

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

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

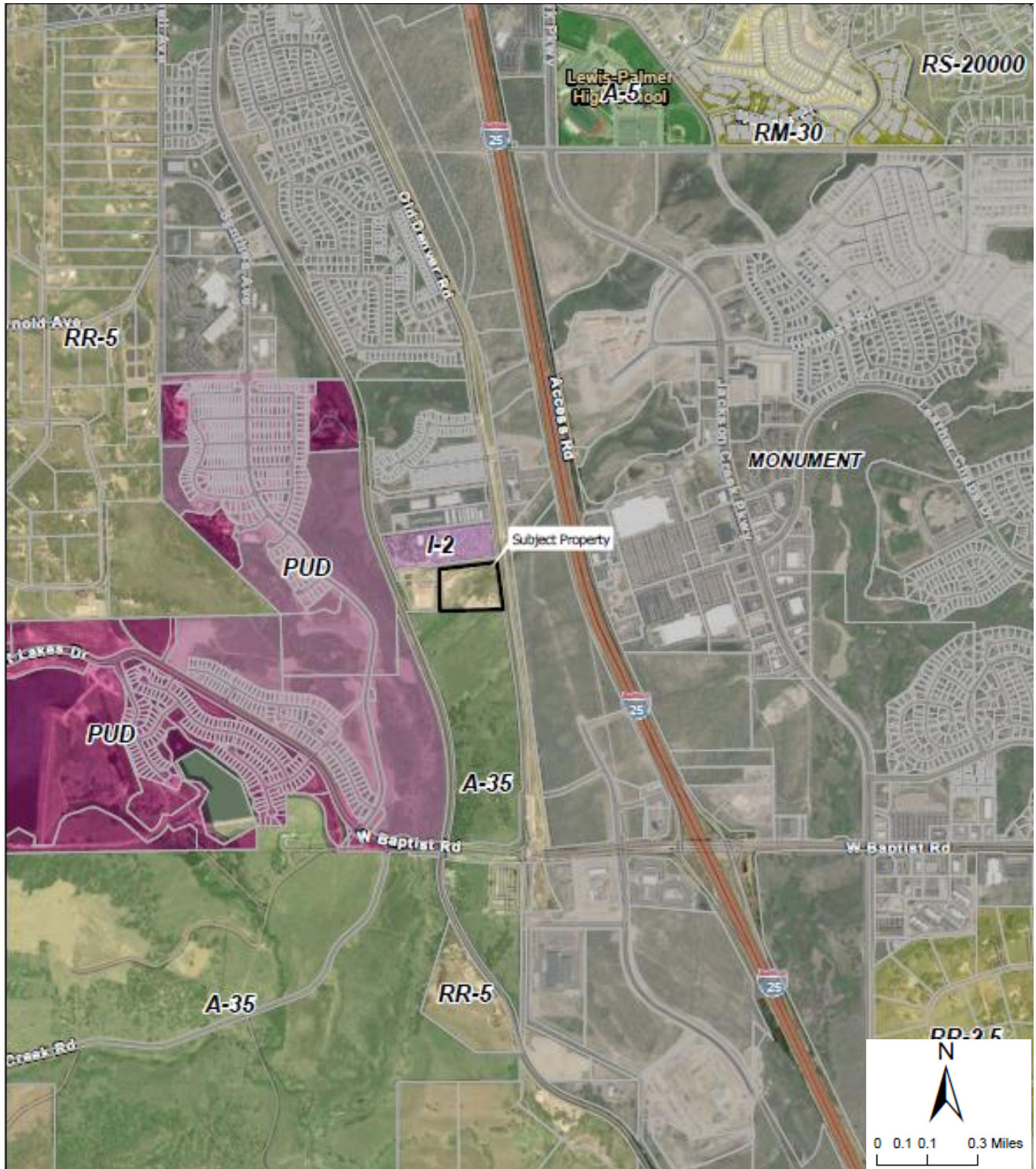
Commissioner District: 3

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.



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.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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.



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.

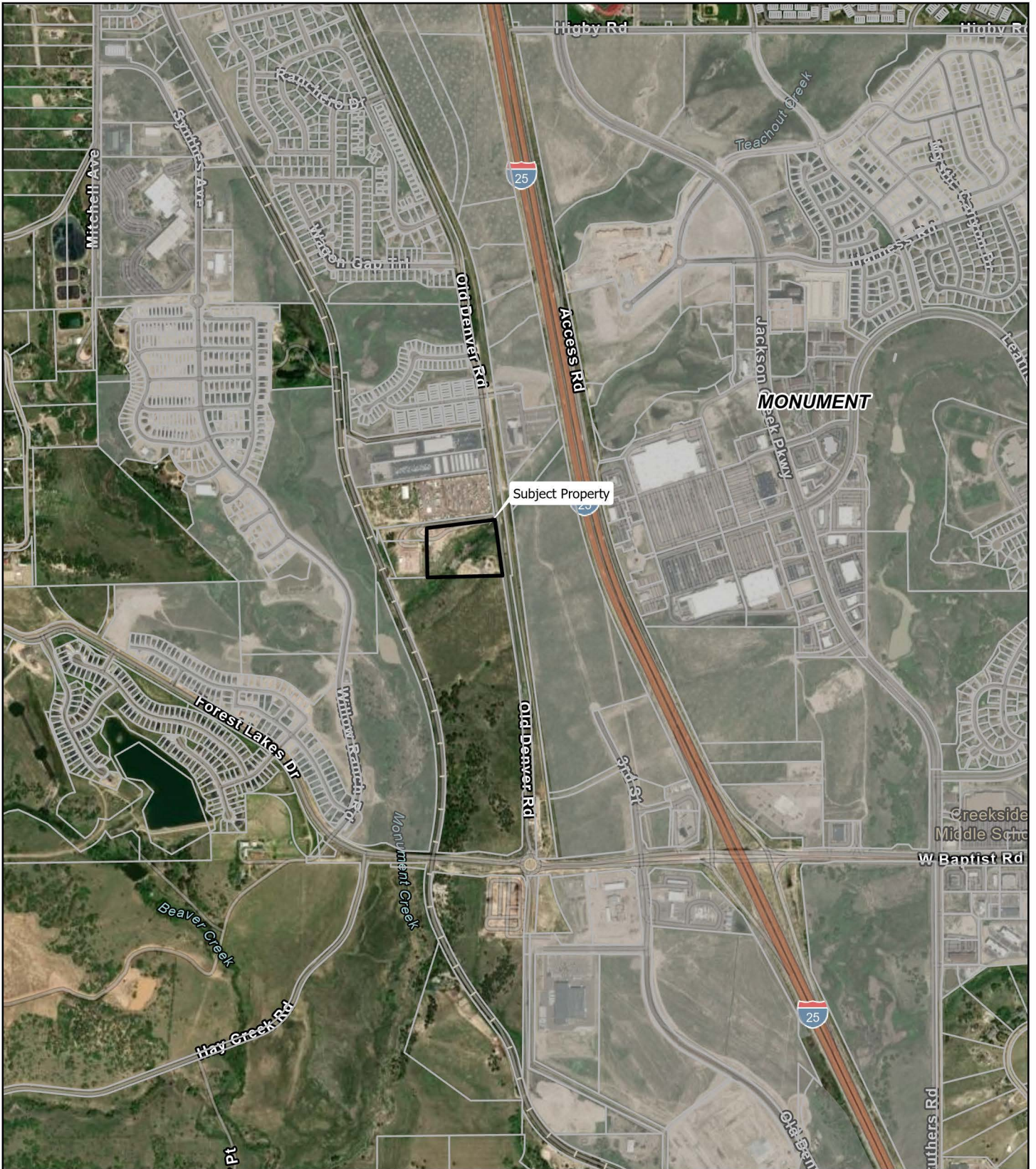
L. PUBLIC COMMENT AND NOTICE

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





Subject Property

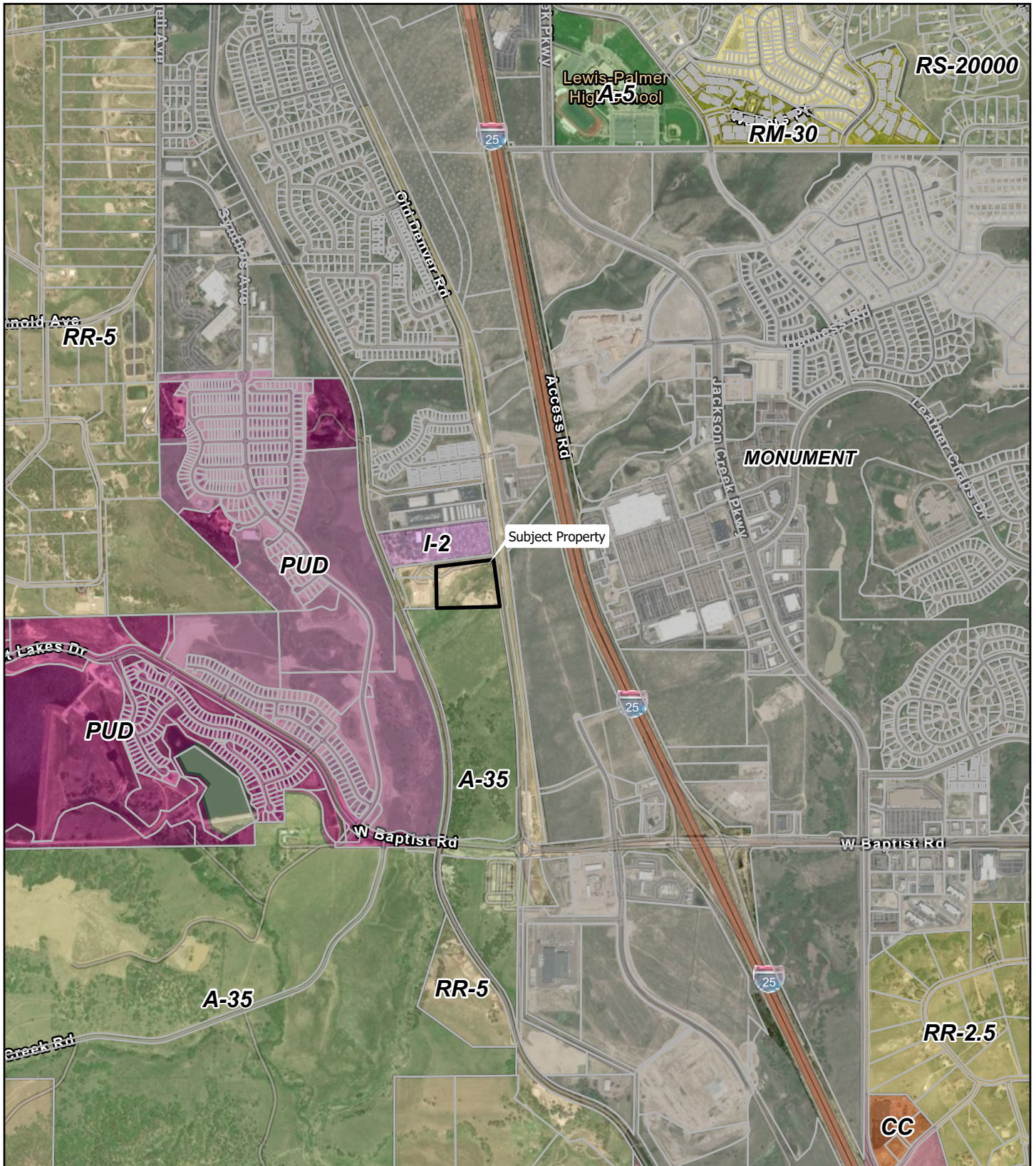
MONUMENT

Creekside Middle Sch
W Baptist Rd



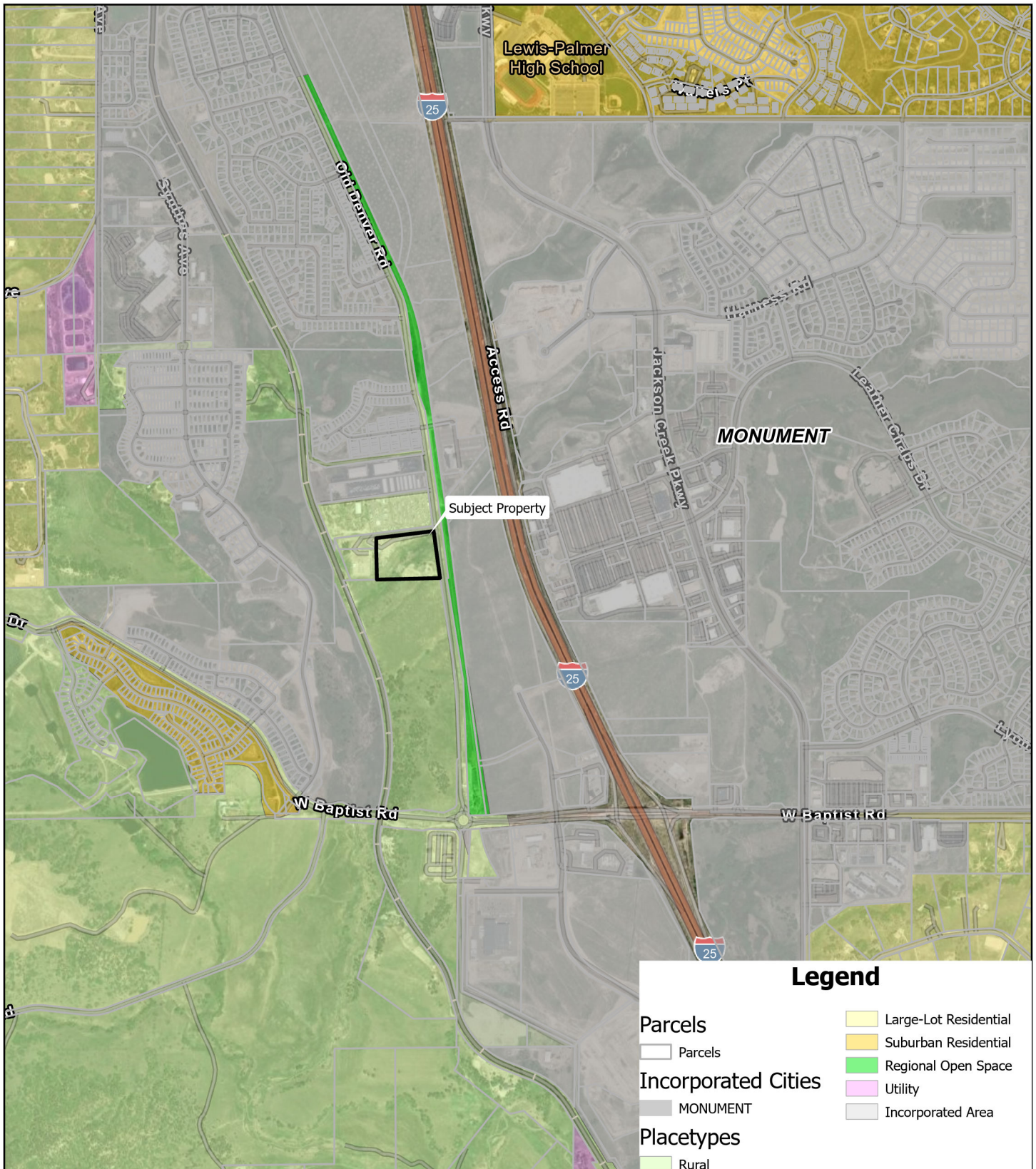
Aerial Map





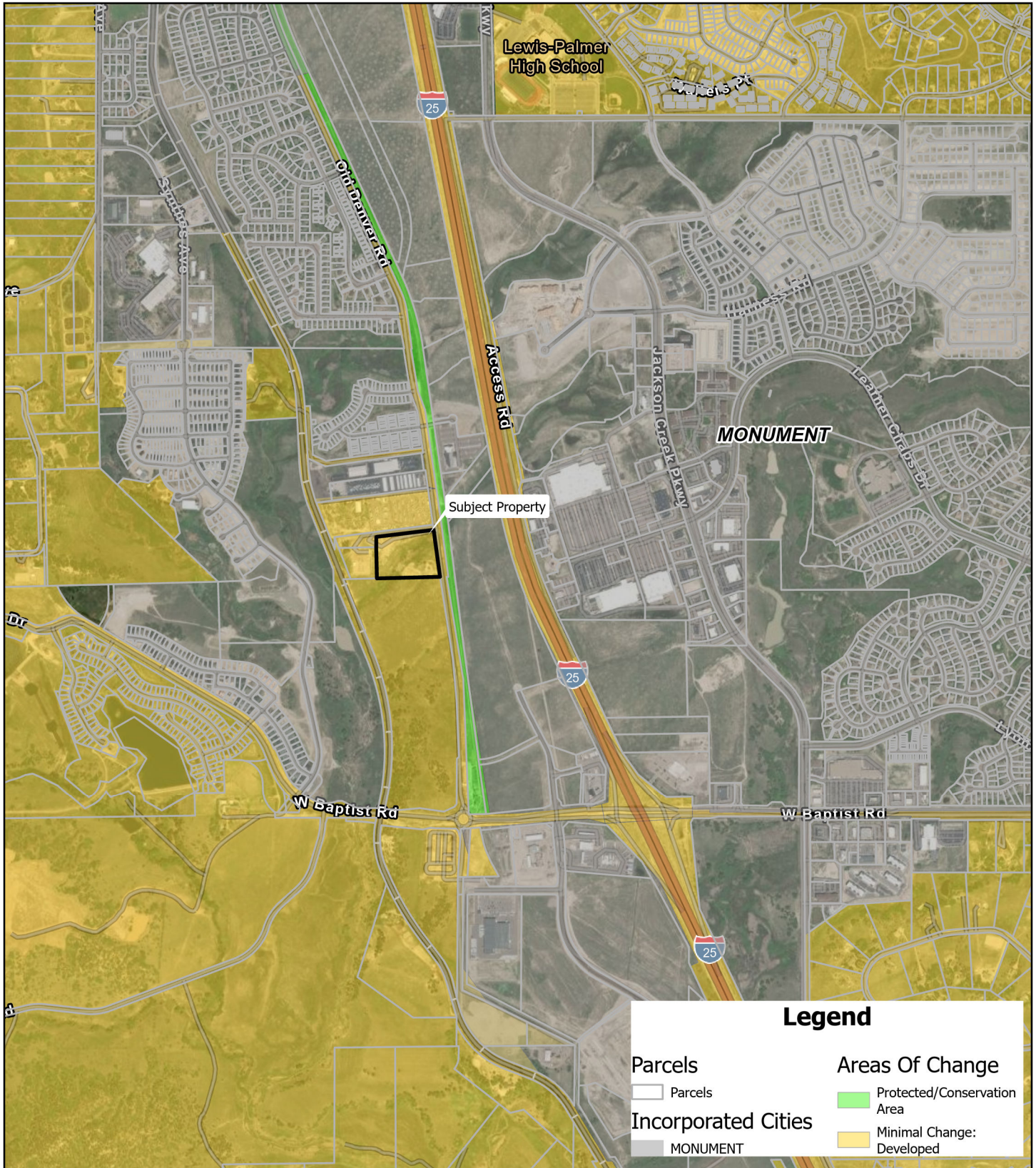
Zoning Map





Placetype Map





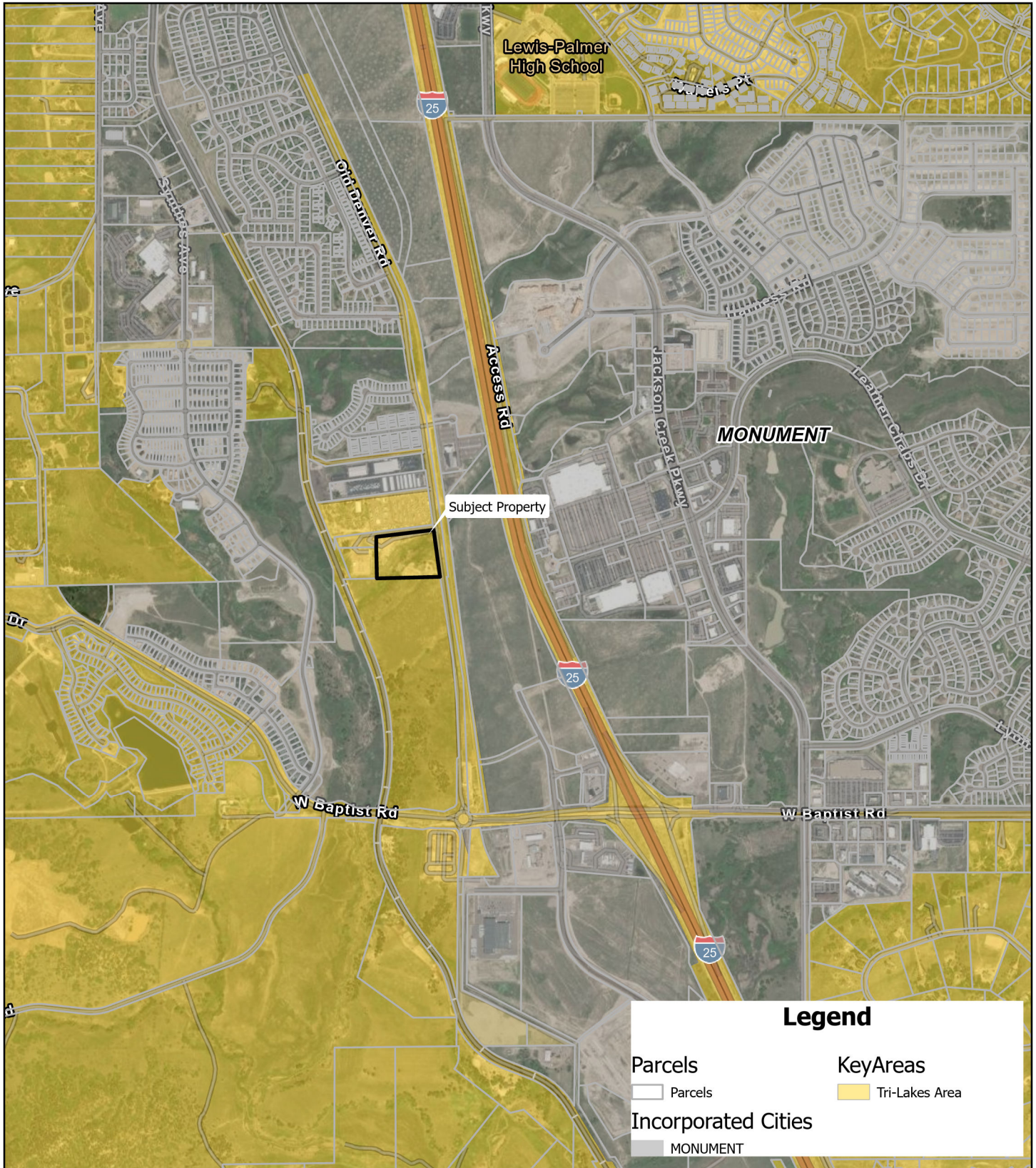
Legend

<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





Legend

Parcels	KeyAreas
Parcels	Tri-Lakes Area
Incorporated Cities	
MONUMENT	



Key Areas Map





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

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

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

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

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

El Paso County Water Master Plan

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

El Paso County Parks Master Plan

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

2016 Major Transportation Corridors Plan (MTCP)

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

Other Topical Elements of the County Master Plan

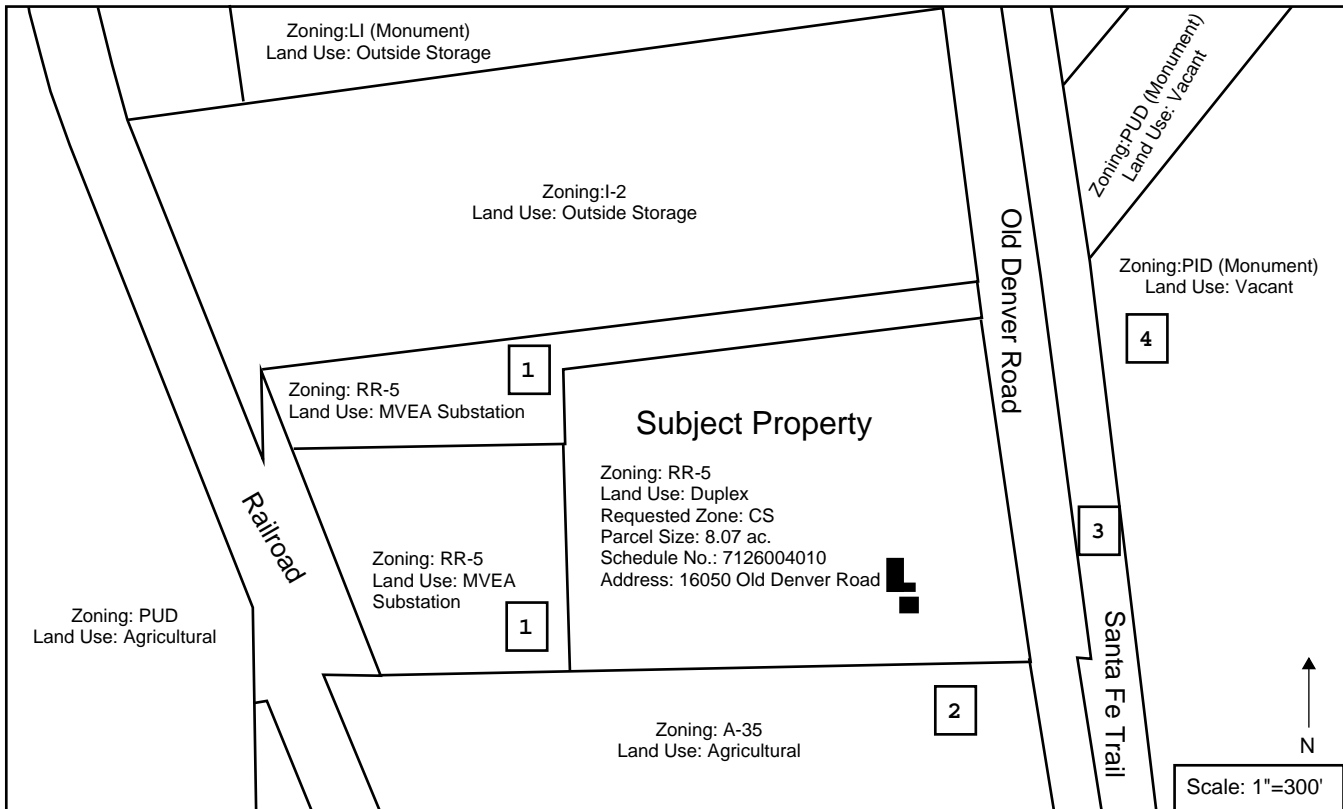
The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

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.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

_____ 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, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on 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.

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

PC Resolution

Page 4 of 6

The Resolution was adopted by a vote of ___ to ___ 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

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:

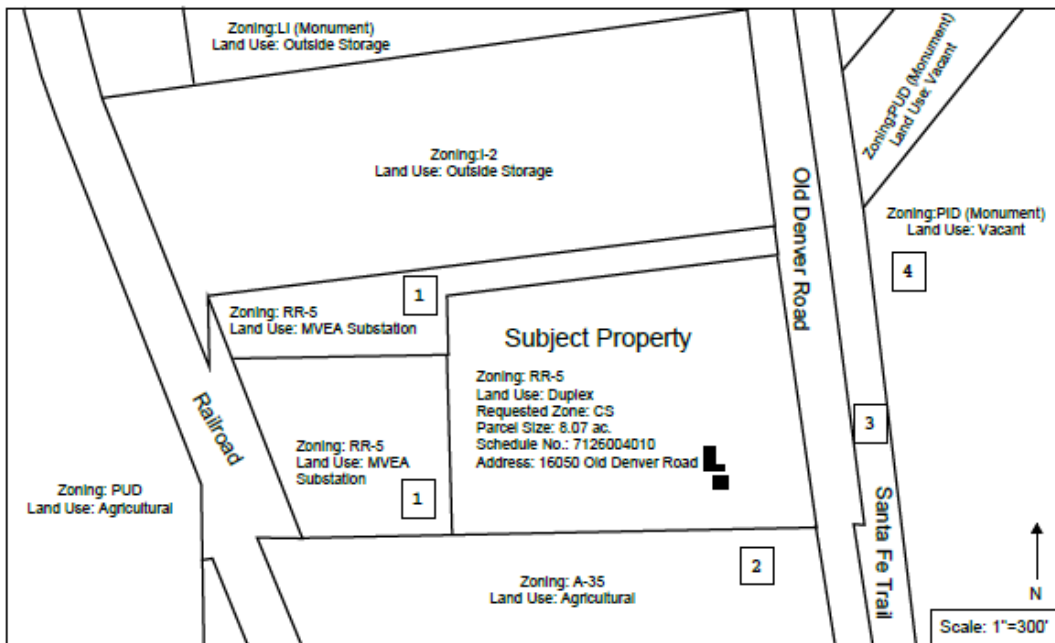
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY 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. 98119681. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.