


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Ryan Howser, Planner II
Jeff Rice, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: P-20-003
Project Name: 8330 Mustang Place Rezone
Parcel No.: 53040-02-017

OWNER:	REPRESENTATIVE:
Mason, LLC 7702 Barnes Road Colorado Springs, CO, 80922	Mason, LLC 7702 Barnes Road Colorado Springs, CO, 80922

Commissioner District: 2

Planning Commission Hearing Date:	3/18/2021
Board of County Commissioners Hearing Date:	4/13/2021

EXECUTIVE SUMMARY

A request by Mason, LLC, for approval of a map amendment (rezoning) from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district. The 5.37-acre parcel is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987) and the Falcon/Peyton Small Area Master Plan (2008).

2880 International circle, Suite 110
 Phone: (719) 520-6300



Colorado Springs, CO 80910-3127
 Fax: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Mason, LLC, for approval of a map amendment (rezoning) of 5.37 acres from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district.

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

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

B. Planning Commission Summary

Request Heard: As a Consent item at the March 18, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 2

Vote Rationale: Nay votes were due to consistency with the surrounding area and density.

Summary of Hearing: The applicant was represented at the hearing. Draft PC minutes are attached.

Legal Notice: Advertised in Shopper’s Press on March 10, 2021

C. 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 (2019):

- A. 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;
- B. 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;
- C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- D. 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.

D. LOCATION

North: RR-5 (Residential Rural) Vacant

South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The 5.37- acre property was zoned A-4 (Agricultural) at the time of initial zoning for this portion of El Paso County on September 21, 1965. Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district is now known as the RR-5 (Residential Rural) zoning district.

On February 15, 1972, the Board of County Commissioners approved the Pawnee Rancheros Filing No. 2 Final Plat, of which the property was platted as Lot 10 (plat no. 3750). The property has remained in the same configuration since its creation and is considered a legal lot.

The existing 1,596 square foot single-family residence was constructed in 1999. A 1,296 square foot detached barn was constructed in 1999. A 2,400 square foot detached garage was constructed in 2020.

If the request for a map amendment is approved, the property is expected to remain in compliance with all zoning district requirements for the RR-2.5 zoning district. The intent of the map amendment is for the applicant to eventually subdivide the property into two (2) smaller lots at a minimum of 2.5 acres each. Since the property is greater than 5 acres, it is possible to create two (2) lots under the RR-2.5 zoning district, which would meet the minimum lot size criteria. However, the applicant will need to demonstrate compliance with the RR-2.5 zoning district for all existing structures as a part of the subdivision review process. At this point, El Paso County has not received an application for subdivision.

The Board of County Commissioners approved the Sterling Ranch Sketch Plan on November 13, 2008 (PCD file no. SKP-07-007). The Sterling Ranch Sketch Plan is located adjacent to the subject property to the north and is comprised of 1,443.7 acres planned for a mix of uses to include 5,500 residential units at an average density of 3-5 dwelling units per acre, 56 acres of commercial uses, 57 acres of school sites, 210 acres of parks and open space, and a two (2) acre utility site.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing a map amendment (rezone) of the 5.37-acre parcel from the RR-5 zoning district to the RR-2.5 zoning district. The parcel is surrounded by single-family residential dwellings on properties zoned RR-5 to the

east, west, and south. The Sterling Ranch Sketch Plan area is located immediately to the north. The Sterling Ranch Sketch Plan is a 1,443.7-acre development planned for a mix of uses to include 5,500 residential units at an average density of 3-5 units per acre, 56 acres of commercial uses, 57 acres of school sites, 210 acres of parks and open space, and a two (2) acre utility site (PCD File No. SKP-07-007). The vacant property to the north is within the RR-5 zoning district but is included within the Sterling Ranch Sketch Plan area and is identified as being suitable for development consisting of 3-5 residential dwelling units per acre. There is additional urban development which consists of approximately 3-4 dwelling units per acre located approximately 600 feet to the south from the subject property within the City of Colorado Springs. The existing and approved urban level development surrounding the subject property may be considered as a substantial change in the character of the neighborhood since the subject property was initially zoned in 1965.

Section 3.2.2(B) of the Code states the following as the intent of the RR-2.5 zoning district:

“To accommodate low-density, rural, single family residential development.”

The proposed use of the site is for a low-density residential purpose, which is substantially similar to other surrounding properties in the area. By increasing density from one (1) unit per five (5) acres as allowed in the RR-5 district to one (1) unit per two and one-half (2.5) acres, this request is reflective of a pattern of higher density residential growth occurring in this portion of the County but still may be compatible with the rural character of the surrounding RR-5-zoned properties. Please see the Policy Plan, Small Area Plan, and Water Master Plan sections below for an analysis of compliance and consistency with the various applicable elements of the master plan.

2. Zoning Compliance

The applicant is requesting to rezone 5.37 acres from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

- Minimum lot size – 2.5 acres
- Minimum lot width – 200 feet
- Setbacks – front 25 feet, sides 15 feet, and rear 25 feet

- Maximum building height – 30 feet

Any subsequently submitted subdivision actions or site plans will be required to demonstrate compliance with the applicable dimensional standards of the Code. All existing structures will be required to demonstrate compliance with the applicable dimensional standards of the Code as a part of the subdivision review process.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.1 – Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

Policy 6.1.3 – Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.8 – Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.10 – Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Policy 6.1.11 – Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.2.1 – Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

Policy 6.2.12 – Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.

The proposed map amendment from the RR-5 zoning district to the RR-2.5 zoning district is generally compatible with immediately adjacent properties to the south, east, and west, which are zoned RR-5. The subject property and the immediately adjacent properties to the south, east, and west were all platted as part of the Pawnee Rancheros Filing No. 2 subdivision as 5-acre or larger single-family rural residential lots. The vacant property to the north is within the RR-5 zoning district, but is included within the Sterling Ranch Sketch Plan area and is identified as being suitable for development consisting of 3-5 residential dwelling units per acre (PCD file no. SKP-07-007). Additionally, there is urban development which consists of approximately 3-4 dwelling units per acre located approximately 600 feet to the south from the subject property within the City of Colorado Springs.

The proposed rezoning to RR-2.5, which would allow the subject property to be split into two lots via subdivision, is not inconsistent with the pattern of higher density development occurring in the area. This area of the County is one of the fastest growing areas in the region and, as such, is anticipated to experience change in the form of increased single-family residential densities. This request for a rezoning and the subsequent platting action that is likely to follow to allow the owner to split the property into two 2.5-acre lots is reflective of the broader type change already occurring in this area of the County.

The properties adjacent to the south, east and west were all platted concurrently with the subject property as 5-acre lots, which created an expectation of 5-acre development for the neighborhood. However, the anticipated use of the property pursuant to the proposed RR-2.5 zoning as low density single family residential served by a well and onsite wastewater treatment system (septic system) could still be found to be generally compatible with the surrounding 5-acre properties zoned RR-5.

4. Small Area Plan Analysis

The property is located within the Black Forest Preservation Plan (1987) and the Falcon/Peyton Small Area Master Plan (2008).

Relevant policies of the Black Forest Preservation Plan are as follows:

Policy 1.2 – *Allow nodes of higher density residential, commercial and industrial development only in those areas specifically designated on the Concept Plan and described in the Land Use Scenario.*

Goal 3.A – Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.

The property is located within the Southern Transitional Area of the Black Forest Preservation Plan. Chapter III, Section 10 of the Plan identifies this area as a “low density residential buffer area,” with the following provision:

“This buffer would originate along a line one quarter (1/4) mile north of a major corridor, if such a roadway is constructed and if it is located within two miles of Woodmen Road. Only open space and single-family residential development is appropriate north of this line. Overall densities are expected to decrease rapidly from approved densities at the line to one dwelling per five acres at the Timbered Area edge...In the event that a major parkway or expressway is not constructed along the Stapleton alignment, the density and intensity of uses should more rapidly decrease from this line north. In this case Woodmen Road should be the clear initial focus of urban density in this area.”

Construction and right-of-way acquisition for the Stapleton Road/Briargate Parkway corridor continue to progress. This east-west road alignment will complete Stapleton/Briargate as a principal arterial road between Briargate Parkway at Black Forest Road to the west and Stapleton Drive at Towner Avenue to the east, and would be located less than two (2) miles north of Woodmen Road. The portion of the Stapleton/Briargate alignment running through Sterling Ranch from Vollmer Road to the future Banning Lewis Parkway (extending north from the City of Colorado Springs) is approximately one mile north of the subject parcel.

Development patterns trending toward higher density urban and suburban development within the southern portion of the Southern Transitional Area would be consistent with the Plan and with the development density proposed within Sterling Ranch south of the Stapleton/Briargate alignment. These trends have already begun to take shape in the form of rapid growth as development progresses east from the City of Colorado Springs and north from Woodmen Road.

This area is expected to serve as a transitional area and is projected to provide an extension of the urban density within the City of Colorado Springs, as current development patterns have indicated. Properties within the southern portion of this transitional area in proximity to the subject property are currently developing

in the County at a similar density to existing urban and suburban development within the City. Properties further north within this transitional area are expected to gradually reduce in density to provide a logical transition from the urban density to the south and the lower density of one lot per five acres in the Timbered Area of the Plan to the north. The proposed rezone is compatible with the surrounding area in terms of land use and is not incompatible in terms of density and is generally consistent with the recommendations of the Plan. The proposed rezone will not interrupt or otherwise alter the transitional nature of the southern section of the Southern Transitional Area while also retaining the rural residential character of the Black Forest planning area. The Black Forest Land Use Committee was sent a referral and is recommending disapproval of the request. A copy of the Black Forest Land Use Committee's comments in opposition are provided as an attachment herein.

As mentioned above, the property is also located within the Falcon/Peyton Small Area Master Plan. Relevant policies of the Plan are as follows:

Policy 3.1.3 – Preserve the core rural character of the area.

Policy 3.1.4 – Provide a variety of different densities of development options.

Policy 3.3.1 – Encourage diversity and variety in housing types, sizes, locations, and prices to meet the needs of existing and new residents.

Policy 4.5.3.1 – Generally encourage a well-planned mix of housing types and densities in identified urban development and infill areas, with efficient access to supporting uses, parks, schools and open spaces.

The property is located on the east side of the planning area, in an area identified as suitable for future urban growth. The proposed rezone may help to encourage a variety of housing types and sizes by allowing the property to develop at a slightly higher rural density than surrounding properties while still retaining a lower density than nearby urban development.

By retaining the rural residential designation of RR-2.5, rather than requesting a rezoning to a higher density residential zoning district to complement the surrounding urban development, the proposal can meet Policies 3.1.3, 3.1.4, and 3.3.1 by encouraging diversity in density and a variety of lot sizes without compromising the core rural residential character of the area.

5. 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 5.1** – Identify the potential water supply gap at projected full development build-out (2060).*

***Policy 5.2.2** – Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated, Upper Black Squirrel Creek alluvium.*

The property is located within Planning Region 3 (Falcon Area) of the Plan and is located within an estimated area of development. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands for Region 3 to be 4,494 acre-feet per year (AFY) with a current supply of 7,164 AFY (Figure 5.1). The demand in 2040 is projected to be 6,403 AFY with a projected supply of 7,921 AFY (Figure 5.2). At build-out in 2060, the demand for Region 3 is projected to be 8,307 AFY with a projected supply of 8,284 AFY, which means by 2060 there is anticipated to be a water supply deficit of 23 AFY (Figure 5.3, Table 5-2).

Water sufficiency analysis is not required as part of a map amendment (rezone). In order to subdivide the property in the future to implement the proposed density of one (1) dwelling unit per 2.5 acres, the applicant will be required to subdivide the property through the El Paso County subdivision process. At that time, a finding of sufficiency for water quality, quantity, and dependability will be required.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits (wind-blown sands) 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, no severed mineral rights exist.

Please see the Parks section below for information regarding the El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the map amendment (rezone).

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential

3. Floodplain

As indicated on FEMA Flood Insurance Rate Maps (FIRM) Panel number 08041C0533G, the property is located within Zone X, areas of minimal flood hazard.

4. Drainage and Erosion

The subject property is located within the Sand Creek drainage basin. This basin has been studied and drainage and bridge fees apply to the increased impervious area of the proposed additional lot at the time of subdivision.

5. Transportation

The subject property is northwest of the intersection of Mustang Place and Mustang Road, taking access from Mustang Place. The proposed additional lot is not anticipated to generate traffic that would cause a significant impact to the area roads, and will be required to pay fees per the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of building permit approvals. The property is not in close proximity to any roads identified in the MTCP, so there are no concerns in regard to MTCP rights-of-way or corridor preservation with this rezoning request.

H. SERVICES

1. Water

Water for the existing single-family dwelling is provided by an existing well.

2. Sanitation

Wastewater for the existing single-family dwelling is provided by an existing permitted on-site wastewater treatment (septic) system.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) currently provides electrical service to the property. MVEA was sent a referral and has no outstanding comments. Natural gas service is not provided to the property at this time.

5. Metropolitan Districts

The property is not located within the service area of a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. The El Paso County Parks Master Plan (2013) does not identify any park lands or trails on or in the immediate vicinity of the property.

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 outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should 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 (2019), 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on February 26, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Sterling Ranch Sketch Plan Exhibit
Black Forest Land Use Committee Opposition
Planning Commission Draft Minutes from March 18, 2021 hearing
Planning Commission Resolution
Board of County Commissioner's Resolution

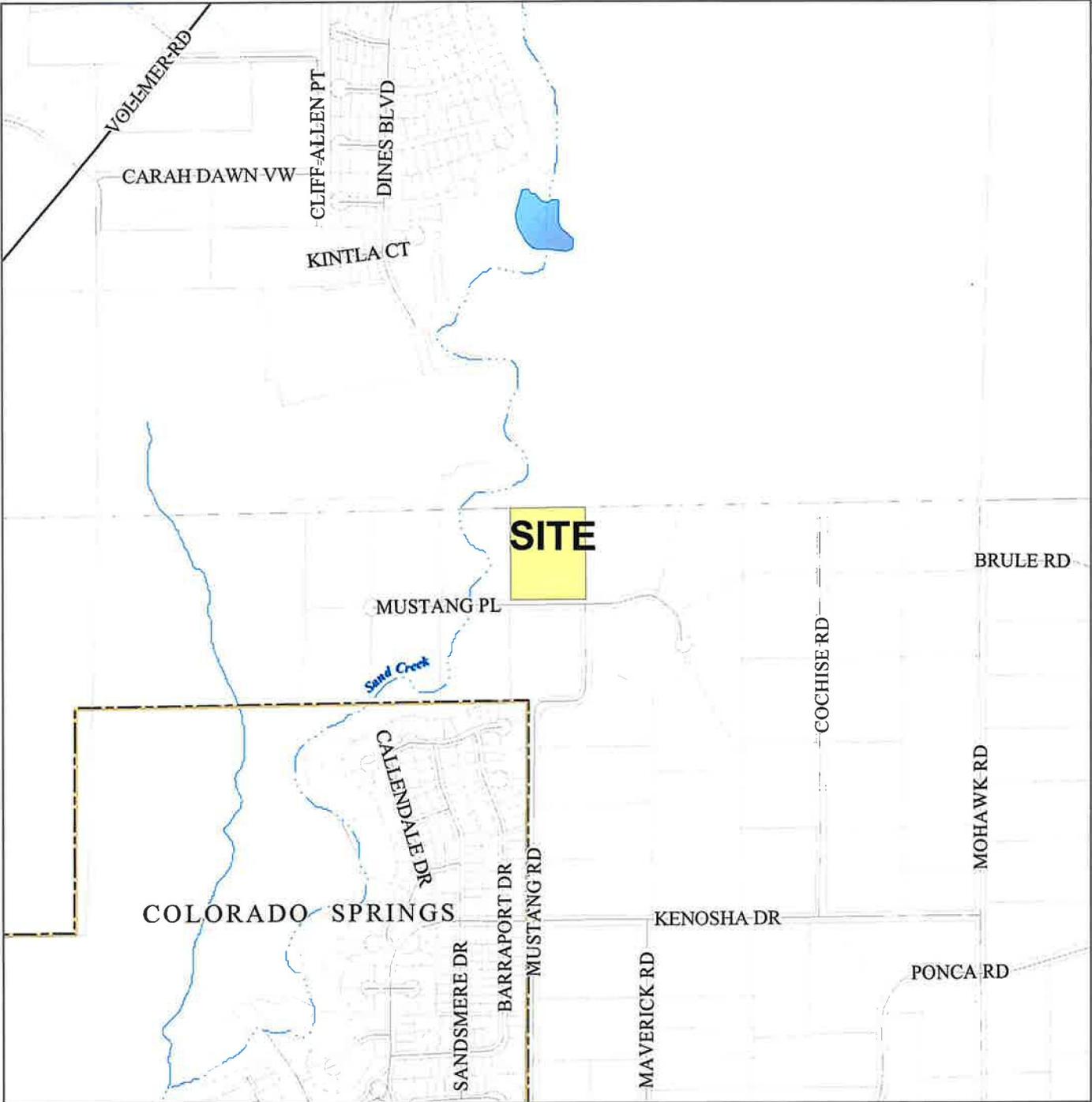
El Paso County Parcel Information

PARCEL
5304002017

File Name: P-20-003

Zone Map No. --

Date: February 26, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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**8330 Mustang Place – Rezone Request
Letter of Intent
January 18, 2021**

Owners/Applicants: Mason, LLC
7702 Barnes Road #140-58
Colorado Springs, CO 80922
(719) 235-6797

Consultant: M&S Civil Consultants, Inc.
102 E. Pikes Peak Ave, Suite 500
Colorado Springs, CO 80903
(719) 955-5485

Site Location: Site address: 8330 Mustang Place Colorado Springs, CO 80908

Lot 10 is a 5.37-acre parcel currently zoned RR-5 located within Pawnee Rancheros Filing No 2, and is located northeast of Woodmen Rd. and Marksheffel Rd. intersection, in El Paso County, and more specifically north of the Kenosha Dr. and Mustang Rd. intersection.

Tax Schedule Number: 5304002017

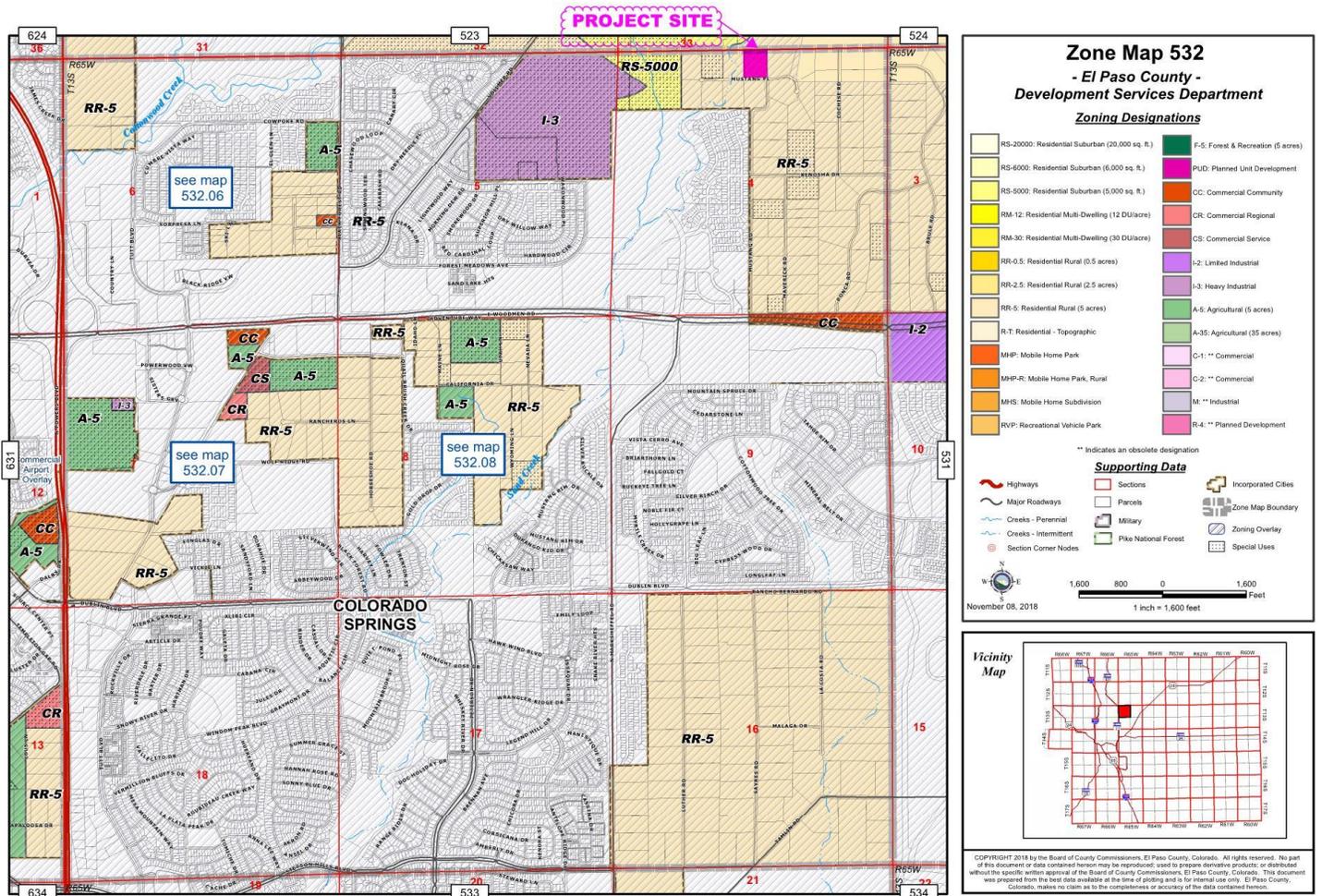
Rezone Classification Request:

Mason, LLC, is the current owner of the subject site, and hereby submits an application to request a Rezone classification of Lot 10, of the Pawnee Rancheros Filing No. 2 as recorded under, Rec. No. 029863327, from RR-5 to RR-2.5.

Existing Zoning & Structures:

The Pawnee Rancheros Filing No. 2 is a subdivision within El Paso County (EPC) and is currently zone RR-5. The subdivision that's directly east and south of the Pawnee Rancheros site are the Bar J-B Acres Subdivisions; also EPC zoned classifications of RR-5 that currently includes 2.5 acre lots. Directly west and northwest of this site are vacant parcels of land currently zoned RS-5000 that permits minimum lot sizes of 5000 SF. Directly adjacent to the north is a vacant parcel of land that is currently EPC zoned RR-5. However, this property is included in the Approved Sterling Ranch Master Sketch Plan and is planned to be rezoned. Per said sketch plan (see map below) the property directly adjacent to the north of this project site is planned to be rezoned to 2 DU/AC and then directly north of the 2 DU/AC, it's proposed to transition to 3-5 DU/AC parcels. Southwest of the Pawnee Rancheros site is a single family residential subdivision known as Shiloh Mesa, within City of Colorado Springs zoned PUD, 3.74 DU/AC).

Lot 10 of the Pawnee Rancheros Filing No. 2 currently contains (1) one residential modular home, three (3) detached outbuilding(s) consisting of a one barn, one garage and one shop constructed on the subject site. The modular home, the detached garage and the barn are located primarily on the eastern portion of the subject parcel, whereas the existing shop is located on the western portion of the parcel.



Future Intent:

If upon the approval of this rezone classification request, the owner seeks to re-subdivide Lot 10, into two residential lots that will align with the proposed rezone request of RR-2.5. The owner’s intent includes the construction of a framed residential home on the future re-platted lot, to provide a total of (1) one each, single family residential dwelling unit per lot if the rezone application and (future) re-plat and minor subdivision applications are approved.

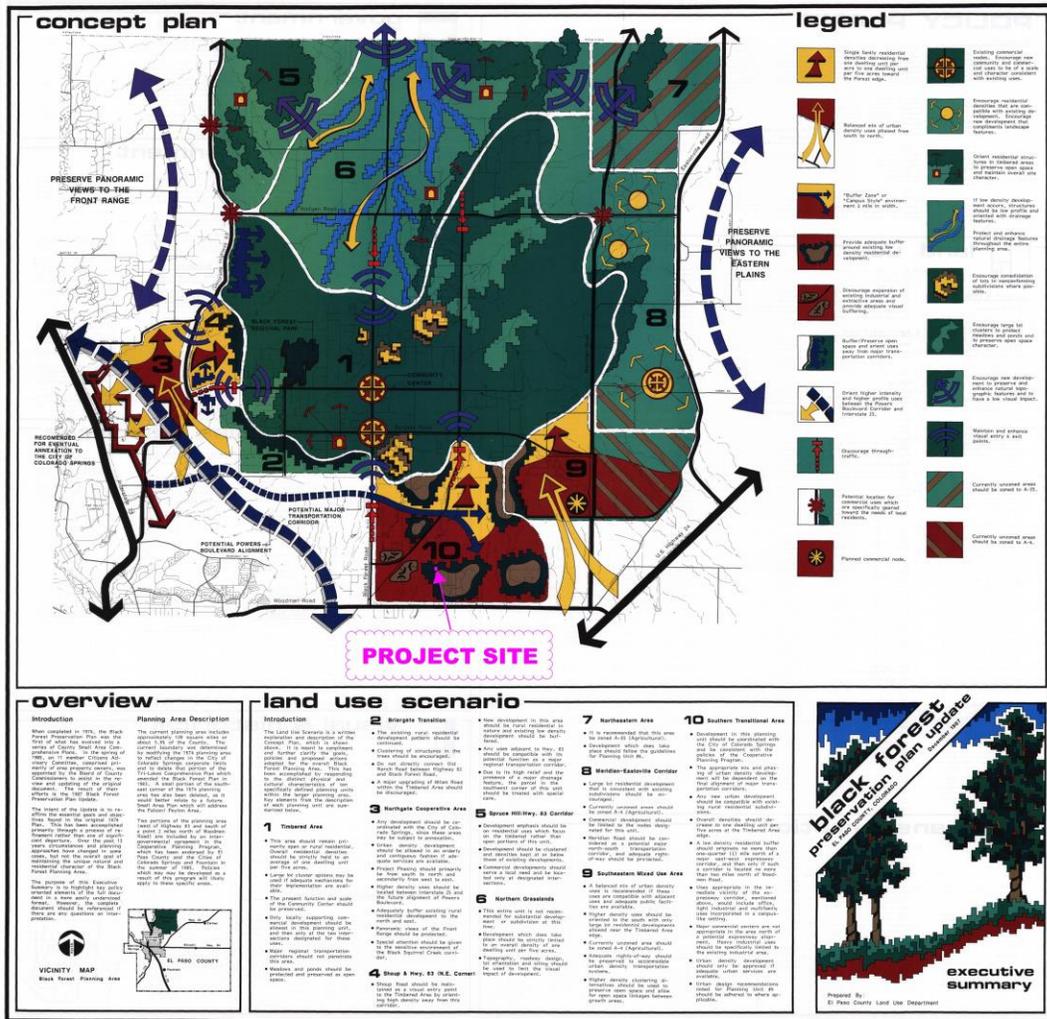
Surrounding Area Conformance:

The subject parcel is a 5.37 acre parcel currently zoned RR-5 and platted as Lot 10 of the Pawnee Rancheros Filing No. 2 Subdivision. The subject parcel is located along the south boundary line of the previously approved Sterling Ranch Master Plan; a moderate to higher density development. The rezone of Lot 10 to RR-2.5, would serve as a natural and suitable transition to the higher-density Sterling Ranch development.

9.99 acres and almost 36% of dwelling parcels are 0 to 4.99 acres. The Proposed rezone request of Lot 10, Pawnee Rancheros site lies in the southern portion of the Black Forest Preservation Plan, known as Planning Unit 10, and aligns within the overall vision of the Black Forest Preservation Plan planning area.

The Black Forest Preservation Plan was adopted in 1987 and has several key planning units' area based upon the unique features of Black Forest. The Black Forest Preservation Plan Unit 10 is known as the Southern Transitional Area and the Cooperative Planning Program Area. The keys elements of this planning area are associated with the major transportation corridors and density transitions. The southern portion of this planning unit recommends overall densities should decrease to one dwelling unit per five acres of the approach to and at Timberline Area Edge. The proposed site lies outside of the Timberline edge, therefore complying with the preservation plan recommendations.

Black Forest Preservation Plan



Falcon/Peyton Small Area Master Plan

Section 3.1.1, 3.1.3-4 *Land Use* section, the proposal should provide a land use balance, preservation of core rural character, along with provisional variety of differing densities. The proposal meets the Land Section as it provides a smaller density to that of the properties within the same Pawnee Ranchero subdivision, and those of the adjacent proposed higher densities to the north within the Sterling Ranch master plan while retaining the rural character of the surrounding area.

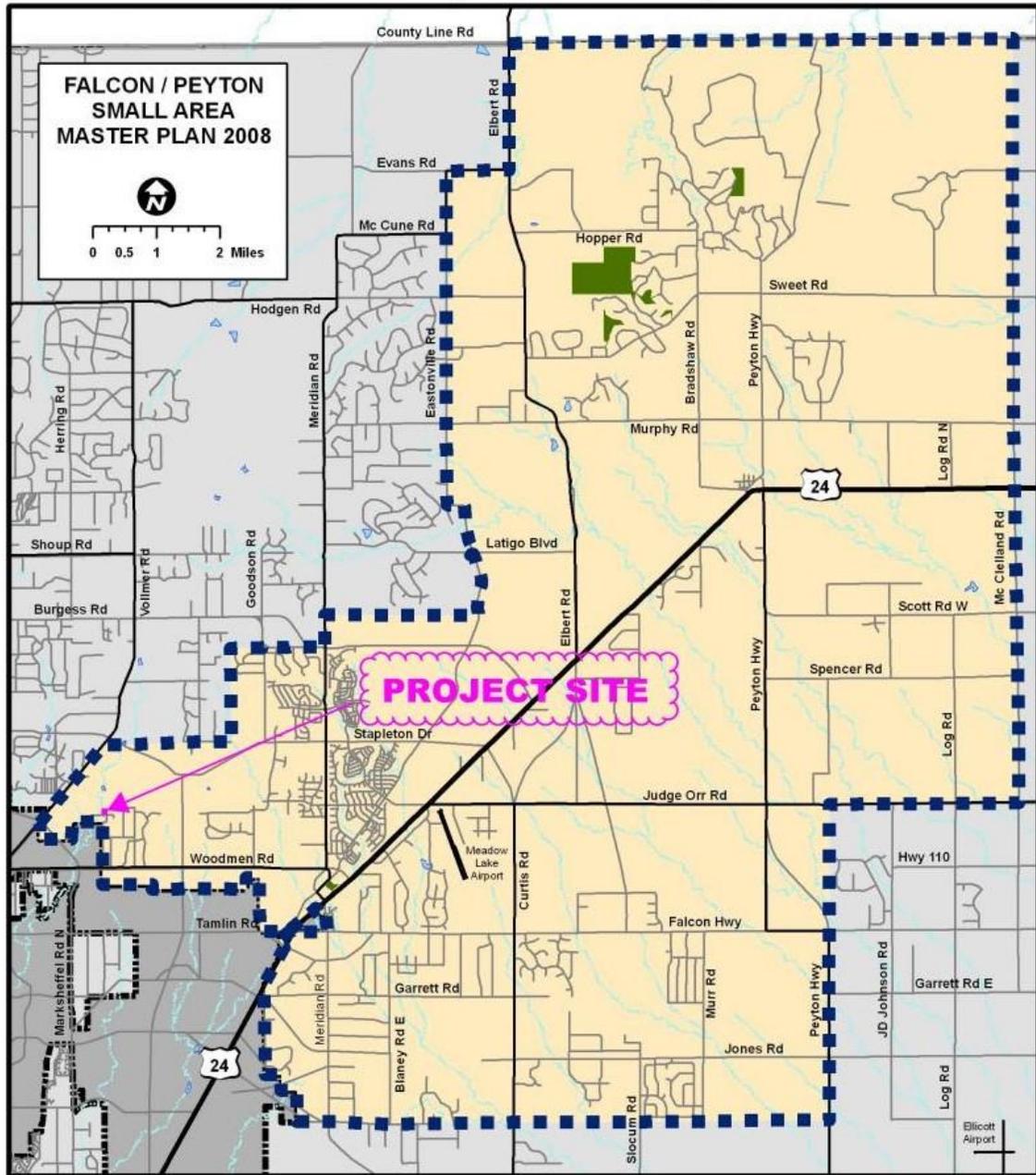
Section 3.3.1-2 and 3.3.3-4 *Residential Area and Densities* the plan suggests diversity and variety in housing types, and promotion of growth, and providing varying housing needs of residents of varying ages, incomes and desired living accommodations. The proposal meets the Residential Area and Densities as this perpetuates the promotion of growth by providing an additional residence and variety to living accommodations with the proposal of a frame-built residential structure.

Sections 3.8.1 *Natural Systems* and 3.9.1-2 *Miscellaneous*, these sections encourage the preservation of important natural features, watersheds and wildlife corridors and preserve visual resources and protect rural character. The rezone application request is directly east of the Sand Creek corridor and shall not negatively affect this watershed natural feature and therefore meets these provisions and preserves the rural character with a rezone of RR-2.5. Proposing a more moderate density of RR 2.5 rather than higher density as proposed in the Sterling Ranch development, is in effort to protect the rural character as defined in the Falcon/Peyton Small Area Master Plan.

The rezone classification of Lot 10, Pawnee Ranchero subdivision to RR-2.5 from RR-5 is consistent with the Black Forest Preservation Plan and Falcon/Peyton Small Area Master Plan and the surrounding properties. The proposal of the rezone will ultimately add (1) one additional residential dwelling structure in the future will not adversely affect or subject an overburden to the existing or future planned roadways systems, emergency or police services, public features, and drainage or utilities services while maintain the integrity and intent of both the Black Forest Preservation Plan and the Falcon/Peyton Small Area Master Plan.

Falcon/Peyton Small Area Master Plan

Planning Area Basemap



Legend

-  Study Area
-  US Highway
-  Creek, Stream
-  El Paso County
-  Primary Arterial
-  Park Area
-  Incorporated City
-  Collector Rd

El Paso County Water Master Plan:

This property lies in the Denver Basin Aquifer and supplied from the Black Squirrel Creek Basin, and is located in Region 3 of the El Paso Water Master Plan. (Figure 4-4 Designated Basins).

Current Water Demand for Region 3 is **4,494** AF per year. The anticipated demand for Region 3 in 2040 is 6,403 AF and in 2060 are 8,307.

Current Water Supply for Region 3 is **7,164** AF per year. The anticipated supply for Region 3 in 2040 is 7,921, and in 2060 are 8,284.

The Master Plan report indicates the water demand per domestic well is estimated at 0.64 AF/year. This is an estimated daily water usage of 190 gallons per capita per day (gpcd), with estimated three individuals per single-family dwelling. This rate is consistent with estimated water usage for single-family, low density housing on lots ranging in size from ¼ to ½ acre.

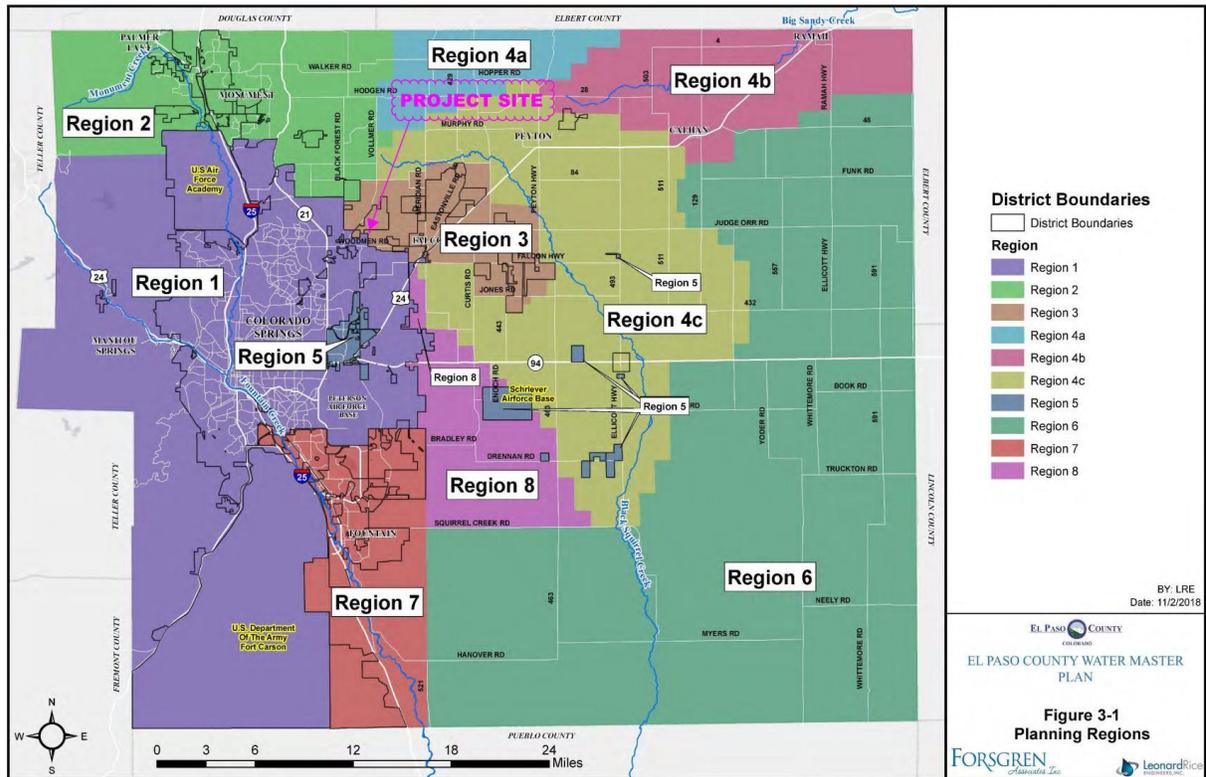
The existing well for Lot 10 was permitted by The Colorado Division of Water Resources and constructed in 1983 under permit No. 131880 and serves as the primary domestic service for the existing residence of Lot 10. Shall this rezone application be granted, and then a subsequent Minor subdivision application shall be processed through the El Paso County Planning and Community Development for approval. The applicant understands that a Decree Water Right, Augmentation Plan, and a well permit will be required with the Minor Subdivision application in order to subdivide the current 5.37 Ac parcel into two lots of a minimum of 2.5 AC each.

The additional water demand for the future residence following this rezone request and minor subdivision application shall be of relatively minimal impact. The applicant has preliminarily contacted a representative of The Colorado Division of Water Resources to discuss the requirements for the anticipated build of a new additional residence. Based on this correspondence with CDWR, with the appropriate documents and application requirements, it is anticipated that the issuance of a new well permit is likely to be obtained.

Goals and Policies:

The El Paso County Water Supply Master Plan identifies specific goals that promote water supply conservation, quality and sustainability, in which should be upheld and supported by the development of the rezone, and the future minor subdivision of Lot 10, Pawnee Ranchero into two 2.5AC min lots.

Goal 4.2 - Support the efficient use of water supplies & Goal 6.1.2 - Promote water conservation: Per the El Paso County Water Master Plan, the full 2060 build-out water supply could potentially have a supply deficiency and alternative groundwater recharging measures could be required in the future) Currently Region 3 has a surplus of water supply, however, future anticipated growth could reverse this surplus.



Existing Utilities:

The existing home is currently served by Mountain View Electric, an onsite well and septic system along with propane gas. Shall this application be approved; new utility services to the new residence structure(s) will be required.

Site Suitability per LDC 5.35 (b):

The site is suitable for the intended use, as described below.

- This rezone request is in general conformance with the El Paso County’s master plan, the Falcon/Peyton Small Area Master Plan and the Black Forest Preservation Plan as outlined and described within this Letter of Intent.
- The proposed rezone application shall be in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116. This application is submitted through the El Paso County Planning and Community Development Department and shall be subject to public notification and provide the public opportunity for comment.
- This Letter of Intent outlines the zone district compatibility of the surrounding properties in all direction around the site. The proposed request is a rezone from RR-5 to RR-2.5, which is compatible with the surrounding zone districts as define within this letter.
- The site is suitable for the intended use of two single-family residential lots. The surrounding zone districts include residential lots varying from RR-5 to RS-5000. The site is currently RR-5 with a request to RR-2.5, while this request maintains a continual and conforming residential use. The site shall meet the standards as described in Chapter 5 of the Land Development Code, for this intended zone district.

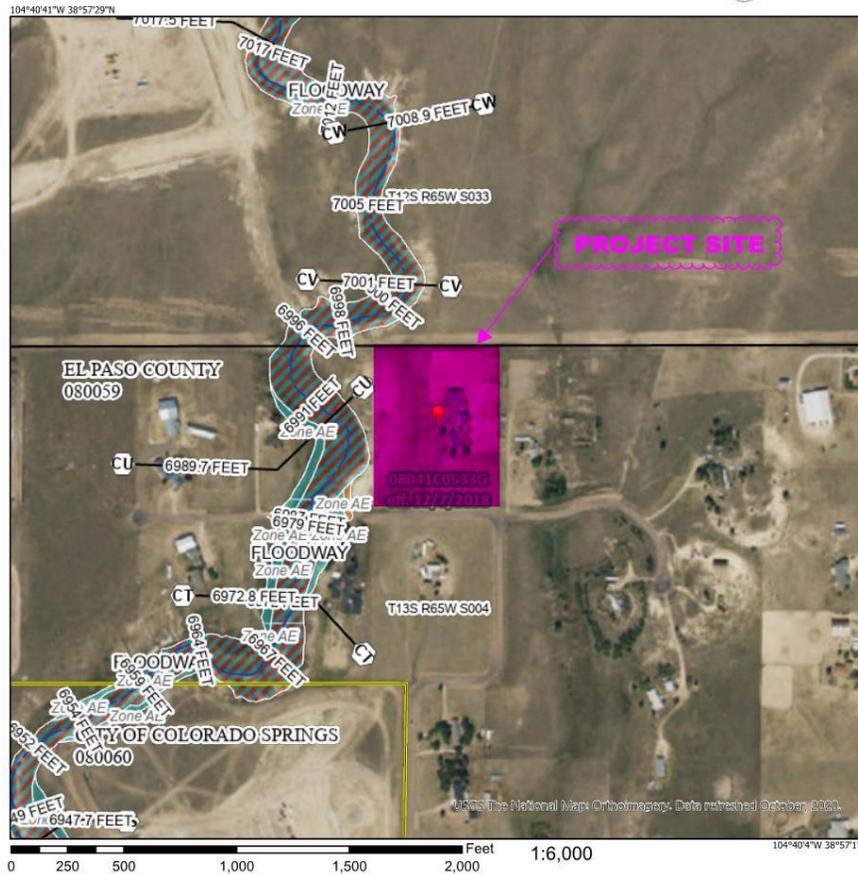
Traffic and Proposed Access:

The existing parcel currently has a single point of access from Mustang Place. Mustang Place currently consists of approximately 24 feet of asphalt mat, with roadside swales. If this rezone request is granted, a new access may be required with the minor subdivision where an analysis of the parcel topography will help serve to determine the best residence structure and drive access locations. It is not anticipated that any roadway improvement shall be required to Mustang Place with the approval of the rezone request.

Drainage/Floodplain:

No portion of this site is within a designated F.E.M.A. floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Map Rate Map (FIRM) Panel No. 08041C0533G, effective date of December 7, 2018. It is anticipated that the general drainage patterns for the lot will not change; with the exception of drainage protection of the future home structure that shall be determined at a later date should this rezone request be granted.

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, X99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone D
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.8 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/12/2020 at 5:46 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

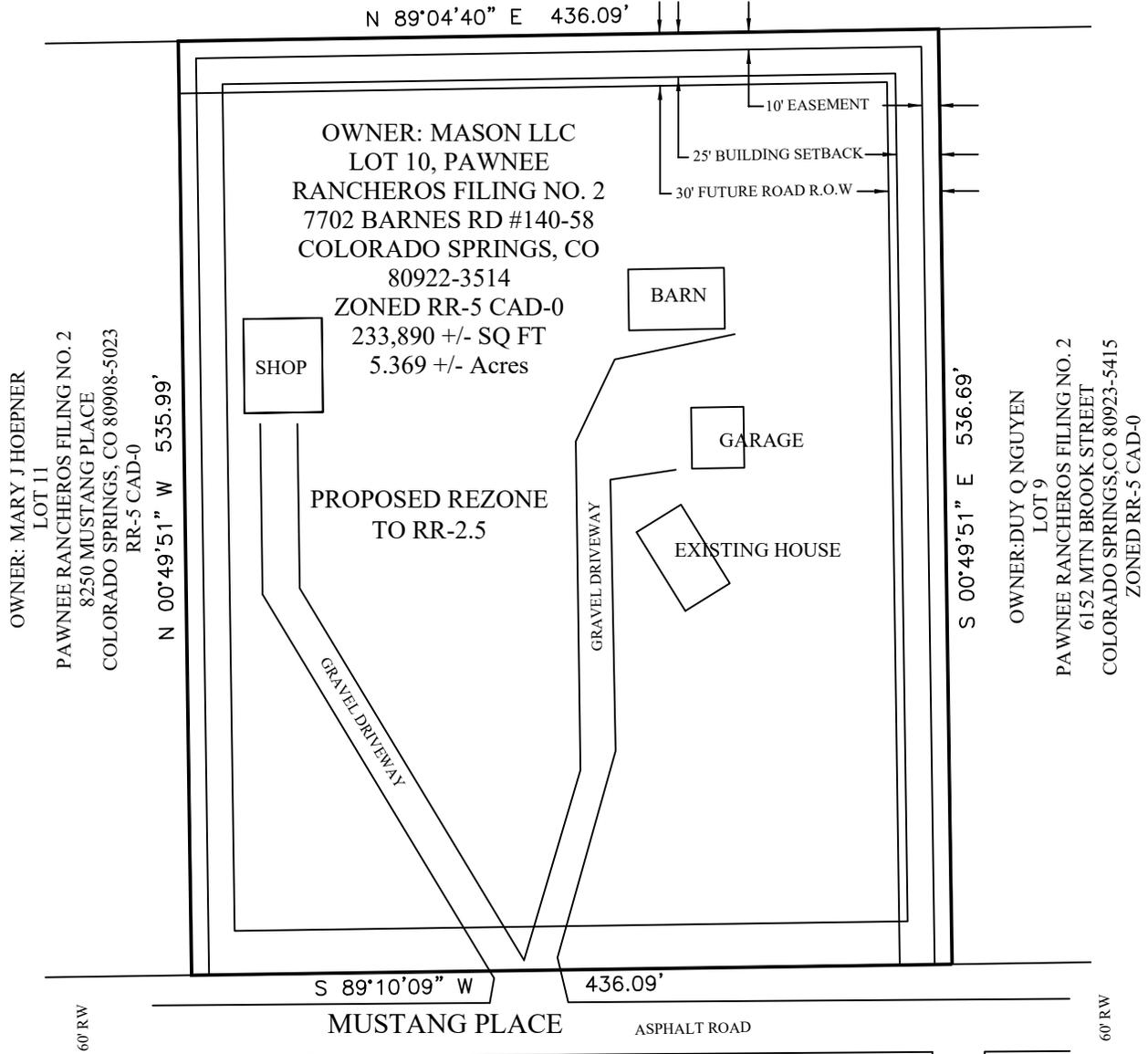
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

REZONE REQUEST MAP

MASON LLC

LOT 10, PAWNEE RANCHEROS FILING NO. 2, PLAT NO. 3750
SITUATED
THE NORTH HALF OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6th P.M.
EL PASO COUNTY, COLORADO

OWNER: MORLEY-BENTLEY INVESTMENTS LLC & TRADER VICS INVESTMENTS LP
20 BOULDER CRESCENT ST STE 100
COLORADO SPRINGS, CO 80903-3300
ZONED RR-5



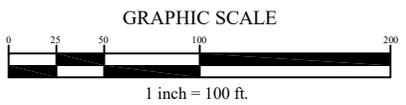
OWNER: MARY J HOEPNER
LOT 11
PAWNEE RANCHEROS FILING NO. 2
8250 MUSTANG PLACE
COLORADO SPRINGS, CO 80908-5023
RR-5 CAD-0
N 00°49'51" W 535.99'

OWNER: DUY Q NGUYEN
LOT 9
PAWNEE RANCHEROS FILING NO. 2
6152 MTN BROOK STREET
COLORADO SPRINGS, CO 80923-5415
ZONED RR-5 CAD-0
S 00°49'51" E 536.69'

OWNER: JESUS ALBERTO &
CAROLINE CASTRO
LOT 16, PAWNEE RANCHEROS
FILING NO. 2
7935 MOHAWK RD
COLORADO SPRINGS, CO
80908-5007
ZONED RR-5 CAD-0

OWNER: CARRIE D BRACE, RANDOLPH M HALL
LOT 17, PAWNEE RANCHEROS FILING NO.
28335 MUSTANG PLACE
COLORADO SPRINGS, CO 80908-5024
ZONED RR-5 CAD-0

MUSTANG ROAD
OWNER: ROBERT L BAKER
LOT 5, PAWNEE RANCHEROS
FILING NO. 2
8315 MUSTANG RD
COLORADO SPRINGS, CO
80908-5082
ZONED RR-5 CAD-0



SCALE: 1"=100' DATE: 11/26/2020
DRAWING: 8330 MUSTANG PLACE BY: MC

REZONE REQUEST MAP

LAND USE LEGEND:

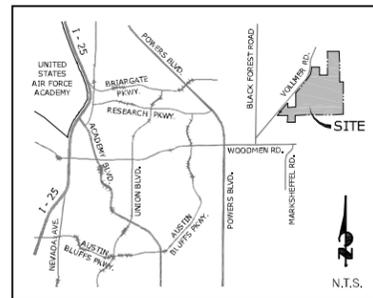
	91 AC. RESIDENTIAL: 2.5 AC/DU,	36 D.U. Max.
	523 AC. RESIDENTIAL: 3-5 DU/AC,	2,092 D.U.
	118 AC. RESIDENTIAL: 5-8 DU/AC,	708 D.U.
	314 AC. RESIDENTIAL: 5-8 DU/AC ACTIVE ADULT,	2,000 D.U. Max.
	32 AC. RESIDENTIAL: 8-12 DU/AC,	320 D.U.
	41 AC. RESIDENTIAL: 12-20 DU/AC,	656 D.U.
	56 AC. COMMERCIAL	
	57 AC. ELEMENTARY / K-8 SCHOOL	
	18 AC. NEIGHBORHOOD PARK	
	30 AC. COMMUNITY PARK	
	57 AC. OPEN SPACE / PARK / GREENWAY	
	105 AC. OPEN SPACE / BUFFER	
	2 AC. UTILITY PARCEL	

TOTAL: 1444 AC. TOTAL: 5500 D.U. Cap

SYMBOL LEGEND:

	ROAD
	FULL MOVEMENT ACCESS POINT
	100-YEAR FLOODPLAIN
	TRAIL
	BUFFER / OS TRAIL CORRIDOR / EASEMENT
	NEIGHBORHOOD PARK
X,XXX'	ACCES SPACING (FEET)

VICINITY MAP:

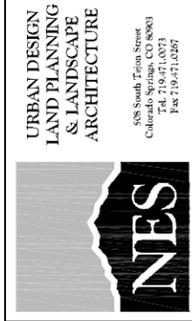
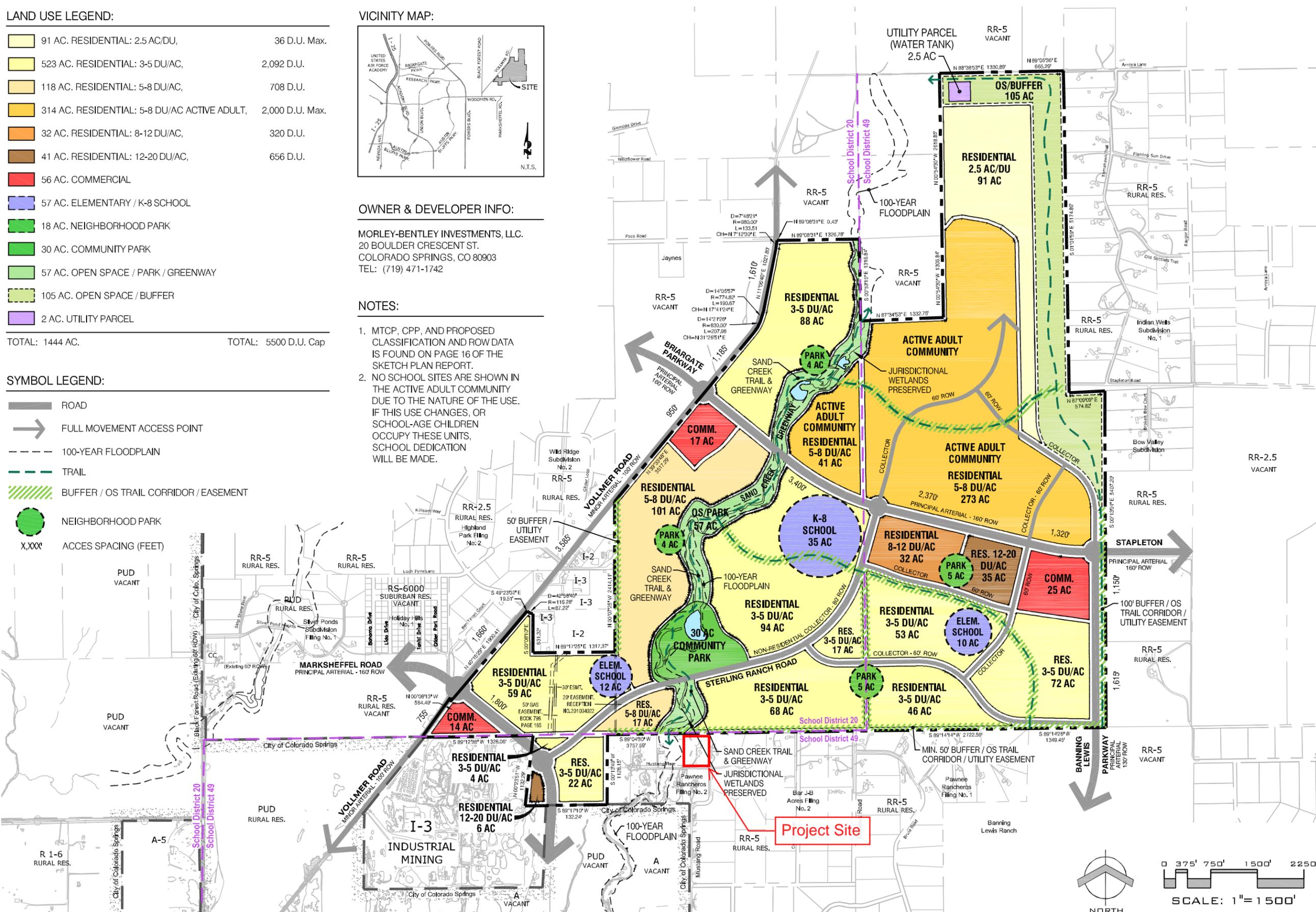


OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
20 BOULDER CRESCENT ST.
COLORADO SPRINGS, CO 80903
TEL: (719) 471-1742

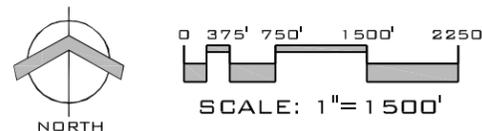
NOTES:

1. MTCP, CPP, AND PROPOSED CLASSIFICATION AND ROW DATA IS FOUND ON PAGE 16 OF THE SKETCH PLAN REPORT.
2. NO SCHOOL SITES ARE SHOWN IN THE ACTIVE ADULT COMMUNITY DUE TO THE NATURE OF THE USE. IF THIS USE CHANGES, OR SCHOOL-AGE CHILDREN OCCUPY THESE UNITS, SCHOOL DEDICATION WILL BE MADE.



Sterling Ranch
SKETCH PLAN
 MORLEY-BENTLEY INVESTMENTS, LLC.

FIGURE NO. **8** PAGE 30
 DATE: APR. 2008



LAND USE LEGEND:

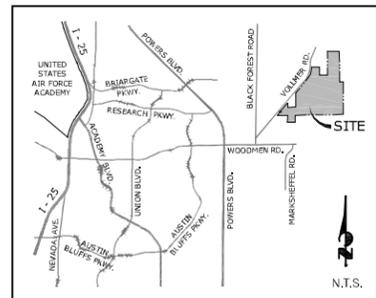
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	523 AC. RESIDENTIAL: 3-5 DU/AC,	2,092 D.U.
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TOTAL: 1444 AC. TOTAL: 5500 D.U. Cap

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	ROAD
	FULL MOVEMENT ACCESS POINT
	100-YEAR FLOODPLAIN
	TRAIL
	BUFFER / OS TRAIL CORRIDOR / EASEMENT
	NEIGHBORHOOD PARK
X,XXX'	ACCES SPACING (FEET)

VICINITY MAP:

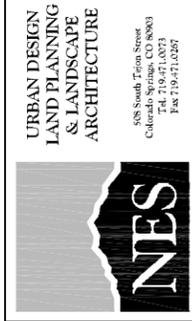
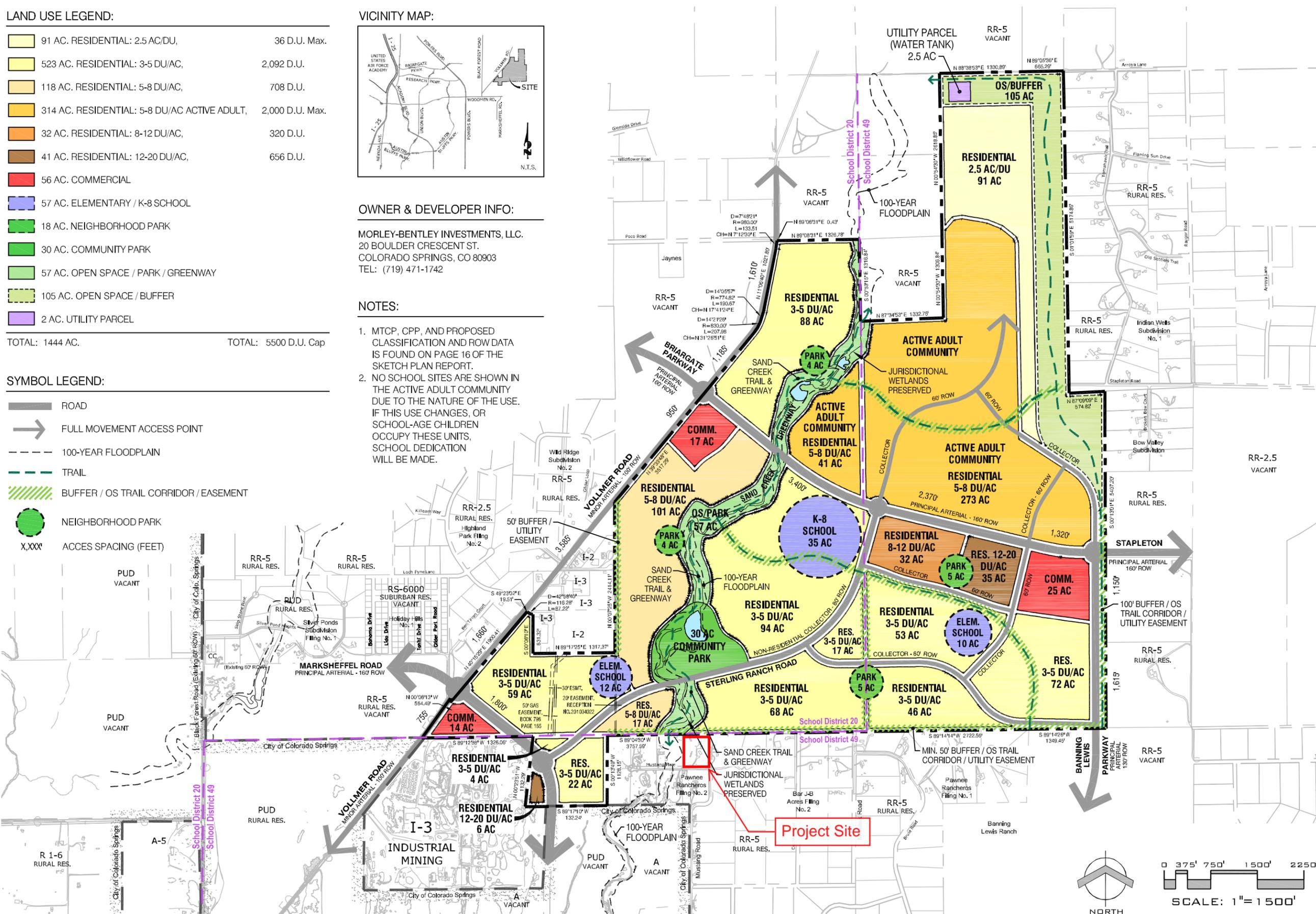


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20 BOULDER CRESCENT ST.
COLORADO SPRINGS, CO 80903
TEL: (719) 471-1742

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**Sterling Ranch
SKETCH PLAN**

FIGURE NO. **8** PAGE 30
DATE: APR. 2008

MORLEY-BENTLEY INVESTMENTS, LLC.

The Black Forest Land Use Committee is opposed to this rezone and recommends disapproval.

1. This parcel is surrounded by 5-acre parcels and it is inconsistent to begin subdividing these parcels. The neighbors for this parcel should be protected from greater density within Pawnee Rancheros.

2. The Black Forest Preservation Plan DOES NOT support this rezone.

3. The fact that Sterling Ranch to the north has urban lots is not a justification for making this a "transition" from larger lots to urban lots. The Land Use Committee opposed the high urban densities of Sterling Ranch from the beginning and felt that urban development this far north was not consistent with the Preservation Plan. Sterling Ranch did not conform with the Preservation Plan.

4. Subdividing this lot may set a precedent for further subdividing that is not prudent.

5. Since Pawnee Rancheros is in open grassy areas with no trees, there is no screening from additional homes or buildings already, so adding another home only detracts from the open feeling of the subdivision.

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, March 18, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, TIM TROWBRIDGE, BECKY FULLER, SARAH BRITTAIN JACK, JAY CARLSON, JOAN LUCIA-TREESE, AND GRACE BLEA-NUNEZ

PRESENT VIA ELECTRONIC MEANS AND VOTING: THOMAS GREER AND ERIC MORAES

PRESENT AND NOT VOTING: NONE

ABSENT: NONE

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER (VIA REMOTE ACCESS), TRACEY GARCIA, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: MICHAEL CARTMEL, ANDREA BARLOW, RAY SULLIVAN, RANDY VIERIA, ANDREI BEDOYA (VIA REMOTE ACCESS), BECKY BEDOYA (VIA REMOTE ACCESS), TISH NORMAN, MICHAEL PETERSON, AND JIM MCDANIEL (VIA REMOTE ACCESS)

Report Items

1. A. Report Items -- Planning and Community Development Department – Ms. Ruiz-- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for **Thursday, April 1, 2021 at 1:00 p.m.**

- b) **Ms. Ruiz** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- c) **Ms. Ruiz** gave an update on the Master Plan process and timeline. The Master Plan went public on March 9 and it has also been sent to over 200 referral agencies. On March 31 we will have a remote public meeting to hear comments from the public. The Planning Commission will hear the Master Plan at Special Meetings on May 5 and May 26. The website to view the Plan and to see the schedule of events is <https://el Paso-hlplanning.hub.arcgis.com/>

B. Public Input on Items Not Listed on the Agenda – NONE

CONSENT ITEMS

- 2. **A. Approval of the Minutes – March 4, 2021**
The minutes were unanimously approved as presented. (10-0)

- B. CS-20-002 GREEN**

**MAP AMENDMENT (REZONE)
12265 HIGHWAY 94 REZONE**

A request by Udon Holdings, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to CS (Commercial Service). The 40-acre property is located on the south side of Highway 94, approximately one-half (1/2) mile west of the Highway 94 and Franceville Coal Mine Road intersection and within Section 18, Township 14 South, Range 64 West of the 6th P.M. (Parcel No.44000-00-237) (Commissioner District No. 4)

PC ACTION: FULLER MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, CS-20-002, FOR A MAP AMENDMENT (REZONE) UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-014 WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (10-0).

- C. P-20-003 HOWSER**

**MAP AMENDMENT (REZONE)
8330 MUSTANG PLACE REZONE**

A request by Mason, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 5.37-acre property is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No.53040-02-017) Commissioner District No. 2

Mr. Trowbridge stated he would not be in favor of this project due to compatibility and the area becoming denser. **Ms. Fuller** requested more information as to why **Mr. Trowbridge** would deny the project. **Ms. Ruiz** provided detailed information about the surrounding zoning and land use approvals. The applicants are requesting to rezone from RR-5 to RR-2.5. The staff's perspective is that this is a good transition from the dense urban development immediately north and south within the limits of Colorado Springs and to the surrounding development. **Mr. Trowbridge** - I'm afraid if we allow the encroachment, the density will continue to get greater and would encourage others to subdivide. **Ms. Lucia-Treese** - Using that justification wouldn't that argument be true to every development that comes before us for a rezone? **Mr. Trowbridge**- True however in this case my judgement is to keep the five-acre parcels and not allow it to go to 2.5 acres. I disagree with staff that this is a transitional area. **Ms. Fuller** - If this touched the RS-5000 development, then would you be comfortable? **Mr. Trowbridge** - No, it's the Pawnee Ranchettes area that bothers me. **Ms. Ruiz** - the City of Colorado Springs is experiencing more growth. We will likely see more of this. **Ms. Brittain Jack** - In our master plan, I believe this is a transitional area that will see more growth. **Mr. Bailey** - That is my recollection as well. **Mr. Carlson** – There are hundreds of acres of five-acre parcels and this one wants to stick right down in the middle of it. I agree that we should keep it consistent with what is there now. I will not be in favor.

Michael Cartmel- We purchased this property with the intent to get some animals for the family and love the rural setting and serenity. Subdividing does not diminish the rural character of the area.

Mr. Bailey- I'm curious to know the response from the adjoining properties. **Mr. Howser**- We did not receive any response to the letters that were sent out. **Mr. Bailey**- If the neighbors are not concerned, I'm inclined to approve this. **Ms. Lucia Treese** - I agree.

Ms. Fuller - I will be in favor since there was no neighbor opposition.

Mr. Risley- I will also be in favor of this. I didn't have any concern with this project because of the character of the Black Forest where there is a blend of lot sizes, but I do understand **Mr. Trowbridge** on this.

PC ACTION: BAILEY MOVED/NUNEZ SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-20-003, FOR A PRELIMINARY PLAN UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-015 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-2). TROWBRIDGE AND CARLSON WERE NAY VOTES DUE TO THE PROJECT NOT BEING COMPATIBLE FOR THE AREA.

D. PUD-18-002

RUIZ

**MAP AMENDMENT (REZONE)
DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to amend the minimum lot size requirement within the PUD to 2.5 acres and to amend the permitted uses within the commercial area included in the PUD area. The 25.15-acre property is located at the northeast corner of the Highway 83 and Hodgen Road intersection and within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos. 61220-03-020, 61220-03-035, 61220-04-002, 61220-04-001, and 61220-03-036) (Commissioner District No. 1)

PC ACTION: BAILEY MOVED/TREESE SECONDED TO MOVE ITEM 2D, PUD-18-002, MAP AMENDMENT (REZONE) FOR DANCING WOLF DATE CERTAIN TO THE APRIL 1, 2021 PLANNING COMMISSION HEARING. MOTION PASSED UNANIMOUSLY (10-0).

E. VR-18-002

RUIZ

**VACATION AND REPLAT
DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a vacation of five (5) platted lots and right-of-way and replat to create seven (7) single-family residential lots. The five (5) lots, totaling 25.15 acres, are zoned PUD (Planned Unit Development) and are located at the northeast corner of the Highway 83 and Hodgen Road intersection and are within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos. 61220-03-020, 61220-03-035, 61220-04-002, 61220-04-001, and 61220-03-036) (Commissioner District No. 1)

PC ACTION: BAILEY MOVED/TREESE SECONDED TO MOVE ITEM 2E, VR-18-002, VACATE AND REPLAT FOR DANCING WOLF DATE CERTAIN TO THE APRIL 1, 2021 PLANNING COMMISSION HEARING. MOTION PASSED UNANIMOUSLY (10-0).

Regular Items

3. P-20-001

RUIZ

**MAP AMENDMENT (REZONE)
CLOVERLEAF**

A request by Proterra Properties, LLC, for approval of a map amendment (rezoning) from RS-20000 (Residential Suburban) to RS-5000 (Residential Suburban). The 37.22-acre property is immediately north of Higby Road and east of Jackson Creek Parkway and is within Section 23, Township, 11 South, Range 67 West of the 6th P.M. (Parcel Nos. 71242-02-240, 71242-02-239, and 71242-02-236) (Commissioner District No. 1)

Ms. Ruiz gave a brief overview and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone). She then introduced the applicants' representative **Ms. Andrea Barlow from NES**, to give their presentation.

Ms. Ruiz gave her full presentation to the Planning Commission.

Ms. Fuller - This was originally platted as open space and now we are developing.

Ms. Ruiz - This was platted as open space and was intended to be a golf course, but the golf course was never developed. There is no issue or conflict with the regulations included within the LDC to transfer this from open space to development.

Mr. Bailey - It's not zoned as open space; it is zoned as RS-20000. We are not looking at the issue of an expressed intention to keep it as open space. We are changing the zoning.

Mr. Carlson - To be clear this land is currently zoned as RS-20,000. Is this the same owner of the open space or has it been sold off? Will there be another opportunity for people in the area to voice their concerns? **Ms. Ruiz** - There are other ownership stakes. The request today is for a zoning action, any opposition may choose to voice their concerns either today or at the preliminary plan stage.

IN FAVOR:

Ms. Tish Norman - I live in Monument, Colorado, specifically Woodmoor. I am the director of the WOSC, LLC group. We purchased 94 acres to keep it open space. Pro-Terra contacted us to get a portion, but we are protecting land around us and are in favor of this development. Pro-Terra is a local developer that took an interest in our area. There are 162 homes, 118 contributed to the process. We have raised over a million dollars to protect the land around our homes. We gave them an easement for a detention pond. We've worked well together. This is an example of how homeowners and developers can work together. We are also putting deed restrictions on the land.

Mr. William Peterson - This type of development and the cooperation we have had has been remarkable. There are other developments that are going up around Higby and we have concerns about the traffic in that area.

Mr. Phil Schwietzer - If we make good sound decisions then we are making good plans for many years to come. I think we need to beef up the sidewalks and walkability. People from around the area have access to Fox Run Park. There needs to be a path. If the people on the northwest don't want to see a path the developer can put an eight-foot concrete wall up for about \$100,000.

IN OPPOSITION:

Mr. Andrei Bedoya- This open space was originally promised to residents for a future golf course. I have concerns with inconsistent land use. Traffic is going to increase significantly. There will be no privacy with these lots as they will all be uphill and looking down into our properties.

Mrs. Becky Bedoya- These developers are not contributing to our schools or infrastructures. The true nature of Monument is disappearing, and the quality of our home is going to be diminished due to the structure going in behind us.

Mr. Jim McDaniel- I'm in the Woodmoor Park townhomes. My front window faces the proposed development. This is going to create a tremendous traffic concern. That road is not wide enough for the increased traffic.

APPLICANTS REBUTTAL:

Ms. Barlow stated that she understands the main issue is compatibility. We will pay the road impact fees as required. Traffic studies have been completed. We go through a rigorous review; it's not just a rubber-stamp approval. The preliminary plan will come very soon. Regarding trails, those plans are forth coming.

DISCUSSION:

Ms. Fuller - I'm so impressed by the developer and homeowner coordination. I also found the rubber stamp comment offensive. We look at everything that

comes to us. Our goal is to help with public policy. I think this fits in our review criteria. Not everything we see does fit the review criteria, but this does. I will be in favor of this.

Ms. Lucia - Treese- I concur with **Ms. Fuller**. We are only discussing the rezoning today, so based on the criteria for approval, I will be in favor.

Mr. Carlson - I think the buffer and transition areas were done well. I struggle with the density right up against RS-20,000. Two houses per acre right up against eight houses per acre. Most homeowners think this is a good development. I'm not going to fight against those who are not fighting for themselves. I will be in favor.

Ms. Fuller - I do understand the comment with this right up next to RS-20,000 but I see them adjacent to townhomes, so this is a transition.

Mr. Moraes - If we go back to the approval criteria. Number three jumps out at me. It says compatible in all directions. I don't see how that is compatible in all directions. In some directions it includes open space. We go from open space to basically the densest single- family residential zone district. I do not favor this rezoning.

Ms. Blea- Nunez - I applaud the developer and the organization working together on that. I do hear **Mr. Moraes'** concern. I'm torn.

Mr. Bailey – I think the issue of compatibility going from RS-20,000 to RM-30 is a big jump; I agree with that. I'm struck by what is a sensible infill plan that bridges the gap in the different uses. They raised the funds to keep a lot of the open space open. My take is this is a very compatible compromise to bridge the gap with varied uses. This is a good plan and has my support.

Mr. Risley - I certainly understand and appreciate the concerns. I applaud the coordination and think this a model that others should follow. The sensitivity to the surrounding context has been demonstrated by multiple meetings in the neighborhood, you found compromise, and it's what we hope to see in other areas of the County. This underscores the Master Plan efforts and how we view some of these areas such as transitional areas from one development to the next. I will be in favor of this project.

PC ACTION: TROWBRIDGE MOVED/TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 3, P-20-001 FOR A MAP AMENDMENT (REZONE) FOR CLOVERLEAF UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-016 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (9-1). MR. MORAES WAS THE ONLY NAY VOTE

4. LDCPM-21-001

RUIZ

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
APPEAL OF ADMINISTRATIVE DECISIONS & DETERMINATIONS**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1, 2, 5, and 7 of the El Paso County Land Development Code (2021) to clarify the requirements and procedures for appeals of administrative decisions and determinations by the Planning and Community Development Director. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing – Legislative

PC ACTION: COMMENTS WERE ACCEPTED. NO ACTION REQUIRED BY THE PLANNING COMMISSION BUT THEY GAVE THEIR GENERAL CONSENSUS OF ENDORSEMENT.

5. El Paso County Master Plan – Informational Update – No Action Needed

The Master Plan is tentatively scheduled to come to the Planning Commission on May 5 and 26 for review and subsequent approval.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-20-003
8330 MUSTANG PLACE REZONE**

WHEREAS, Mason LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the RR-5 (Residential Rural) zoning district to RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 18, 2021; 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 was 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 were heard at that hearing.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.
6. 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

7. 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. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Mason, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Rural Residential) zoning district to the RR-2.5 (Rural Residential) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends 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 RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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 Board of County Commissioners for its consideration.

Commissioner Blea- Nunez seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Trowbridge	nay
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Blea-Nunez	aye
Commissioner Greer	aye
Commissioner Moraes	aye
Commissioner Carlson	nay

The Resolution was adopted by a vote of 8 to 2 by the El Paso County Planning Commission, State of Colorado.

Dated: March 18, 2021

Brian Risley, Chair

EXHIBIT A

LOT 10 PAWNEE RANCHEROS FIL NO 2

RESOLUTION NO. 21-

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

**APPROVAL OF THE 8330 MUSTANG PLACE MAP AMENDMENT
(REZONING) (P-20-003)**

WHEREAS Mason, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 18, 2021, 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 this Board on April 13, 2021; 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. The application was properly submitted for consideration by the Board of County Commissioners.
2. 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 of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Mason, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 13th day of April, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
Chair

EXHIBIT A

Legal Description for Residential Parcel (Ph1 & Ph2)

A tract of land being a portion of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Bearings based on the West line of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., monumented at the North Quarter (N 1/4) corner with a 3 1/4" aluminum cap, stamped "BARRON LAND 2018 PLS 38141" and at the Center Quarter (C 1/4) corner with a 3 1/4" aluminum cap, stamped "OLIVER E. WATTS 2000 PE-LS 9853" and bears S 00°24'11" E, 2640.42 feet.

BEGINNING at said North Quarter (N 1/4) corner;

Thence N 89°52'04" E, along the North line of said Northeast Quarter (NE 1/4), a distance of 549.67 feet;

Thence S 00°07'56" E, a distance of 175.58 feet to the most Westerly Northwest corner of the land described in Warranty Deed recorded in Book 2472 at Page 228, El Paso County Records;

Thence along the Westerly lines, Southwesterly line and Southeasterly extension line of said land the following three (3) courses:

1) S 15°42'45" E, a distance of 166.22 feet;

2) S 15°48'38" E, a distance of 164.23 feet;

3) S 36°04'35" E, a distance of 1,115.06 feet to a point on the West right of way line of Southmoor Drive;

Thence S 00°07'59" E, along said West line, a distance of 306.67 feet to an angle point in said Southmoor Drive;

Thence S 34°27'20" E, along the Southwest line of said Southmoor Drive, a distance of 53.43 feet to the Northwest corner of a tract of land described at Reception No. 202040629, El Paso County Records;

Thence S 00°11'18" E along the West line of said tract of land, a distance of 813.74 feet to the Southeasterly end of the common boundary line described in the Boundary Agreement and Quit Claim deed recorded at Reception No. 206153355, El Paso County Records;

Thence N 64°47'25" W, along said boundary line, a distance of 1,455.02 feet to a point on the West line of said Northeast Quarter (NE 1/4);

Thence N 00°24'11" W along said West line, a distance of 1,938.33 feet to the POINT OF BEGINNING;

Containing a total calculated area of 2,265,061 square feet (51.999 acres) of land, more or less.