

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

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Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 7/25/2024
RE: P244 - 2775 North Meridian Road - Rezone

Project Description

A request by John Uppole for approval of a Map Amendment (Rezoning) of 35 acres from RR-5 (Residential Rural) to A-35 (Agricultural).

Notation

Please see the Planning Commission Minutes from June 20, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Fuller moved / Merriam seconded to recommend approval of item P244 utilizing the resolution attached to the staff report with three (3) conditions and two (2) notations. The motion was **approved (8-0)**. The item was heard as a consent item at the Planning Commission hearing. There was no public opposition.

Discussion

Mrs. Fuller had a question about the reason the applicant was choosing to rezone to a zoning district that is less dense than the current RR-5 zoning district.

Attachments

1. Planning Commission Minutes from 6/20/2024.
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, June 20, 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: THOMAS BAILEY, SARAH BRITAIN JACK, JIM BYERS, BECKY FULLER, JEFFREY MARKEWICH, BRANDY MERRIAM, ERIC MORAES, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JAY CARLSON, TIM TROWBRIDGE, BRYCE SCHUETTEL, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLYN MATHY, KARI PARSONS, BRET DILTS, CHARLENE DURHAM, HAO VO, DANIEL TORRES, ED SCHOENHEIT, ELIZABETH NIJKAMP, JOSH PALMER, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RANDY NOVAK, PAULA & JORDAN LYLES, HEATHER RUBENAKER, KATE JOHNSON, MARY ARLINGTON, KATIE HARMS, JO D. HEFFNER, GREG MIRANDA, ED KOVITZ, NIKI FIELDS, PAUL OTIS, MONTE GOODRICH, ALEX MARTINEZ, BONNIE KATTAU, BRIAN HADFIELD, TERESA FIELDS, DANIEL SOLIGNY, _ , WILLIAM MISTRETTA, CAROL HIGDON, AND ED HENNING.

1. REPORT ITEMS

The next PC Hearing is Thursday, July 18, 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 June 6, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. P244

MATHY

**MAP AMENDMENT (REZONING)
2775 NORTH MERIDIAN ROAD REZONE**

A request by John Uppole for approval of a Map Amendment (Rezoning) of 35 acres from RR-5 (Residential Rural) to A-35 (Agricultural). The property is located at 2775 Meridian Road, one-quarter mile south from the intersection of Corral Bluffs View and Meridian Road. (Parcel No. 4331000022) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Fuller asked why the applicant was requesting a rezoning to A-35, as that is less commonly seen.

Ms. Mathy answered that the A-35 zoning better aligns with the applicants' future plans for the property.

PC ACTION: FULLER MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P244 FOR A MAP AMENDMENT (REZONING), 2775 NORTH MERIDIAN 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).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

IN OPPOSITION: NONE.

COMMENTS: NONE.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Ms. Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P244
2775 N MERIDIAN RD - REZONE

WHEREAS, John Uppole 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 A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 20, 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. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. 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. All exhibits were received into evidence;
5. 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. 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. 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 John Uppole 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 A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. The Applicant agrees on behalf of him/herself and any developer or builder successors and assignees that Applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents to ensure that a title search would find the fee obligation before sale of the property.

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.

Ms. Merriam seconded the adoption of the foregoing Resolution.

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

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

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

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

THOSE PORTIONS OF GOVERNMENT LOTS 3 AND 4 AND OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS

(ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, THE BASIS OF GRID BEARINGS WAS DETERMINED BY GLOBAL POSITIONING SATELLITE METHODS).

THE BASIS OF BEARINGS IS THE NORTH LINE OF TRACT 4, SHOWN ON A LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 202900119, RECORDS OF EL PASO COUNTY, BEING MONUMENTED AT THE EAST END BY A FOUND 5/8" REBAR WITH AN ORANGE PLASTIC CAP "PLS 32439" AND AT THE WEST END BY A FOUND 5/8" REBAR, SHOWN TO BEAR N 88°42'21" W.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31;

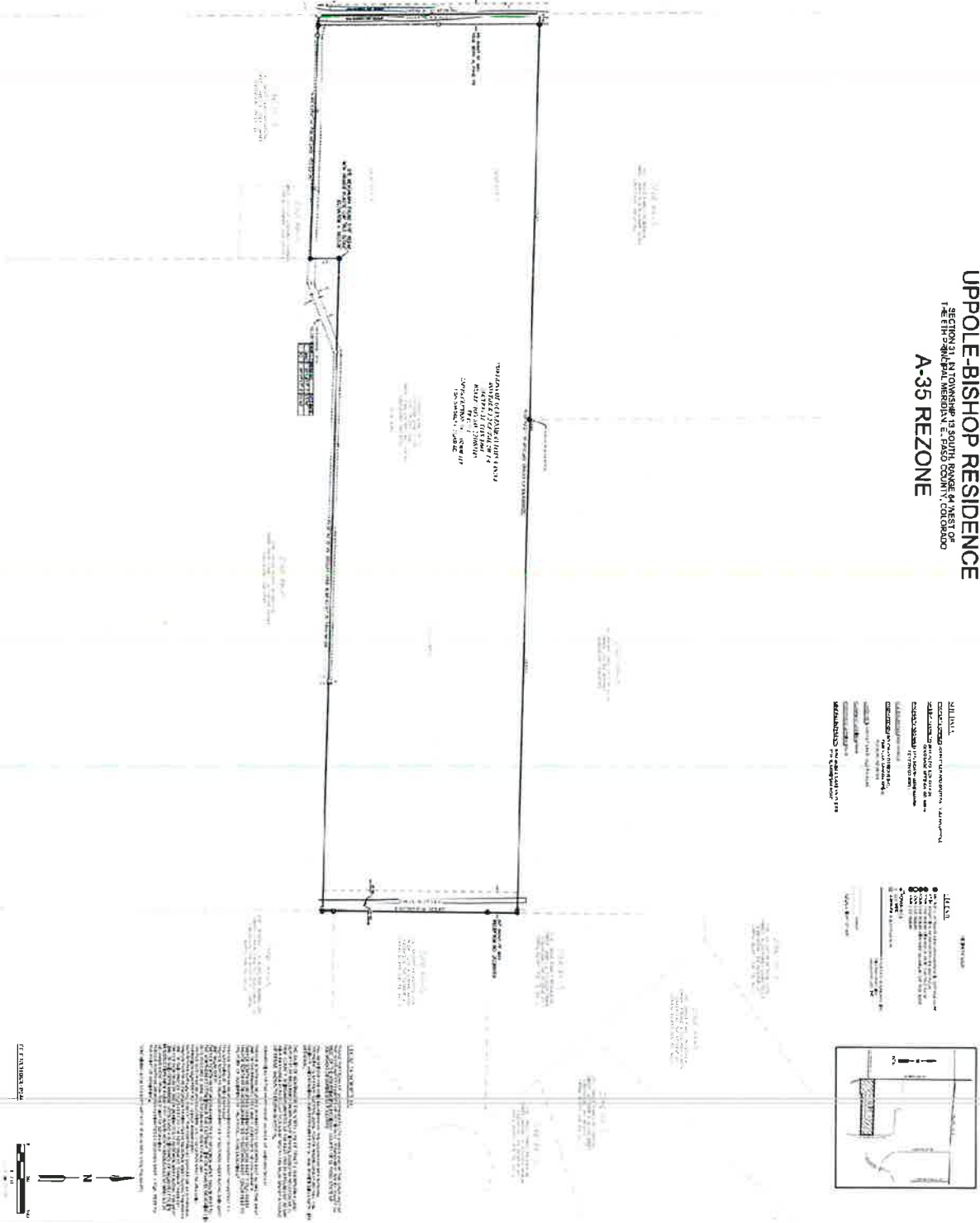
THENCE SOUTH 00 DEGREES 26 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF GOVERNMENT LOTS 1 AND 2, A DISTANCE OF 2376.76 FEET;
THENCE SOUTH 88 DEGREES 18 MINUTES 04 SECONDS EAST, 1176.07 FEET;
THENCE SOUTH 00 DEGREES 26 MINUTES 19 SECONDS EAST, 1293.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED;

THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST 1431.62 FEET TO THE EAST LINE OF SAID EAST HALF;
THENCE SOUTH 00 DEGREES 25 MINUTES 18 SECONDS WEST ALONG SAID EAST LINE 583.89 FEET;
THENCE NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST, 1893.58 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF A PARCEL DESCRIBED IN DEED RECORDED JUNE 25, 1973 IN BOOK 2598 AT PAGE 786;
THENCE SOUTH 00 DEGREES 25 MINUTES 17 SECONDS EAST ALONG SAID EXTENSION 82.94 FEET TO A 1/2 INCH REBAR WITH SURVEYORS CAP L.S. NO. 11624 AT THE NORTHEAST CORNER OF SAID PARCEL;
THENCE NORTH 88 DEGREES 19 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL 705.53 FEET TO THE NORTHWEST CORNER THEREOF;
THENCE NORTH 00 DEGREES 26 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 642.43 FEET TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST FROM THE POINT OF BEGINNING;
THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST, 1175.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 35.00 ACRES (1,524,534 SQ FT)

EXHIBIT B

UPPOLE-BISHOP RESIDENCE
SECTION 31, N TOWNSHIP 13 SOUTH, RANGE 64 WEST OF
1E ETWAPA RANGE, MERIDA, E. PASEO COUNTY, COLORADO
A-35 REZONE




UPPOLE-BISHOP RESIDENCE
 2775 N. MERIDIAN RD
 PEYTON, CO

EL PASO COUNTY



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: Ashlyn Mathy, Planner II
Bret Dilts, P.E., Engineer III
Meggan Herington, AICP, Executive Director

RE: Project File Number: P244
Project Name: 2775 N MERIDIAN ROAD - REZONE
Parcel Number: 4331000022

OWNER:	REPRESENTATIVE:
John Uppole 2015 Aerotech Dr Colorado Springs, CO 80916 johntupp1@gmail.com	Soloway Designs Inc. Ray Purcell ray@soloway-designs.com (520) 219-6302 x7005

Commissioner District: 2

Planning Commission Hearing Date:	6/20/2024
Board of County Commissioners Hearing Date:	7/25/2024

EXECUTIVE SUMMARY

A request by John Uppole for approval of a Map Amendment (Rezoning) of 35 acres from RR-5 (Residential Rural) to A-35 (Agricultural). The property is located at 2775 Meridian Road which is a quarter of a mile south of the intersection of Corral Bluffs View and Meridian Road.

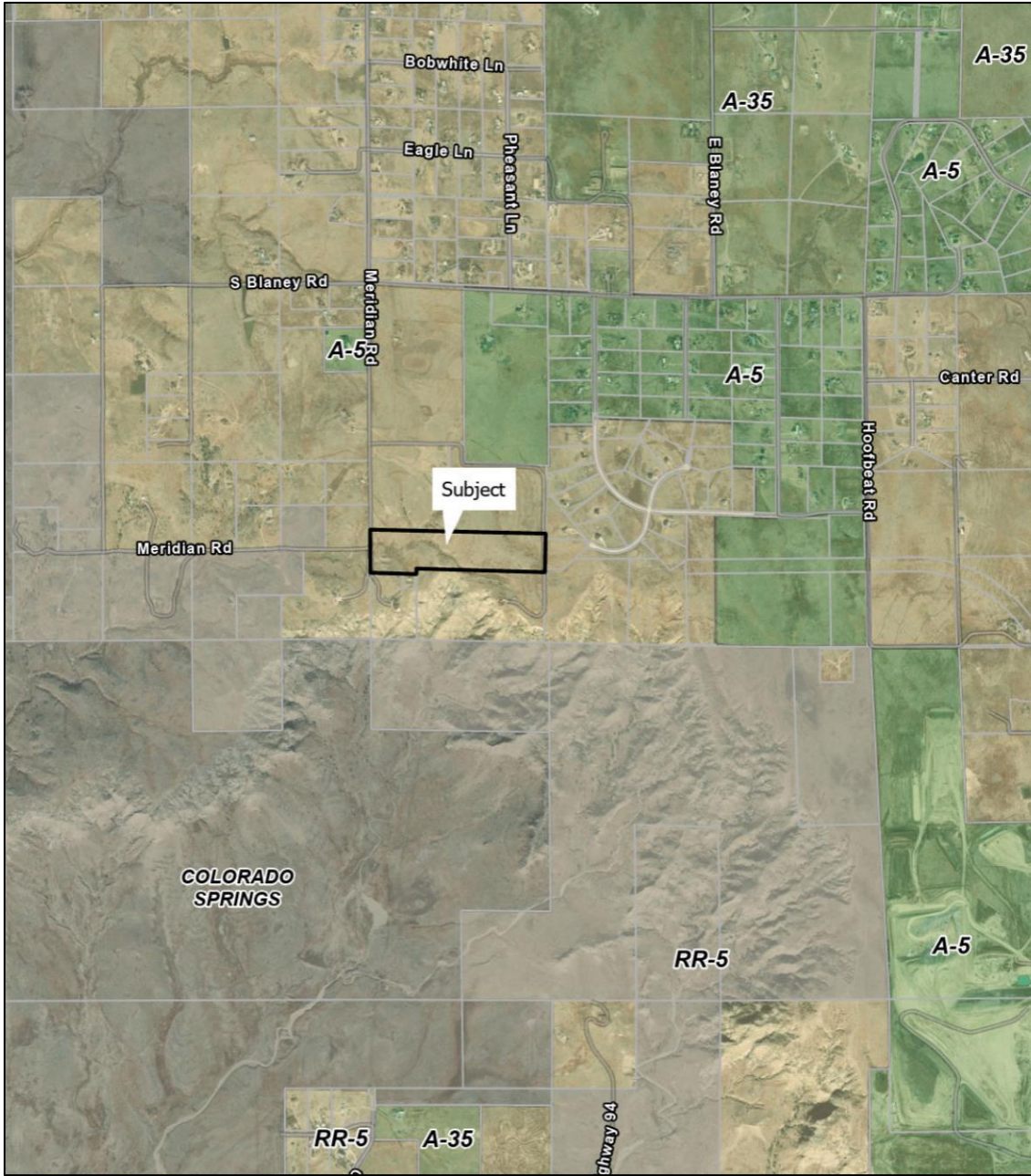
2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

Zoning Context Map



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 Land Development Code, for the intended zone district.

C. LOCATION

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Vacant Residential Lot
West:	RR-5 (Residential Rural)	Single Family Residential

D. BACKGROUND

The subject property and surrounding area were zoned RR-5 on April 13, 1983. This area was apart of an approval by The Board of County Commissioners, the Donald A. Watkins Exemption Plat (PCD file no. EX-03-012) and the Donald A. Watkins Jr. Exemption Plat (PCD file no. EX-03-013) on November 18, 2004, in order for the property owners to convey land to Colorado Springs Utilities (CSU) to construct a water reservoir, which would have been known as the Jimmy Camp Creek Reservoir.



In 2017, CSU formally announced that the Jimmy Camp Creek Reservoir was no longer needed and therefore the public use of the exempted parcels was no longer needed. Therefore, CSU is requesting that the subdivision exemption plats be vacated, and the land be conveyed back to the original property owners.

Due to the lot being 35 acres, it would not be considered an illegal division of land. In 2023, an Early Assistance meeting was held, which went over the process for a rezone. This Early Assistance meeting can be found under file number EA2392. According to the applicants Letter of Intent, they want to rezone to A-35 to be able to have the ability to build two single -family dwellings on the Eastern half of the property.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 35 acres to the A-35 (Agricultural) zoning district. The A-35 (Agricultural) zoning district is intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources. This proposed rezone would be to a zone district that is less intensive than the current RR-5 zone district. 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: A-35 (Agricultural)
Maximum Density		
Minimum Lot Size	5 acres	35 acres
Minimum Width at Front Setback	200 feet	500 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	25 feet
Maximum Lot Coverage	25 %	None
Maximum Height	30 feet	30 feet

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-



family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

Analysis:

The subject area and property fall within the Suburban Residential placetype, which includes lot sizes that make up 2.5 acres or more in size. The subject property is 35 acres and has the intent for single-family residential as the primary use. The proposed property is not immediately surrounded by A-35 zoning, however to the North and East of the property there is significantly more A-35 zoning. This rezone request is compatible with the Suburban Residential placetype because of the proposed use while maintaining the single-family character that is represented in the surrounding areas.



b. Area of Change Designation: New Development

These 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 will 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.

Analysis:

The area of change has discussions about vacant or undeveloped property seen within the area of change, new development. This rezone to agricultural would be in support of the Master Plan designations to the area but does welcome further development if the applicants chose to develop the property in the future. Surrounding the property is vacant land and single family residential which is to be expected based on the Master Plan.

c. Key Area Influences: Potential Areas for Annexation

A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

Analysis:

The subject property is within the annexation area for the City of Colorado Springs. County staff did reach out to the City of Colorado Springs's staff at the



time of the Early Assistance meeting, where city staff informed county staff that they did not need to attend the meeting. Additionally, the City is on the project as a review agency.

d. Other Implications (Priority Development, Housing, etc.)

There are no other implications associated with this project.

2. Water Master Plan Analysis

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

Goal 4.2 – *Support the efficient use of water supplies.*

Goal 4.4 – *Protect and enhance the quality, quantity, and dependability of water supplies.*

Goal 5.5 – *Identify any water supply issues early on in the land development process.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

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. EPC Parks Department and El Paso County Conservation District were each sent a referral and have no outstanding comments.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no hazards associated with this project.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0780G, dated December 7, 2018.

3. Drainage and Erosion

The property is in the Jimmy Camp Creek Drainage Basin (FOFO2000) which is a part of the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with Map Amendment (Rezoning) request.

4. Transportation

A traffic study was not required as the proposed rezone is not expected to generate 100 or more daily vehicle trips. The parcel obtains access from Meridian Road, which is owned and maintained by the County. No County public improvements were determined to be required for Meridian Road with this application.

The future parcel will be required to obtain a driveway access permit for future driveways. The Road Impact Fee as approved by Resolution 19-471 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 provided by a well.

2. Sanitation

Wastewater is provided by on site wastewater treatment system.

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Mountain View Electric Association, Inc. provides electric to the property and Black Hills Energy Aquila provides gas to the property. These agencies did not have any outstanding comments on the project.

5. Metropolitan Districts

There are no metropolitan districts associated with this project.

6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The Applicant agrees on behalf of him/herself and any developer or builder successors and assignees that Applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents to ensure that a title search would find the fee obligation before sale of the property.

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 14 adjoining property owners on June 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

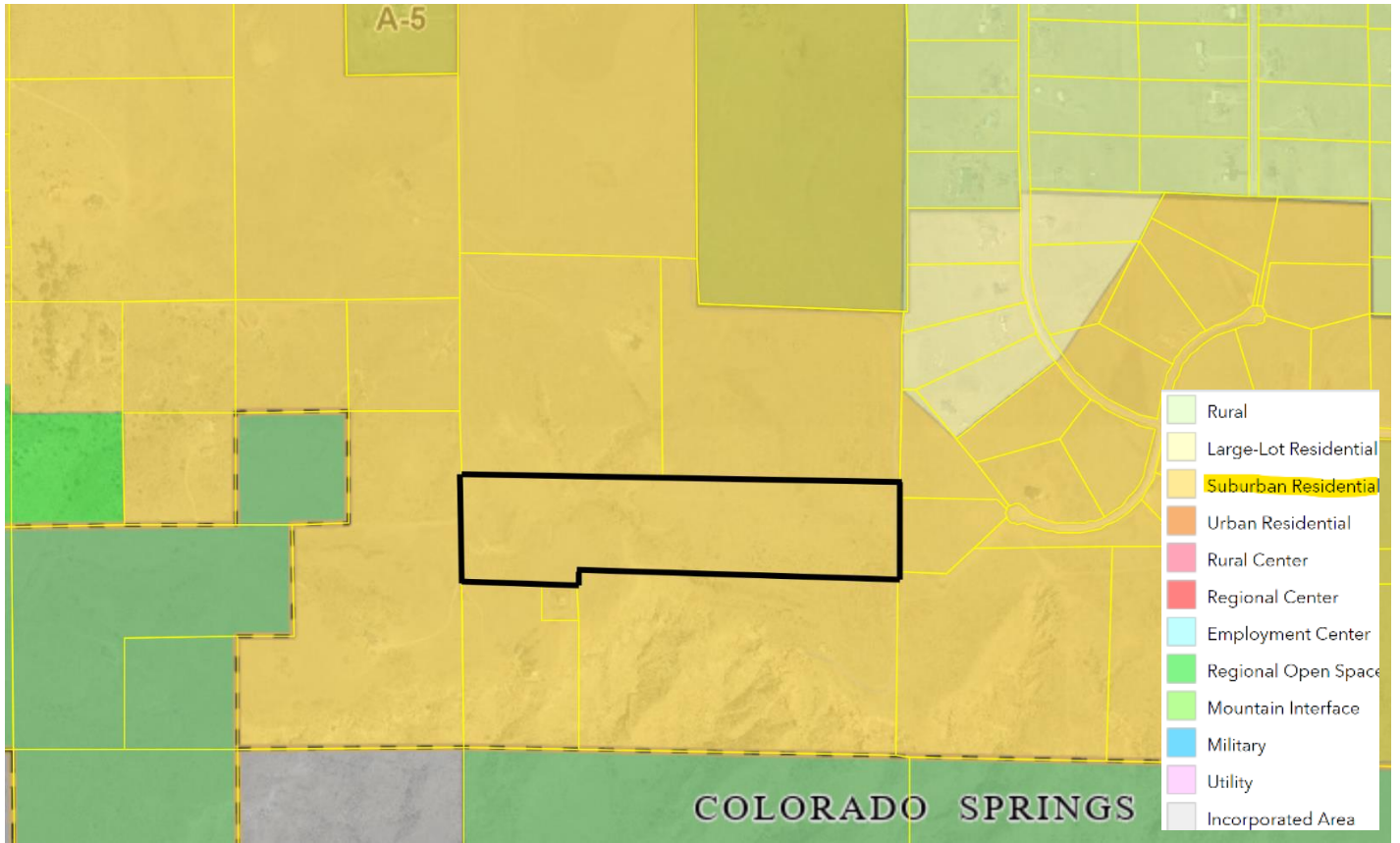
Map Series
Letter of Intent
Rezone Map
Draft Resolution



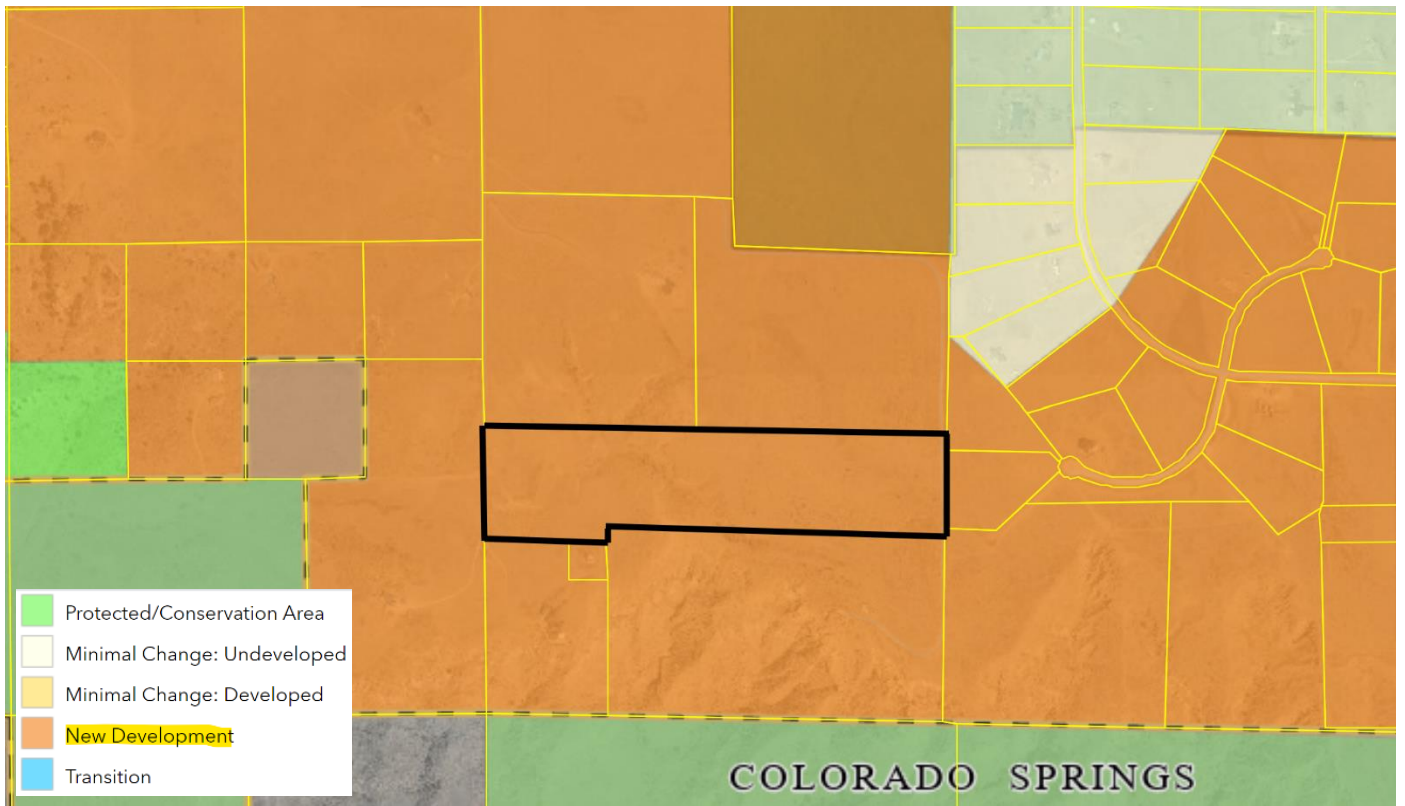
Map Series

P244

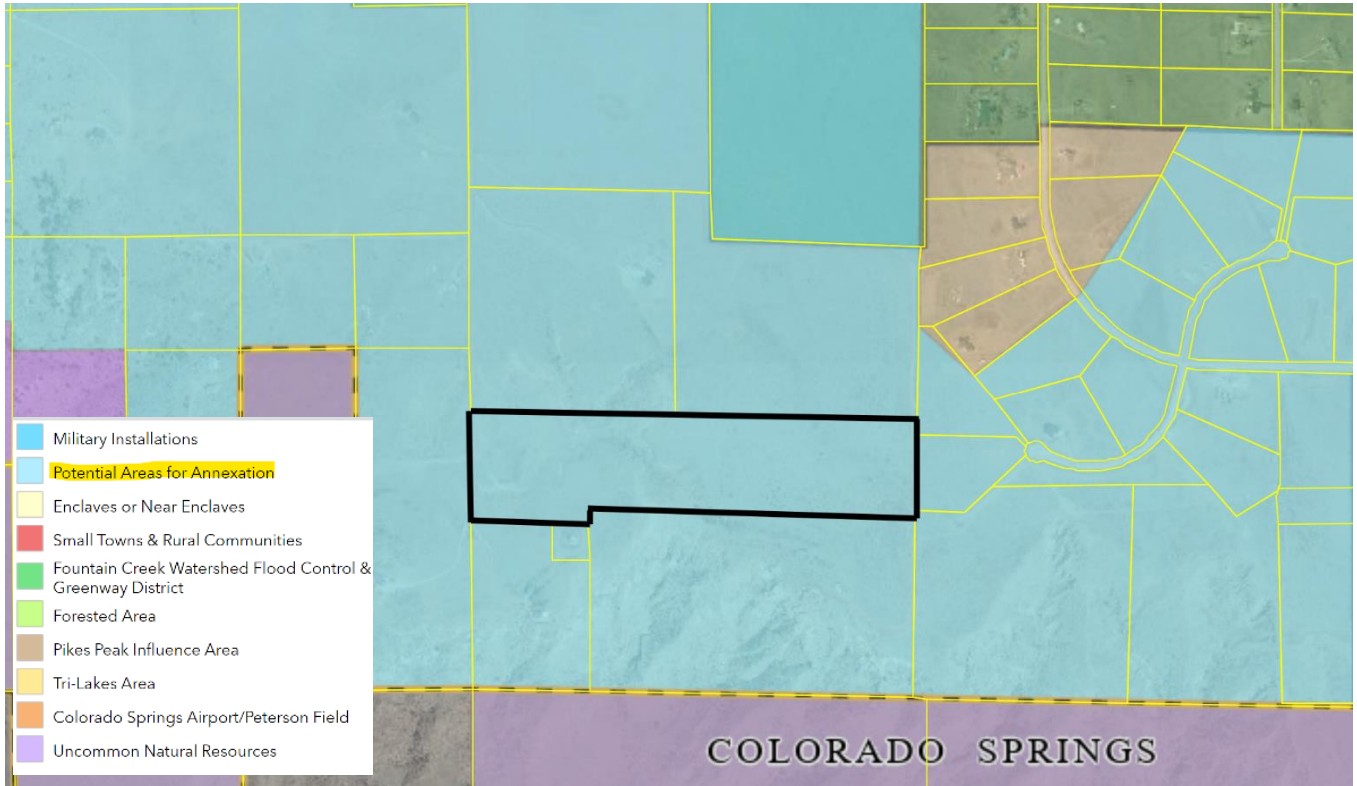
Placetype Map:



Area of Change Map:



Key Area Map:





March 12, 2024

The property owners:

John and Brittany Uppole
(229) 854-3233
johnupp1@gmail.com.

Applicant Name:

Soloway Designs Inc.
(520) 219-6302
ray@soloway-designs.com

Property information:

Address: 2775 N. Meridian Road
Parcel: 4331000022
Current Zoning: RR-5
Current Use: Vacant Lot

Request:

Soloway Designs Inc. on behalf of John and Brittany Uppole requests the approval of a Map Amendment (Rezone) of their property of 35 acres from RR-5 to A-35 with the intention of building two single-family detached dwellings on the Eastern half of the property.

Overlay Zoning:

There is no applicable overlay zoning.

Land Development Code Criteria for Approval of a Map Amendment (Rezoning):

- 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;**

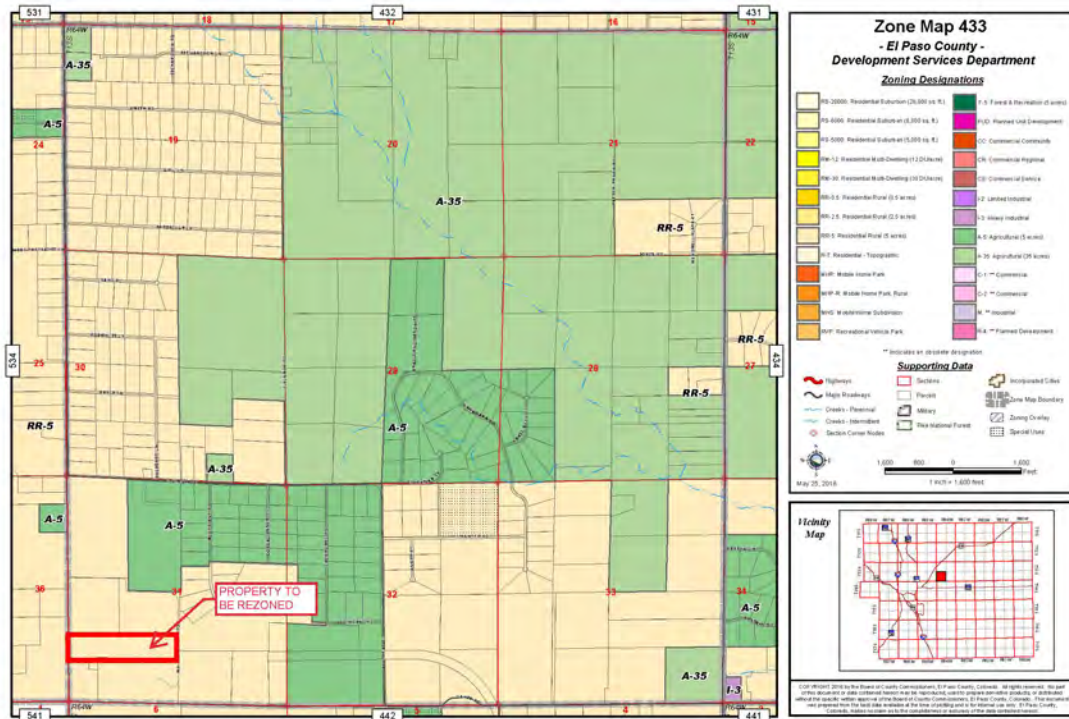
Please see section below on conformance with the El Paso County Master Plan, the El Paso County Water Master Plan, the El Paso Country Parks Master Plan, and the El Paso County Mineral Extraction Master Plan.

- 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;**

In regards to meeting the criterion (1) above and criterion (3) below the proposed zoning map amendment is therefore in compliance with all applicable statutory provisions that allow El Paso County to establish, limit, regulate, or amend zoning within its unincorporated areas in the interests of public health, safety and welfare.

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

The proposed rezone from RR-5 to A-35 is compatible with the existing and permitted land uses and zone districts in all directions as the most predominant zoning districts in the immediate area are RR-5, A-5 and A-35. See map below.



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 (LDC), for the intended zone district.

The intended use of the property will be (2) single family detached dwellings which is allowed in the A-35 zoning per sections 5.1.2, 5.2.22 and Table 5-1 of the LDC. The property also meets all standards set forth in Table 5-4 of the LDC shown below.

Zoning District	Maximum Density (DU/ac)	Minimum Lot Size		Minimum Setbacks Principal(Accessory) ^{14,3}			Maximum Lot Coverage	Maximum Height
		Area ¹	Width (at front setback line)	Front	Rear	Side		
Forestry and Agriculture								
F-5		5 acres ²	200 ft	25 ft ^{3,4}	25 ft ^{3,4}	25 ft ⁴	25%	30 ft
A-35		35 acres	500 ft	25 ft ^{3,4,5}	25 ft ^{3,4,5}	25 ft ^{3,4,5}	None	30 ft ⁶
A-5		5 acres ²	200 ft	25 ft ^{3,4}	25 f ^{3,4}	25 ft ^{3,4}	None	30 ft



Land Development Code requirements and definition of proposed use:

The requested rezoning is in compliance with all applicable requirements and uses as stated in the Land Development Code (LDC). The property meets the standards of A-35 zoning shown above in Table 5-4 of the LDC. The property will have two single-family detached dwellings set for principal use which is allowed per sections 5.1.2, 5.2.22 and Table 5-1 of the LDC.

The proposed Map Amendment (Rezoning) is consistent with the El Paso County Master Plan, including all applicable elements of the Master Plan:

El Paso County Master Plan:

The proposed map amendment is within the Placetype Suburban Residential. An area with predominantly residential character made up of mostly single-family detached housing. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. One of the key supporting land uses is open space which is accommodated by rezoning to the less dense A-35.

Land Use:

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

Objective LU3-3: The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.

While this rezone is to go to a less dense designation the purpose is to build (2) single-family detached homes on the property which align with the above land use goal.

Housing and Communities:

Goal HC1 – Promote development of a mix of housing types in identified areas.

Objective HC1-5: Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.

Goal HC2 – Preserve the character of rural and environmentally sensitive areas.

Objective HC2-6: Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

Both of the above Housing and Communities goals are being addressed with the rezone of the property. With the less dense zoning it will help preserve the rural feel of the community and have (2) single-family detached which is the preferred housing type for the area.



El Paso County Water Master Plan:

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.

The property is Region 4c which gets its groundwater from the Upper Black Squirrel Basin. The property is also in an estimated area of development by 2040 per Figure 5.5. Thus, the rezone to a less dense A-35 zone from the RR-5 would only allow one well for the 35 acre property and help with the conservation of water.

El Paso County Parks Master Plan:

The Parks Master Plan shows a proposed Primary Regional Trail (Jimmy Camp Creek Trail) which connects to a proposed City Trail approximately a half mile south of the property at the bottom of Corral Bluffs. There are no proposed parks at this time although the property does fall within the Candidate Regional Park / Open Space Area.

El Paso County Mineral Extraction Master Plan:

On El Paso County Map 2 Aggregate Resource Evaluation an Appendix of the El Paso County Mineral Extraction Master Plan the property has Upland Deposits of Sand, gravel with silt and clay: remnants of older streams deposited on topographic highs or bench like features and Coal: 0-150 feet of overburden, minimum coal thickness 4 feet. Includes Dawson and Laramie. However, with the property being in such close proximity to incorporated municipalities (Colorado Springs), Platted/and or Developed land and being in an area that is likely to be annexed the likelihood of any private entity being allowed to mine or any major public mining would be remote.

Provisions of utilities:

Electricity will be available at the lot provided either by Colorado Springs Utilities or Mountain View Electric Association, while water will be acquired from a groundwater well and wastewater will be treated with a septic system.

Potentially sensitive natural or physical features:

Currently there are no known wetlands, protected species habitats or floodplains on the property. However, we are aware that there may be the need for a raptor study in the future.

Community outreach efforts:

Neighboring properties will be notified of this request to rezone through the efforts of the County.



Anticipated traffic generation and access:

No transportation impact study will be required as all the criteria of Appendix B Section B.1.2-D are satisfied.

Please let us know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "MAS" with a stylized flourish extending to the right.

Marc A. Soloway, Architect
Principal – Soloway Designs Inc.

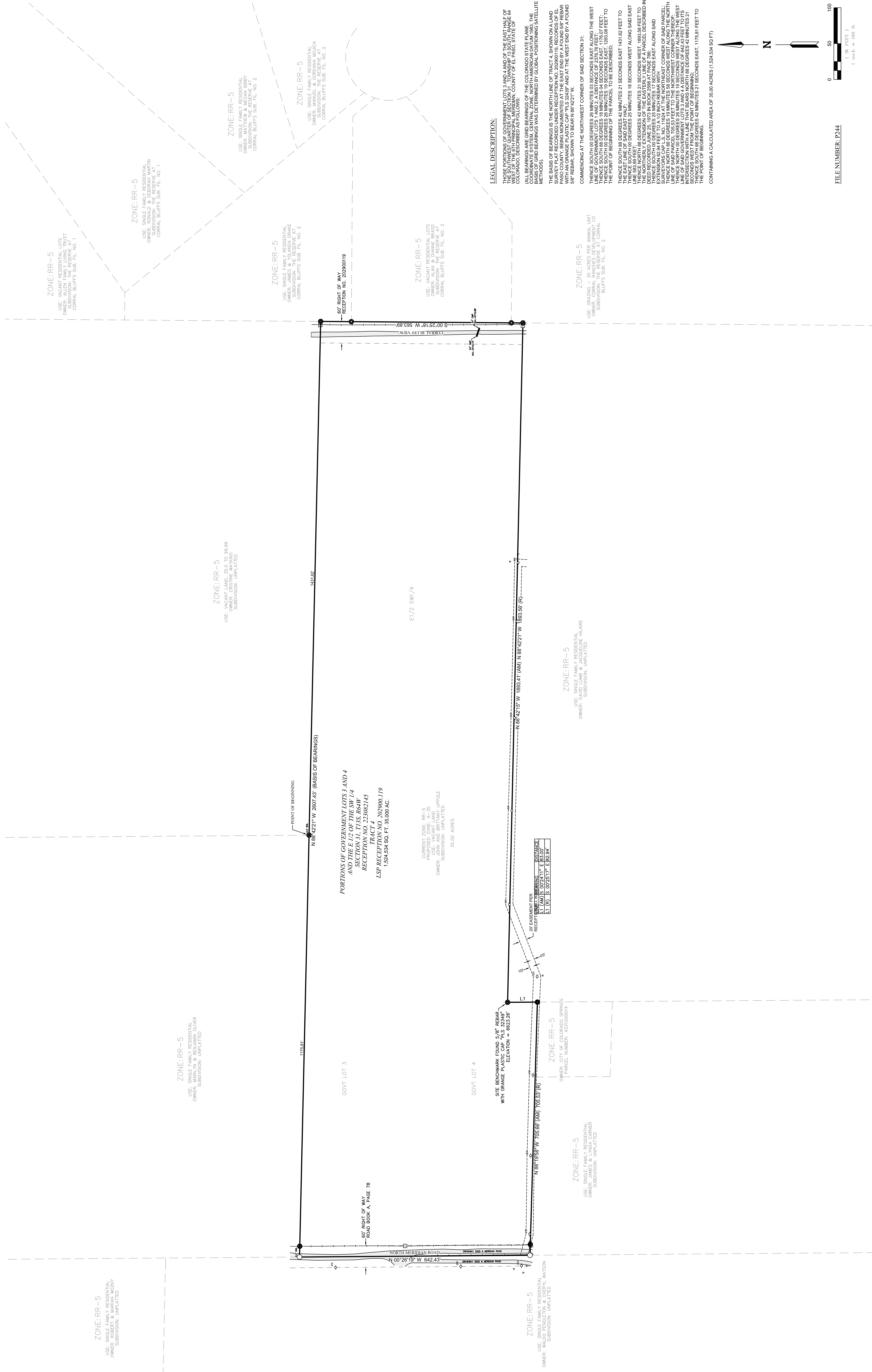
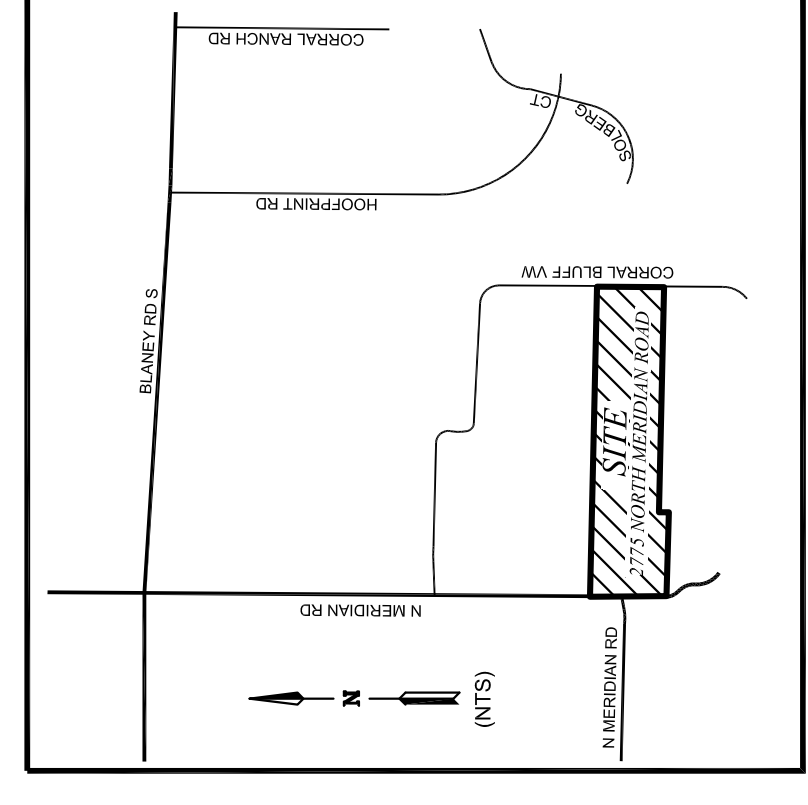
UPPOLE-BISHOP RESIDENCE

SECTION 31, IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

A-35 REZONE

SITE DATA:
 PROPERTY OWNER: JOHN TYLER AND BRITTANY YULEMA UPPOLE
 MAILING ADDRESS: 2015 AEROTECH DR # 28
 COLORADO SPRINGS CO. 80916
 PEYTON, CO 80831
 PROPERTY ADDRESS: 2775 NORTH MERIDIAN RD
 PEYTON, CO 80831
 SCHEDULE NO.: 431000022
 PREPARED BY: SOLO WAY DESIGNS, INC.
 7220 N. LA CANADA DRIVE
 TUCSON, AZ 85704
 LAND USE: VACANT LAND, 35.0 TO 99.99
 CURRENT ZONING: RR-5
 PROPOSED ZONING: A-35
 MINERAL INTERESTS: BENJAMIN & MARILYN OLIVER
 2749 S. MERIDIAN ROAD

LEGEND:
 ● 1/4" REBAR WITH ORANGE PLASTIC CAP PLS 30"00"
 ○ 1/4" REBAR WITH RED PLASTIC CAP PLS 36"00"
 ○ 1/4" REBAR WITH WHITE ALUMINUM CAP PLS 36"00"
 ○ 1/2" REBAR
 ○ 1" REBAR
 ○ POWER POLE
 ○ COMMUNICATION PEDestal
 ○ PROPERTY BOUNDARY LINE
 ○ RIGHT-OF-WAY LINE
 ○ ADJACENT LOT LINE
 ○ GRAVEL
 ○ F.O.W. - RIGHT OF WAY

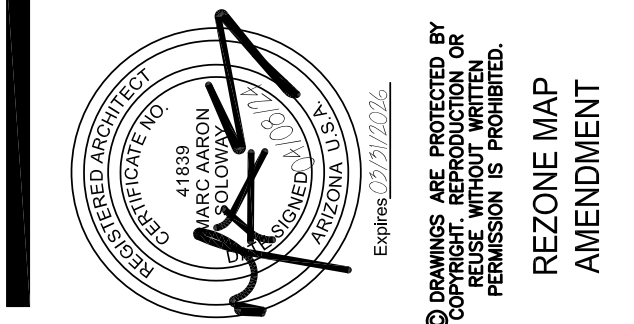


UPPOLE-BISHOP RESIDENCE

2775 N. MERIDIAN RD PEYTON, CO

SOLO WAY
 ARCHITECTURE + INTERIORS
 DESIGNS, INC

7030 N. La Canada Dr
 Tucson, Arizona 85704
 Ph: 520 - 219 - 6302
 Fax: 520 - 219 - 6279
 www.soloway-designs.com



REZONE MAP
 AMENDMENT

DATE 04/08/24
 DWN J.D.T.
 CHK M.A.S.
 JOB # S23-1156



FILE NUMBER: P244

1 inch = 100 ft.

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONING)
2775 NORTH MERIDIAN ROAD – REZONE (P244)

WHEREAS John Uppole 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 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 A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 20, 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 July 25, 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 Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of John Uppole 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 A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The Applicant agrees on behalf of him/herself and any developer or builder successors and assignees that Applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents to ensure that a title search would find the fee obligation before sale of the property.

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 25th day of July 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

THOSE PORTIONS OF GOVERNMENT LOTS 3 AND 4 AND OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 13 SOUTH. RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS

(ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, THE BASIS OF GRID BEARINGS WAS DETERMINED BY GLOBAL POSITIONING SATELLITE METHODS).

THE BASIS OF BEARINGS IS THE NORTH LINE OF TRACT 4, SHOWN ON A LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 202900119, RECORDS OF EL PASO COUNTY, BEING MONUMENTED AT THE EAST END BY A FOUND 5/8" REBAR WITH AN ORANGE PLASTIC CAP "PLS 32439" AND AT THE WEST END BY A FOUND 5/8" REBAR, SHOWN TO BEAR N 88°42'21" W.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31;

THENCE SOUTH 00 DEGREES 26 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF GOVERNMENT LOTS 1 AND 2, A DISTANCE OF 2376.76 FEET;
THENCE SOUTH 88 DEGREES 18 MINUTES 04 SECONDS EAST, 1176.07 FEET;
THENCE SOUTH 00 DEGREES 26 MINUTES 19 SECONDS EAST, 1293.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED;

THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST 1431.62 FEET TO THE EAST LINE OF SAID EAST HALF;
THENCE SOUTH 00 DEGREES 25 MINUTES 18 SECONDS WEST ALONG SAID EAST LINE 583.89 FEET;
THENCE NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST, 1893.58 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF A PARCEL DESCRIBED IN DEED RECORDED JUNE 25, 1973 IN BOOK 2598 AT PAGE 786;
THENCE SOUTH 00 DEGREES 25 MINUTES 17 SECONDS EAST ALONG SAID EXTENSION 82.94 FEET TO A 1/2 INCH REBAR WITH SURVEYORS CAP L.S. NO. 11624 AT THE NORTHEAST CORNER OF SAID PARCEL;
THENCE NORTH 88 DEGREES 19 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL 705.53 FEET TO THE NORTHWEST CORNER THEREOF;
THENCE NORTH 00 DEGREES 26 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 642.43 FEET TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST FROM THE POINT OF BEGINNING;
THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST, 1175.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 35.00 ACRES (1,524,534 SQ FT)

EXHIBIT B

UPPOLE-BISHOP RESIDENCE
SECTION 31, IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF
THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO
A-35 REZONE

