggested that advisory language should be included in the HOA covenants so that future owners are aware of the proximity to a military installation and shooting range. They were also present at the EA meeting.

After a break for technical difficulties, the presentation began.

Ms. Bagley presented a GIS map to further explain the vicinity per Ms. Merriam's earlier request.

Ms. Merriam asked about potential emergency evacuation on the single existing road in the event of a grassfire from a small plane crash, for example.

Ms. Bagley referenced the GIS map to show the nearby roads. A 60-foot-wide private road will service the proposed lots. That road would connect to Hay Creek Road through an access easement that goes through an adjacent property. In a larger context, she zoomed out to show that Hay Creek Road serves multiple lots to the west. The LDC states dead-end roads should not serve more than 25 lots and a second access should be available, but Hay Creek Road does not meet that section of the Code. The fire department was notified of the proposal.

Ms. Fuller asked for clarification regarding ownership of the property per the Assessor's Office and who was listed as the applicant on the Staff Report.

Ms. Bagley deferred to the applicant to explain if ownership had changed because she would have entered the name listed on the application into her Staff Report.

Mr. Jason Alwine, with Matrix Design Group, spoke online representing the applicant. He suggested it may be a clerical error.

Mr. Tim Buschar, with COLA, LLC, spoke representing the applicant. He explained that Mr. Fitzgerald previously owned the property, but Mr. O'Leary is the current owner and applicant.

Ms. Fuller stressed the importance of having the correct applicant information.

Ms. Bagley ensured that the application will be checked and if the current owner's signature is needed, it will be obtained prior to the BoCC hearing. The applicant's presentation then began. There were no questions for the applicant.

PUBLIC COMMENTS

Mr. Richard Smith spoke in opposition. He read verbatim from a printed letter which was handed to the Planning Commission during the hearing and has been uploaded as part of the record. Titled "Public Comment - Multiple Neighbors, read at the hearing - Received 4-18-2024. MB" in EDARP.

Mr. Jeff Parr spoke in opposition. He continued reading verbatim from the letter.

Ms. Lorna Bennett spoke in opposition. She continued reading verbatim from the letter.

Mr. Phillip Drew spoke in opposition. He discussed encroachment on military installations. He then read verbatim from the remainder of the letter. He doesn't believe analysis of the proposal has been complete regarding encroachment on the military training location or the potential fire risk to existing residents.

Mr. Michael Hite spoke in opposition. He stated that there were only 12 houses in his subdivision on Hay Creek Road in 1981. He was not advised of a waiver being obtained for the 25-house limit on a dead-end road. He discussed his experience during a past fire in the area. He is very concerned about all existing residents needing to evacuate from the valley at the same time.

Ms. Kelly Parr spoke in opposition. She referenced the GIS image on the screen and pointed out the location of the military firing range in relation to the proposed subdivision. She discussed the potential noise and danger to future residents.

DISCUSSION

Ms. Brittain Jack remarked that while she has toured USAFA and hears the encroachment concerns from the public, which she is also concerned about, the people opposing the current subdivision live in that same area and bought land close to the military installation.

Mr. Whitney asked about the fire department's response to review comments.

Ms. Bagley read the fire district's review comment, which is part of the record on EDARP.

Ms. Herington reminded the Chair that the applicant should be given time for rebuttal after the public comments were made.

Mr. Whitney asked for clarification regarding the public's assertion in the letter that there has been no waiver granted to exceed 25 properties on a dead-end road.

Ms. Bagley answered that the waiver was approved with the Preliminary Plan by the BoCC.

Mr. Whitney asked for verification from Ms. Seago. If a waiver is approved at the Preliminary Plan stage, would that carry over to the Final Plat stage?

Ms. Seago confirmed that would be correct.

Ms. Bagley explained that 2 waivers were requested and approved. One was a modification to allow private roads instead of public roads. The second was a waiver from LDC 6.3.3.C, which would allow one access point where two are required. She stated the fire district was agreeable to the waiver.

Mr. Carlson asked if the waivers were for Hay Creek Road.

Ms. Bagley replied that the waivers only apply to the proposed subdivision being added to Hay Creek Road.

Mr. Carlson then stated that the entire area doesn't meet the criteria anyway.

Ms. Bagley continued to explain that the proposed subdivision would increase the number of lots that access Hay Creek Road.

Mr. Carlson clarified that the private road wouldn't need that waiver because they're adding less than 25 lots on a dead-end road.

Ms. Bagley agreed, but further clarified that the waiver would only apply to the proposed subdivision adding more lots, not additional subdivisions off Hay Creek in the future. Any future subdivision request would also need to pursue those waivers. The approved waiver is not a blanket waiver for all development on Hay Creek Road.

Ms. Fuller clarified that the land is zoned RR-5 and they are proposing to split it into 5-acre lots or greater, which is allowed-by-right. She's not concerned about that aspect. She then asked what protection current residents have from this road greatly exceeding the number of lots allowed on a dead-end road. She mentioned the safety concern in case of fire for the residents further west. From previous discussion, it seems like the waiver didn't deal with Hay Creek Road.

Ms. Bagley explained that the waiver does deal with Hay Creek Road with regard to the proposed subdivision adding lots onto the dead-end road. It is not a blanket waiver for all of Hay Creek Road that would allow lots to be added anywhere, it is specifically allowing the proposed subdivision.

Ms. Fuller understood and further asked if other larger parcels along the road would need to pursue the same waiver if they were to propose subdivisions.

Ms. Bagley confirmed. They would need to request a waiver, which would be considered by the Planning Commission (PC) and receive final determination by the Board of County Commissioners (BoCC). She confirmed that the Planning Department did express concerns about adding parcels onto Hay Creek Road, however, the waiver has already been approved for the proposed subdivision.

Mr. Carlson reiterated that while concerning, the waiver has already been approved.

Ms. Bagley clarified that the discussion from an EA meeting that was read into the record by the public (in the provided letter) was regarding a different property further along Hay Creek Road.

Mr. Whitney asked how they continue to get waivers if the road is already out of compliance?

Ms. Bagley stated she is unsure if waivers were requested for the previously subdivided lots.

Mr. Whitney clarified that he's worried each project is being evaluated on its own when the overall area is out of compliance.

Ms. Bagley replied that when the Preliminary Plan was reviewed, the whole area, including Hay Creek Road, was evaluated. The applicant went forward with a request for the waiver. The PC recommended approval and the BoCC approved the waiver.

Ms. Fuller asked if more development can be approved with additional waivers in the future. She asked what is protecting the existing residents from that happening. She asked for an explanation of the process the residents would need to go through to advocate for themselves (contacting PCD staff or their county representatives, etc.).

Ms. Bagley explained that the LDC outlines what requirements need to be met. Sections of chapters 6, 7, and 8 can be waived via approval by the BoCC. If people are opposed to waiving those sections of the Code, they should send an email to the project manager (planner) during the

application review period. The planner's contact info is on the "Notice of Application" letter mailed to all property owners within 500 feet. Additional mailed notices are sent and posters are placed on the property to notify neighbors of a scheduled public hearing.

Mr. Carlson reiterated that if people opposed the waiver that was granted, they should have contacted the Planning Department or spoken at the public hearing for the Preliminary Plan.

Ms. Bagley confirmed.

Ms. Herington added that Planning Department staff does not advocate for a project, they advocate for the public process from notification through public hearing. Staff will ask an applicant to hold a neighborhood meeting if there is known opposition. Moving forward, potential applicants in the area will be asked to hold a neighborhood meeting.

Ms. Fuller asked if there was opposition present for the Preliminary Plan.

Ms. Bagley answered that she was not the project manager for that application, but she was at the meeting and she remembers there was one person in opposition.

Mr. Trowbridge asked for the criteria of approval to be presented. He asked for staff or the applicant to address how the proposal meets: "The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;". He mentioned the traffic load for the entire Hay Creek Road. He stated he finds it hard to believe the waiver they were granted is sufficient.

Ms. Seago recommended that the applicant answer that question. She also reminded the Chair that the applicant should be allowed to speak in rebuttal.

Mr. Alwine reiterated that the proposal is for a Final Plat to enact what was already approved. He can't speak to traffic concerns caused by other projects. He stated the applicant has done several things to meet the fire protection criteria, including meeting with the fire district. He stated they are meeting the fire district's criteria regarding the type, size, and location of a fire suppression cistern. They had a fire mitigation report reviewed and approved prior to the Preliminary Plan that holds the applicant to certain criteria at the time of building permits. The fire district reviewed the proposal and provided letters of no concern. A traffic report was submitted to El Paso County as part of the Preliminary Plan process and there were no concerns other than the design of the Hay Creek intersection. He mentioned that the applicant will have to pay PID impact fees. He stated that while the proposal is for 20 lots, there are already 6 in existence, so it's a net increase of 14 homes. Because they have an approved fire protection report, he believes they've done their due diligence to provide responses and meet the criteria and waiver requirements. He stated that they met with USAFA and have an avigation easement recorded. The applicant is required to disclose that USAFA and Jacks Valley are present.

Mr. Buschar added that the applicant has met with USAFA. The new avigation easement recorded with the Preliminary Plan is geared towards Jacks Valley to address fumes, pyrotechnics, the shooting range, etc. That information will also be in a plat note, in the CC&Rs, recorded on the title work, and in an addendum to the future purchase agreements. Regarding the conservation easement purchased with DOD funds that was mentioned, a meeting was held. They did not request a buffer, nor did they request to purchase the property. He stated helicopters, not airplanes, fly over the subject property between June and July. Thunderbird flyovers happen occasionally. He stated that some existing residents enjoy the noise and proximity to the military installation. When learning that the applicant has proposed less lots than they could have with the

existing RR-5 zoning, USAFA was pleased. He stated since the beginning of this process, they knew impacts from fire were going to be an issue and they've been working with the Fire Chief. What was requested, and what the applicant is providing, is a 33,000-gallon cistern for the valley. It was also mentioned that the fire district, USAFA, and the National Forest Service would respond in case of a fire. The recommended fire mitigation has already been completed on-site by removing mistletoe from 1.6 acres. When people/builders select home sites, they will be responsible for fire mitigation for their properties before building permits are released.

Mr. Carlson asked for an explanation of fire evacuation issues related to Hay Creek Road.

Mr. Alwine reiterated that the applicant has submitted a fire protection report and a traffic study. He does not recall direct comments with evacuation concerns coming up.

Mr. Buschar added that the fire department was happy a water source would be brought in. He stated many of the homes may remain vacant for parts of the year as the buyer market often has multiple homes. He also clarified that the application was submitted by View Homes and has Mr. O'Leary's signature.

Ms. Bagley stated she was checking if there were any outstanding comments on the fire report.

Mr. Carlson asked if evacuation was addressed in LDC chapter 6.

Ms. Bagley answered that the chapter says emergency access should be granted for evacuation.

Ms. Fuller stated the discussion touched on the criteria of approval, "Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision...". The PC is asking about the subdivision's access to Hay Creek Road. She asked if off-site impacts (adding net 14 lots to an already overburdened road) had been addressed by the applicant or in the application.

Mr. Carlson stated they were given a waiver.

Mr. Buschar stated the applicant is not responsible for making any improvement to Hay Creek Road other than the intersection. There are no other improvements required from the applicant as the road has the capacity for increased traffic.

Mr. Whitney asked for more information about the discussion with the conservation group regarding a buffer zone.

Mr. Buschar answered that it took place during the Preliminary Plan stage. They came down, discussed options, but never made an offer to the applicant for a buffer. He thinks that when they saw the final subdivision would only consist of 20 lots as opposed to the 40 allowed by zoning, they were less concerned. No buffer was requested. His understanding of how the process works is that a conservation easement would have been requested as a buffer zone and the applicant would have been compensated by the conservation fund for setting that land aside. The applicant is proposing smaller, 5-acre lots on the northern side of the subdivision and has larger lots on the side adjacent to USAFA. The topography would not allow houses close to the southern boundary, so that area is designated as a no-build area anyway.

PC ACTION: MS. BRITAIN JACK MOVED / MR. SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3E, FILE NUMBER SF2324 FOR A FINAL PLAT, HAY CREEK VALLEY SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE FORWARDED TO

THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED BY A VOTE OF 3-5, RESULTING IN A RECOMMENDATION TO DENY.

IN FAVOR: MS. BRITTAIN JACK, MR. CARLSON, AND MR. SCHUETTPELZ.

IN OPPOSITION: MS. FULLER, MS. OFFNER, MR. TROWBRIDGE, MR. WHITNEY, AND MS. MERRIAM.

COMMENTS:

Ms. Merriam thinks the aspect of safety should be revisited because Hay Creek Road does not meet current standards.

Ms. Fuller concurred, adding that “this is a bad situation” and it may not be the current applicant’s responsibility to fix the entire area, but this proposal would make a bad situation worse. She doesn’t think the proposal fully meets the approval criteria regarding fire and off-site impacts.

Mr. Whitney agreed with previous comments and further mentioned fire safety with ingress and egress. He doesn’t understand how a situation out of compliance can be allowed to continue and grow.

Ms. Brittain Jack explained that the applicant will provide a water cistern that the existing residents don’t currently have, so she does believe the fire impacts have been addressed.

Mr. Schuettpelz explained that the military property must stop somewhere. If USAFA had wanted the buffer and purchased the property, the line would just be adjacent to other houses. The applicant has mitigated future issues by advising of the property’s proximity to USAFA in multiple places. While not having secondary access is concerning, he agrees that it’s not this applicant’s responsibility to fix the whole neighborhood which has existed for some time. He reiterated that exceeding the residence limit on a dead-end road was acceptable for the residents who currently live there and spoke in opposition. He believes the applicant has done everything they can to make the situation better (with the cistern) and perhaps there could be secondary access in the future.

Mr. Carlson recognized the safety issue and concerns for the neighborhood. He urged the public to pay attention to notifications sent by PCD. He stated the time to oppose the project was at Preliminary Plan stage. He doesn’t recall evacuation concerns being raised during that time. He voted to recommend approval because of the waivers that were previously approved.

***FOLLOWING CALLED-UP ITEM 3E, MR. TROWBRIDGE WAS EXCUSED FROM THE HEARING. THERE WERE SEVEN (7) VOTING MEMBERS MOVING FORWARD.**

3F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam stated that she would like more information about drainage. She mentioned there were drainage concerns for past projects in the same area.

Mr. Daniel Torres, with DPW Engineering, explained that the subject property is within 4 different drainage basins, so the topography is challenging. The applicant is proposing 6 detention ponds across the site, which will be maintained by their metro district. He referred to an image on the slideshow for pond locations.

Ms. Merriam asked for a vicinity map that showed the proposed development with its drainage in relation to the surrounding area.

Mr. Torres deferred to the applicant.

Ms. Barlow, with N.E.S., referred to a slideshow image to explain that there is a ridgeline on the east side of the property. She explained that the drainage ponds are located where they are to capture the water before it continues to Apex Ranch.

Ms. Merriam clarified that the 6 ponds from the image are all for the proposed subdivision. She stated that she is asking how this drainage proposal fits in with development around it.

Ms. Barlow stated that there is no development to the north or east. The Reata subdivision is to the south. It is an older development and has no detention pond.

Mr. Kofford, with Kimley-Horn, further explained that there is no detention system in the Reata subdivision. Water flows in 4 different directions on the subject property. The proposal is maintaining historic patterns. The Apex Ranch subdivision (west) has a full-spectrum detention basin that will be downstream from 2 of the proposed ponds.

Ms. Merriam asked for a map. (Mr. Torres presented one.) She then asked if rains from the last few years washed out one of the roads in the area.

Mr. Torres replied that he is not aware.

Ms. Marriam asked if 6 ponds were necessary because it's on a ridge.

Mr. Torres answered that the number of ponds depends on the increase in flow.

Mr. Carlson asked for information regarding a proposed parking lot.

Ms. Bagley suggested a full presentation which would answer questions. (Presentation began.)

PUBLIC COMMENTS

Mr. Roger Lund spoke in opposition. He mentioned that the proposed development will be three times larger than Apex Ranch. Many of his concerns were already addressed in the presentation. He asked if the water finding would be delayed until Final Plat. He walked the site with Mr. Desjardin and Mr. Kofford to discuss existing flooding issues in the area. He suggested that one of the drainage ponds should be relocated below the confluence near his property.

Ms. Barlow responded. The finding of water sufficiency is being requested during this phase; they are not deferring that finding to the Final Plat stage. They anticipate the Final Plat being administratively approved for that reason. During the Preliminary Plan stage, final locations of detention ponds are not exact. She pulled up a map of the area. The development of a detention pond will address the flooding issues that Mr. Lund currently faces. The Final Plat process will include more detailed design and construction details regarding the pond.

Mr. Carlson asked if relocation of the pond is possible after walking the property with Mr. Lund.

Mr. Desjardin, with ProTerra Properties, replied that he's not convinced. Currently, they have proposed the pond adjacent to the public right-of-way. This will make maintenance access easier. It will be in an existing field, so not as many trees will need to be removed. The terrain is steeper

where Mr. Lund is requesting it be relocated. The pond is currently proposed on one of two forks. Further evaluation will take place during the Final Plat stage.

NO FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3F, FILE NUMBER SP238 FOR A PRELIMINARY PLAN, OVERLOOK AT HOMESTEAD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

***FOLLOWING CALLED-UP ITEM 3F, MS. BRITTAIN JACK WAS EXCUSED FROM THE HEARING. THERE WERE SIX (6) VOTING MEMBERS MOVING FORWARD.**

31. PUDSP235

HOWSER

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN ROLLING HILLS RANCH NORTH

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification regarding the Placetype.

Mr. Carlson asked about the transition and buffer with surrounding development.

Mr. Howser explained that the subject property is located within the Large Lot Residential Placetype, as is the Estates filing to the west. The rest of Meridian Ranch is in the Suburban Residential Placetype. He referenced imagery on his slideshow. He stated that while the proposal is not consistent with Large Lot Residential, it is consistent with the surrounding area. He further mentioned that the applicant received BoCC approval for a Sketch Plan Amendment that allows up to 4 units per acre in the subject area. That approval predated the Master Plan, which was taken into consideration.

Ms. Merriam asked when the Sketch Plan Amendment was approved.

Mr. Howser answered that the approval was complete in August 2021. While the Master Plan was adopted in May 2021, the application was received under a previous Master Plan, so it was reviewed using the previous standards.

Mr. Carlson clarified that the applicant could propose up to 4 units per acre per the Sketch Plan.

Mr. Howser confirmed. He then discussed the proposed buffer area. He referenced the zoning map to show that the proposed buffer to the north is greater than previous filings. He stated that it is PCD Staff's opinion that the increased density could be compatible with the additional buffer that the applicant is proposing. He added that The Sanctuary at Meridian Ranch, south or the

subject property, was approved with 4.5 units per acre. The current proposal is consistent with previous filings southwest of the subject area.

Ms. Barlow, with N.E.S., completed the applicant's presentation. There were no questions.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Whitney clarified that the Sketch Plan Amendment was approved using the previous Master Plan criteria for reference, which designated the area as appropriate for suburban density.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3I, FILE NUMBER PUDSP235 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, ROLLING HILLS RANCH NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:03 P.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Ms. Merriam moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS235
16050 OLD DENVER ROAD REZONE

WHEREAS, Vertex Consulting Services did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, 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 April 18, 2024; 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;

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 (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.B 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 Vertex Consulting Services for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for 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.
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. The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction.

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.

Mr. Whitney seconded the adoption of the foregoing Resolution.

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

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

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

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

EXHIBIT A

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

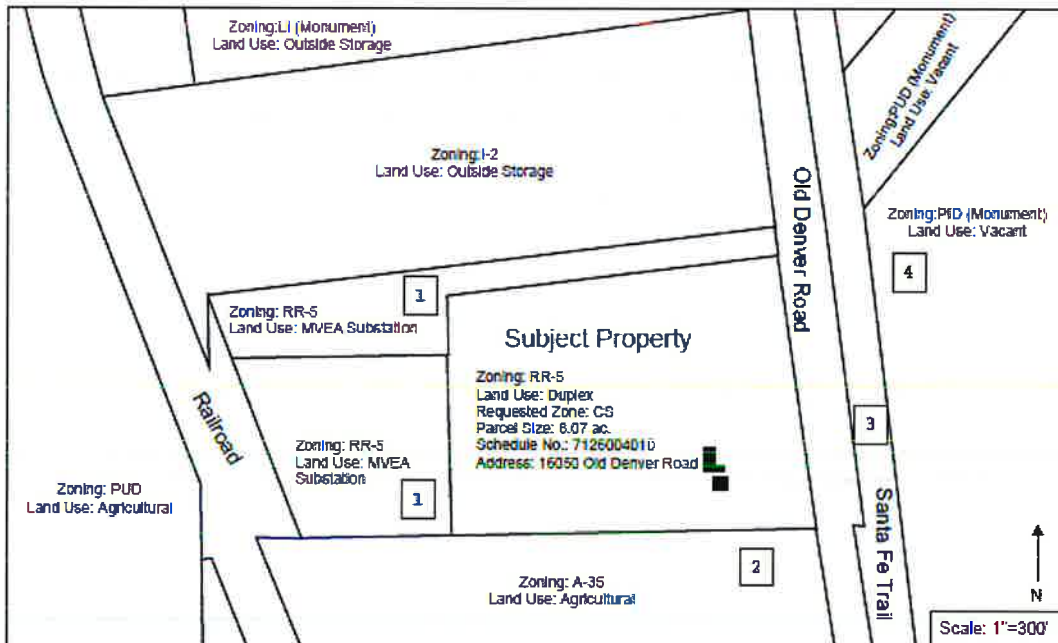
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY 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.

EXHIBIT B



455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
nina.ruiz@vertexcos.com
(719)733-8605

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 LINE 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. 98119581. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.

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: Kylie Bagley, Planner III
Lupe Packman, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: CS235
Project Name: 16050 Old Denver Rezone
Parcel Number: 7126004010

OWNER:	REPRESENTATIVE:
All In Investments LLC PO Box 1204 Monument, CO 80132	Vertex Consulting Services Attn: Nina Ruiz 455 E Pikes Peak Avenue Colorado Springs, CO 80903

Commissioner District: 3

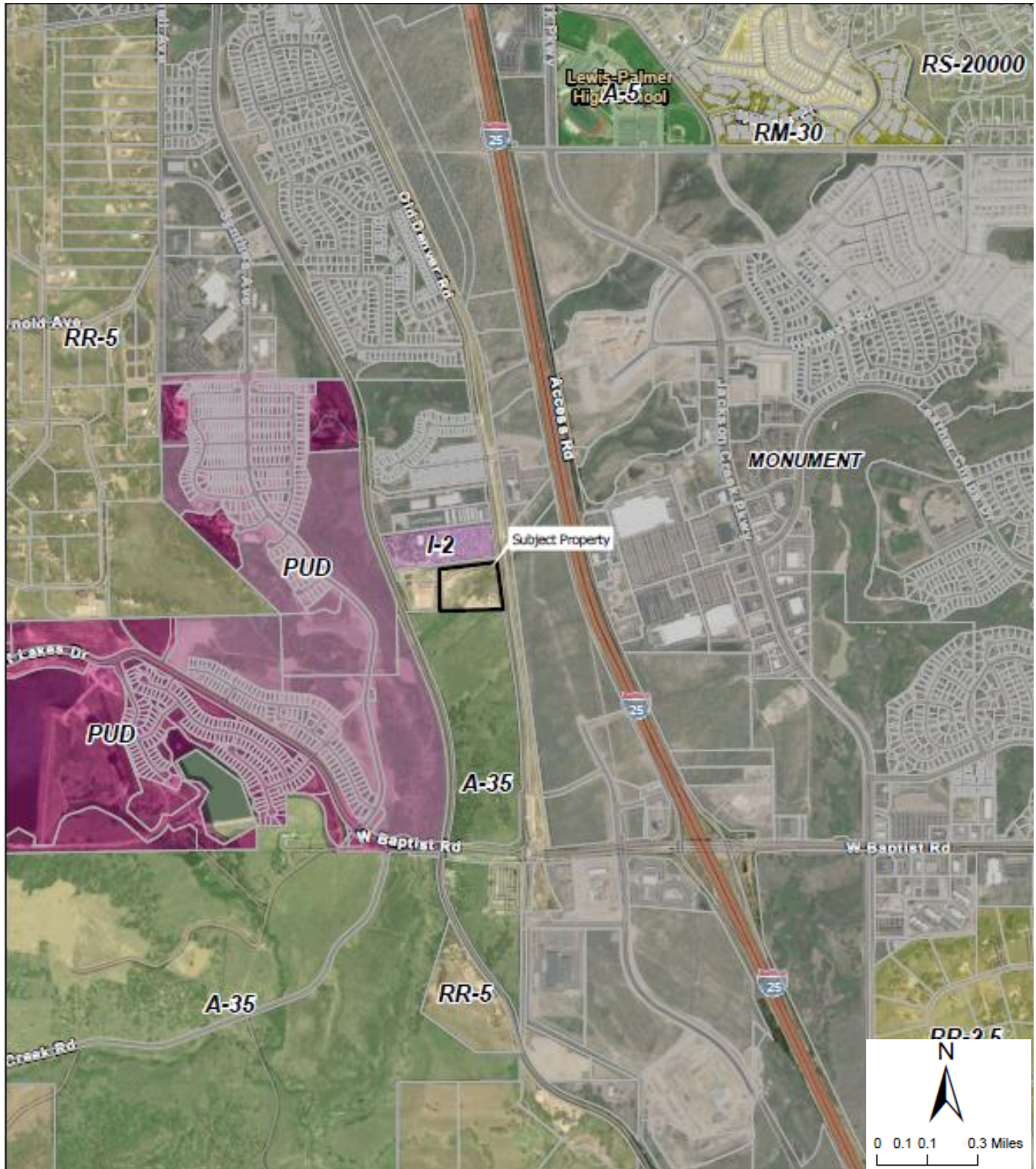
Planning Commission Hearing Date:	4/18/2024
Board of County Commissioners Hearing Date:	5/9/2024

EXECUTIVE SUMMARY

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road and is one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)



Zoning Map with Location



2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

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 Code, for the intended zone district.

C. LOCATION

North:	I-2 (Limited Industrial)	Warehouse and Storage
South:	A-35 (Agricultural)	Vacant Land
East:	Town of Monument	Vacant Land
West:	RR-5 (Residential Rural)	Utility Station

D. BACKGROUND

The applicant is requesting approval of a Map Amendment (Rezoning) of 8.07 acres from the RR-5 zoning district to the CS zoning district. In 1963, a duplex was built on the property and is still in use today. The applicant is also requesting that the duplex 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.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

An attached single-family dwelling is not an allowed use by right within the CS zoning district. A Variance of Use would be required to have an attached single-family dwelling within the CS zoning district. By allowing the attached single-family dwelling to remain, the County would be creating a nonconforming use with the CS zoning district and Land Development Code section 5.6, Legal Nonconformities, will apply.

North of the subject property, along Old Denver Road, has developed with a variety of uses from attached residential dwellings to commercial businesses. Immediately west of the subject property is Mountain View Electric Association’s substation. The request to rezone from RR-5 to CS would allow for transitional uses to develop between the existing industrial uses to the north and agricultural land to the south.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 8.07 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 existing and proposed zoning districts are as follows:

	Existing Zoning District: RR-5 (Residential Rural)	Proposed Zoning District: CS (Commercial Service)
Maximum Density	-	2 acres
Minimum Lot Size	5 acres	
Minimum Width at Front Setback	200 feet	
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	25 feet
Maximum Lot Coverage	25%	
Maximum Height	30 feet	45 feet

An attached single-family dwelling currently exists on the property and is not an allowed use within the CS zoning district. The Land Development Code (LDC 8.4.2.(A)(2)) states that attached single-family dwelling uses require central water and wastewater services. The current residence utilizes well and septic. The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property.



The Land Development Code (LDC 1.15. "Development") defines development as the act of carrying out any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into 2 or more parcels. Development shall also include: (a) Any construction, placement, reconstruction, alteration of the size, of a structure on land; (b) Any increase in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development; (c) Any change in use of land or a structure; (d) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland; (e) The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land; (f) The demolition of a structure; (g) The clearing or grading of land as an adjunct of construction.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises rangeland, 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 placetype 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 pro-actively permitting changing areas contiguous to existing development to another placetype.

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Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The Rural Placetype supports the County's established agricultural and rural identity. This Placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority.

Objective LU2-2– *The character and intensity of new development or redevelopment in County enclaves should match that of the development in the municipality surrounding it.*

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

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

Priority - *The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

While the proposed rezone to commercial does not meet the recommended land uses outlined in the Rural Placetype, it does more closely match the existing commercial development of the established neighborhood. The Rural Placetype discourages leapfrog development, with the understanding that as growth occurs some rural areas may develop and transition to another placetype.



b. Area of Change Designation: Minimal Change: Developed

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 an 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 to commercial would more closely match the existing surrounding character. The subject property is located east of an existing electrical substation and south of storage facilities.

c. Key Area Influences: Tri-Lakes Area

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, Wood-moor 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.



2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand the 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 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

A finding of water sufficiency is not required with a Map Amendment.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

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The Master Plan for Mineral Extraction (1996) identifies stream terrace 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There were no hazards identified with this rezoning application.

2. Floodplain

FEMA Flood Insurance Rate Map panel number 08041C0278G, dated December 7, 2018, shows a 100-year floodplain (Zone AE) flows through the property from the northeast corner to the southwest corner.

3. Drainage and Erosion

The property is in the Teachout Creek Drainage Basin (FOMO4800) which is included in the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with Map Amendment (Rezoning) requests.

4. Transportation

The lot has access off Old Denver Road, which is owned and maintained by the Town of Monument. The submitted traffic impact study estimated that the proposed contractor storage use will generate 194 average daily trips. The traffic study also identified that should a different use be proposed, an updated traffic study will be required. No improvements are identified as being required in the traffic study due to this development's impacts. The development shall obtain any necessary access permits and comply with any requirements from the Town of Monument.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

El Paso County Road Impact Fees (RIF) as approved by Resolution 19-471 apply to the development. The RIF will be assessed at the last land-use approval or when the applicant applies for a building permit, whichever is last.



H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water is currently provided by an existing well.

2. Sanitation

Wastewater is currently provided by an existing septic system.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District.

4. Utilities

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service. Both utility providers were notified of the rezoning application and have no outstanding comments.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of parkland 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

See attached resolution.

J. STATUS OF MAJOR ISSUES

The applicant is requesting that the duplex 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. An attached single-family dwelling is not allowed use in the CS zoning district and would require a variance of use to legally utilize the use.



By allowing the existing attached single-family dwelling to be used as a residence in the CS zoning district, the County would be creating a nonconforming use. The nonconforming use would not be considered legal and therefore would need to meet the standards of the Land Development Code. Staff is proposing a condition with the rezoning to allow the existing attached single-family dwelling to be used as a residence until commercial development occurs on the property. According to the LDC (1.15.), Development includes, but is not limited to, any construction, placement, reconstruction, or alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in the use of land or a structure and the clearing or grading of land as an adjunct of construction.

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:

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.** The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction.

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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 8 adjoining property owners on April 3, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

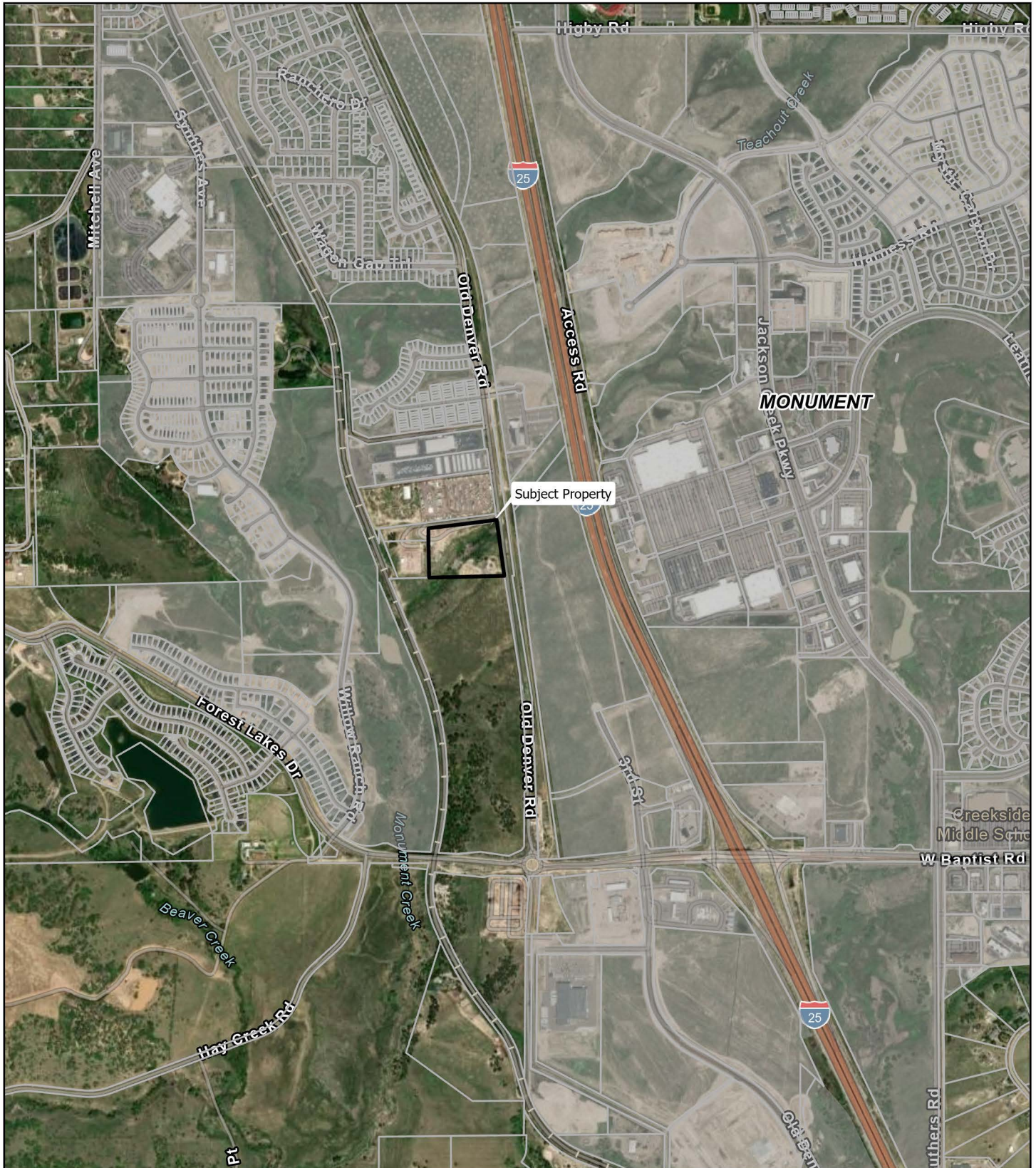
M. ATTACHMENTS

Map Series
Letter of Intent
Rezone Map
Draft Resolution

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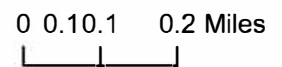


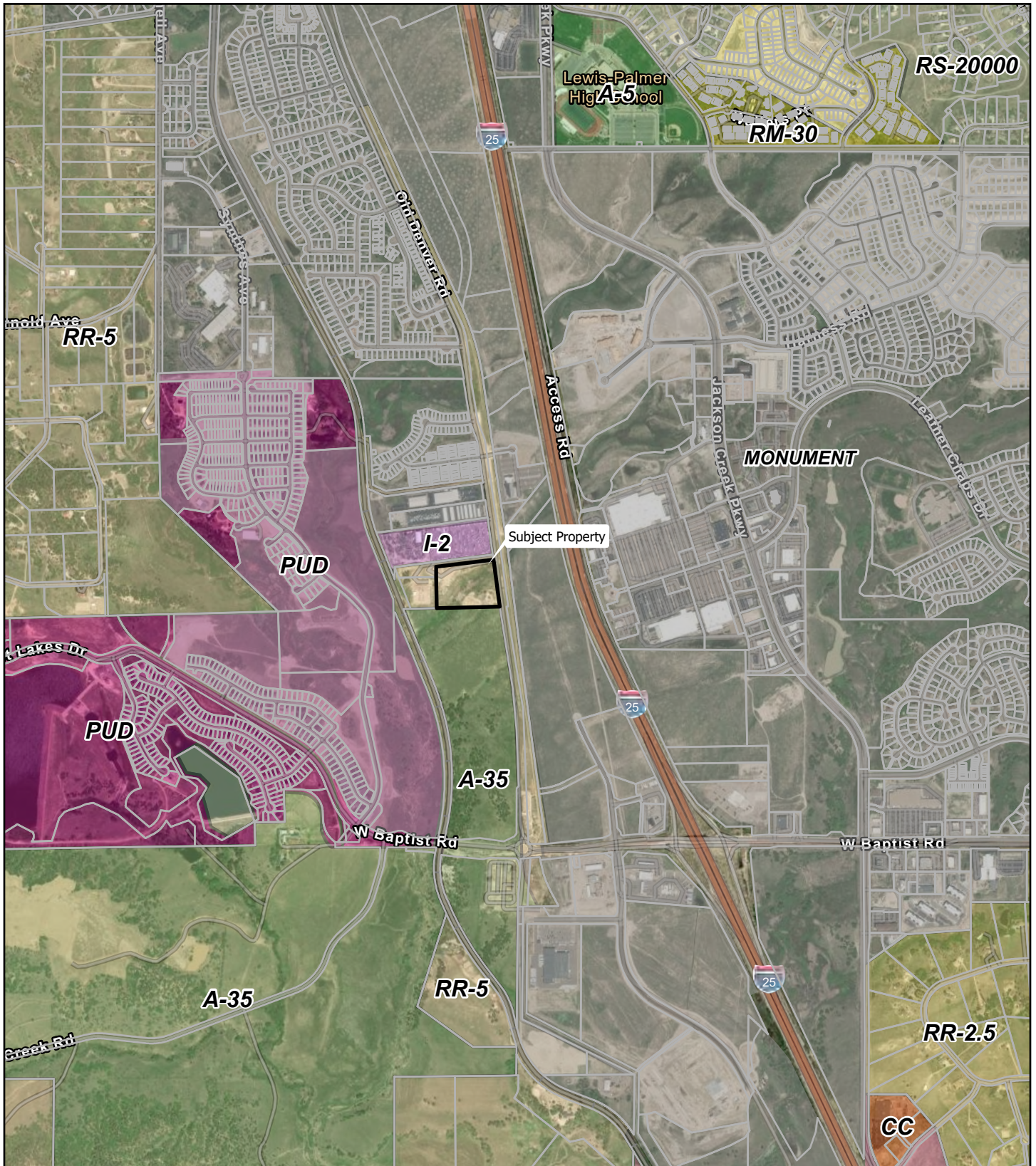
Aerial Map



File No. CS235

Map Series No. 1





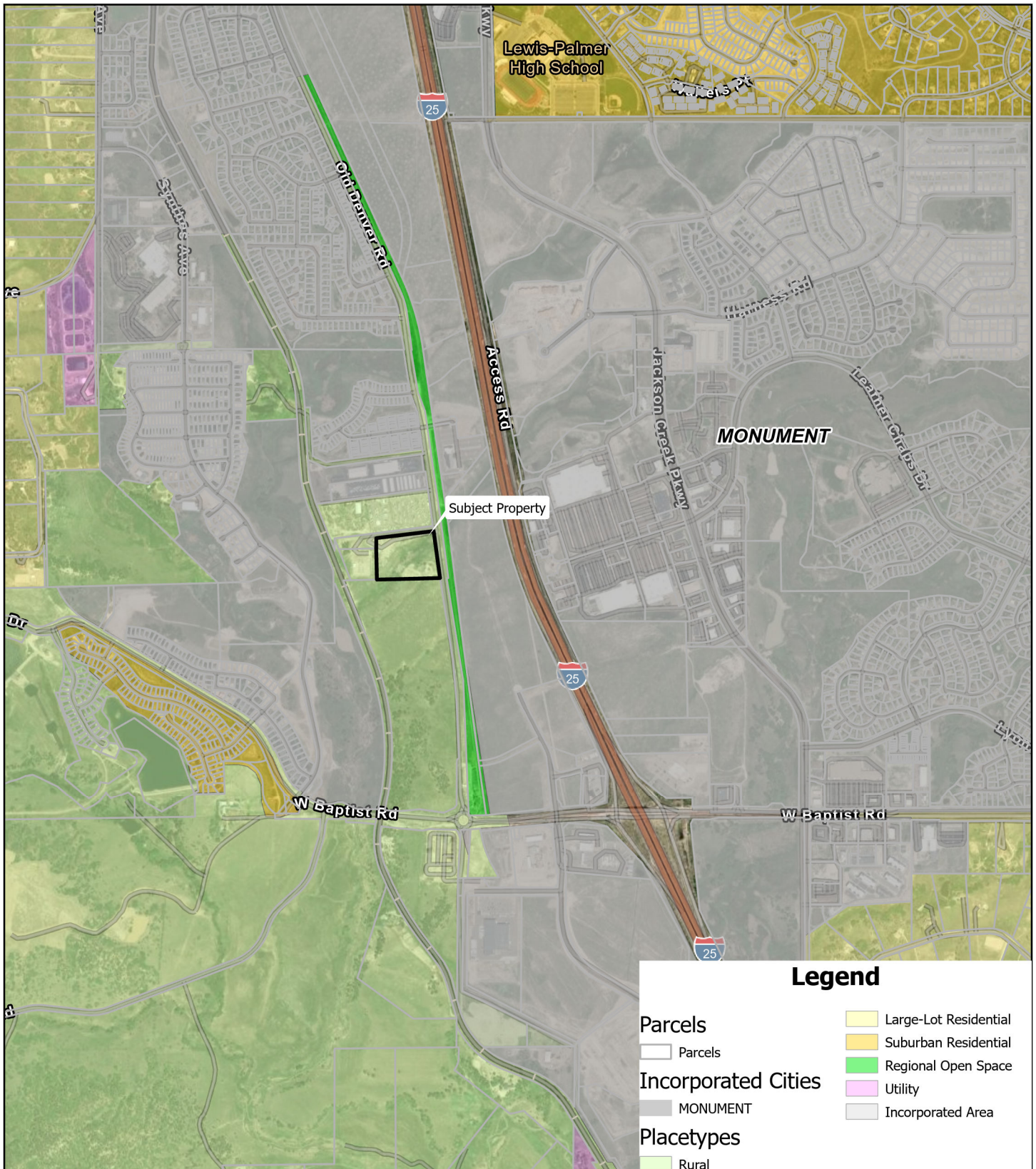
Zoning Map



File No. CS235

Map Series No. 2





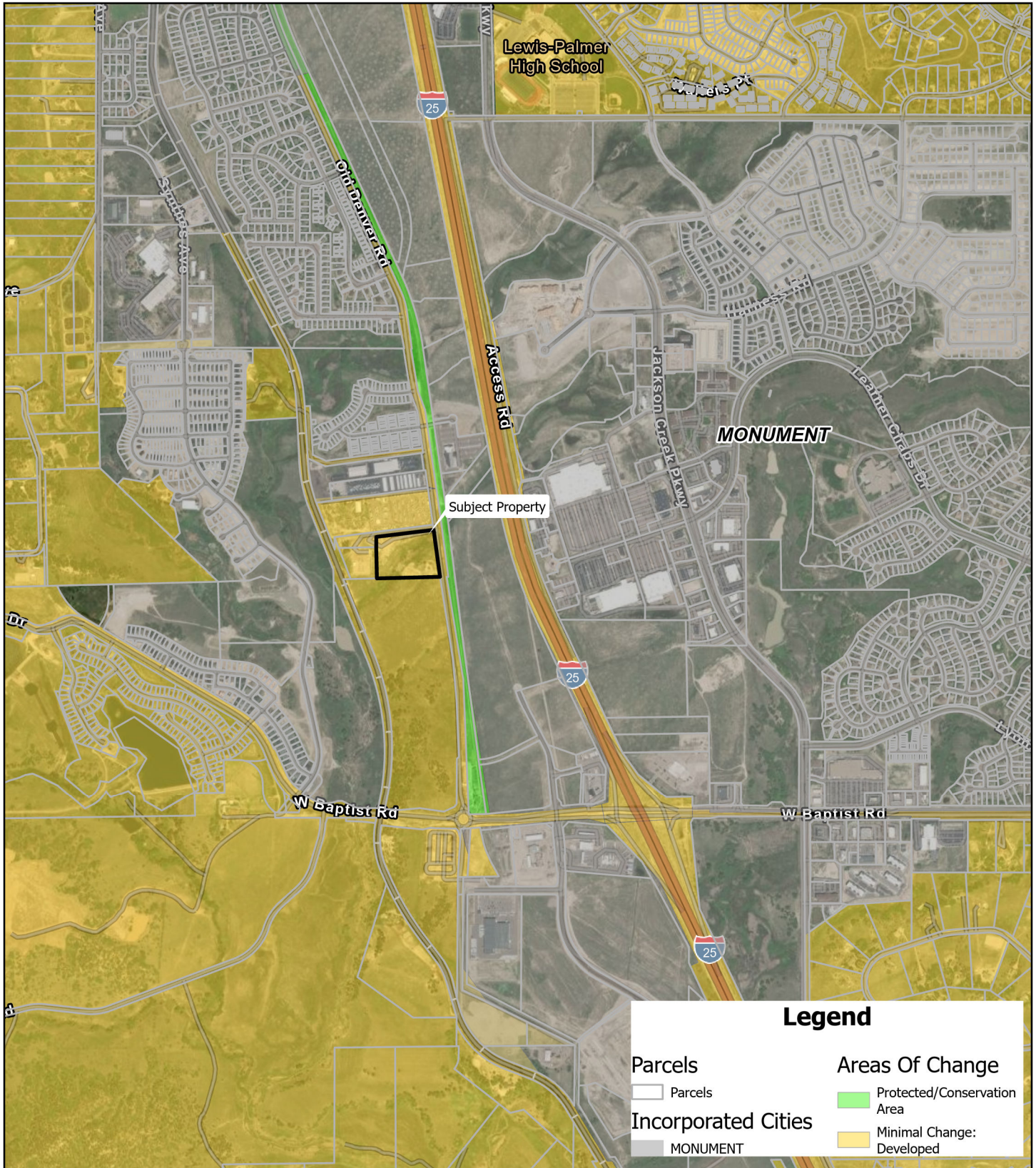
Placetype Map

File No. CS235

Map Series No. 3



0 0.1 0.1 0.3 Miles



Legend

<p>Parcels</p> <p>— Parcels</p>	<p>Areas Of Change</p> <p>Protected/Conservation Area</p> <p>Minimal Change: Developed</p>
<p>Incorporated Cities</p> <p>MONUMENT</p>	



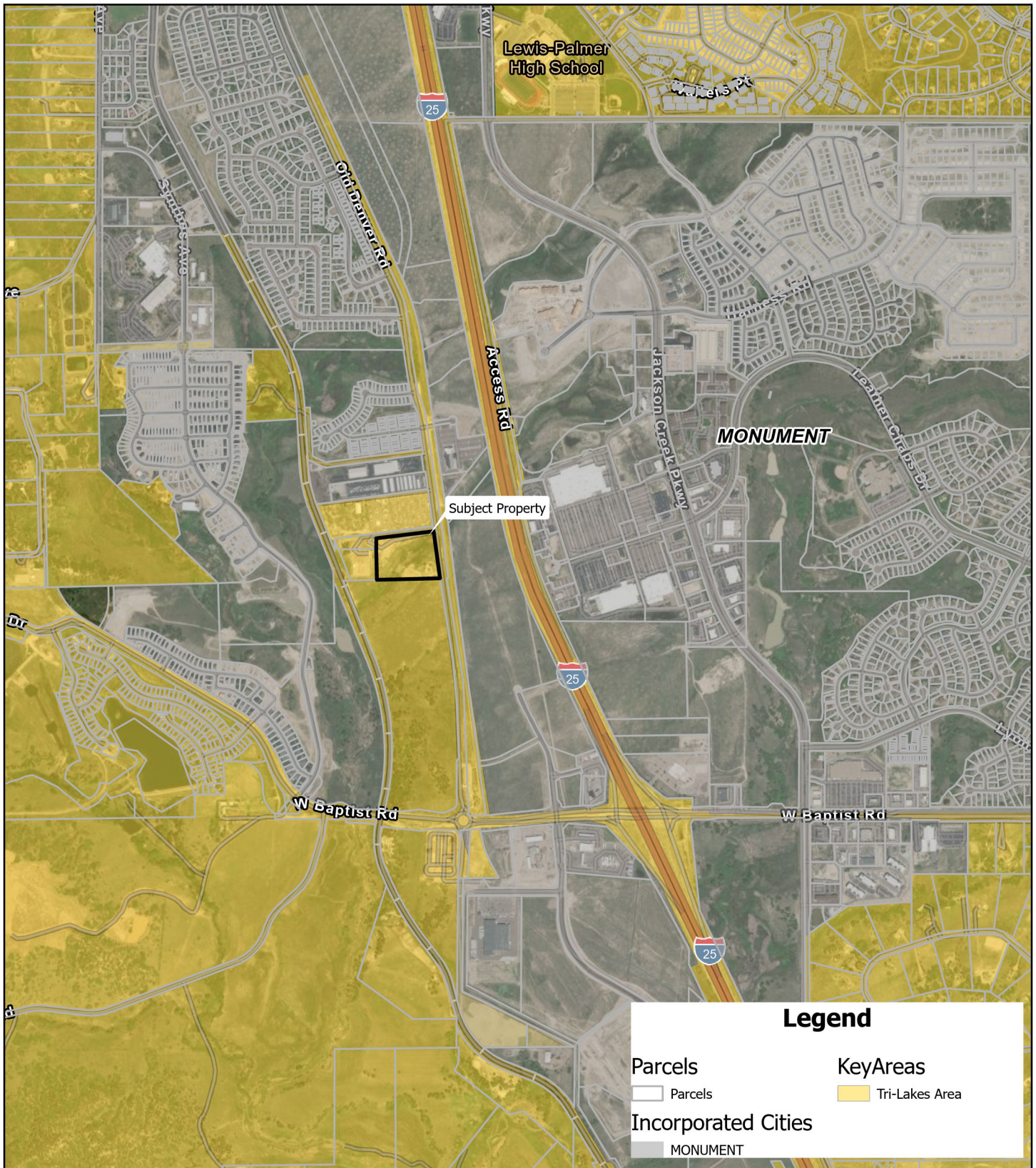
Areas of Change Map



0 0.1 0.1 0.3 Miles

File No. CS235

Map Series No. 4



Key Areas Map



0 0.1 0.1 0.3 Miles

File No. CS235

Map Series No. 5



Vertex Consulting Services, LLC
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903-3672
719-733-8605

**16050 Old Denver Road Rezone
Letter of Intent**

October 2, 2023

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

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

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

The Rural Placetype is described further on page 24 as follows:

"The Rural placetype comprises rangeland, 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

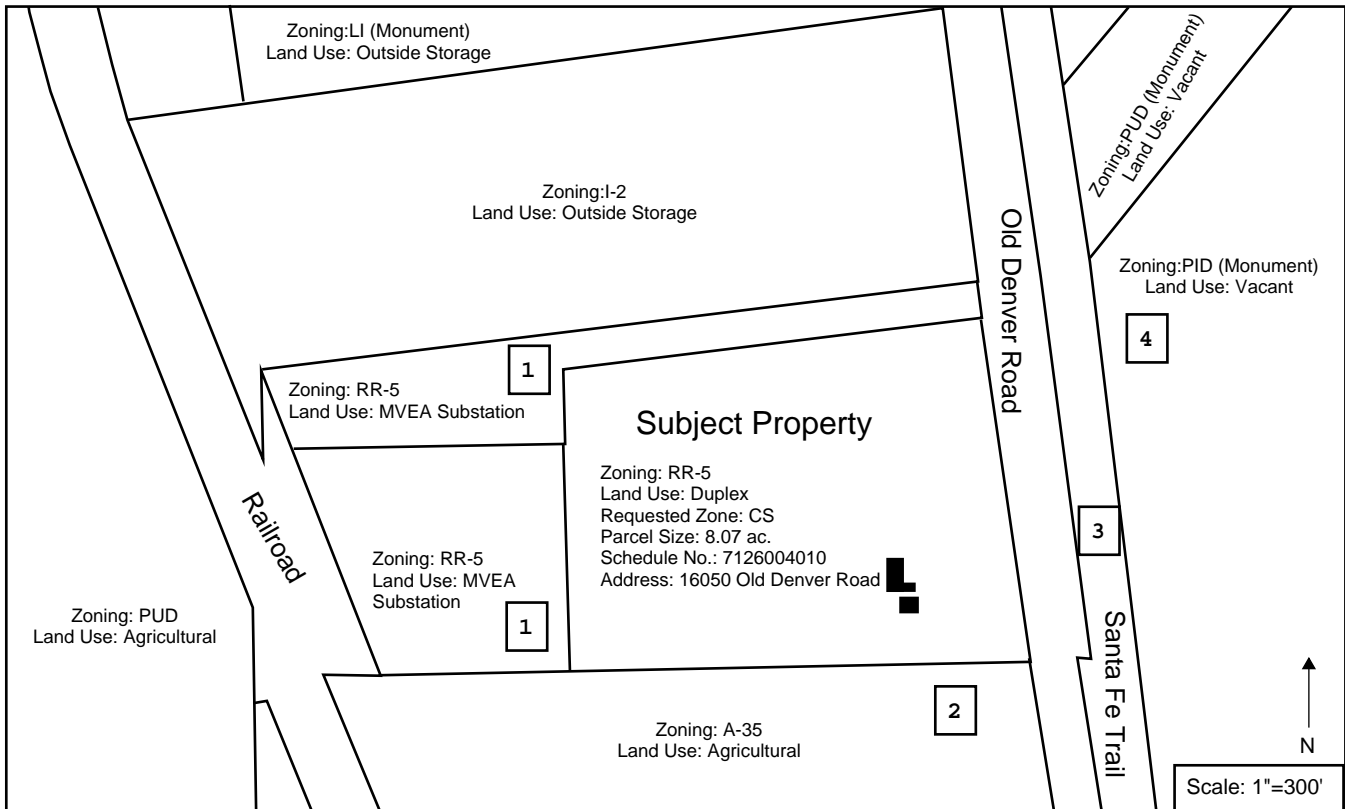
The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

Environmental Considerations

The property is within the occupied range of the PJM. No site plan is required at the rezone stage. In order for the USFW to provide a clearance letter the limits of disturbance must be known. For this reason, USFW will not provide a clearance letter at the rezone stage unless the clearance is

identifying there is no habitat within the property. The applicant will be required to obtain a clearance letter from the USFW prior to site development approval or prior to land disturbance.

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.

RESOLUTION NO. 24-

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

APPROVAL OF MAP AMENDMENT (REZONE)
16050 OLD DENVER ROAD REZONE (CS235)

WHEREAS Vertex Consulting Services 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 and depicted in Exhibit B, 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 April 18, 2024, 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 May 9, 2024; 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 the 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 Vertex Consulting 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 conditions and notations shall be placed upon this approval:

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. The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction.

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 9th day of May, 2024, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

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

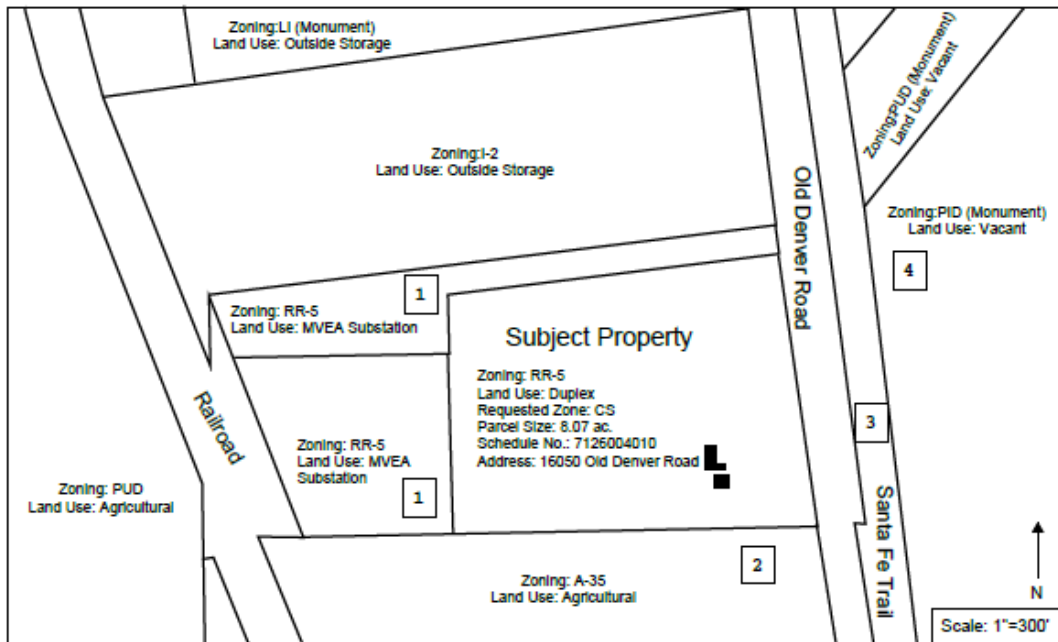
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY 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.

EXHIBIT B



455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
nina.ruiz@vertexcsc.com
(719)733-8605

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	Dellacrocce 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 LINE 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 LINE 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, 1996 AT RECEPTION NO. 96119681. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.