

EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
Darryl Glenn, President**

**FROM: Kari Parsons, PM/Planner II
Jeff Rice, PE Engineer III
Craig Dossey, Executive Director**

**RE: Project File #: P-18-003
Project Name: The Townhomes at Bradley Crossroads Rezone
Parcel No.: 65024-07-102**

OWNER:	REPRESENTATIVE:
Bradley Investment Group LLC 106 Sunbird Cliffs Ln East Colorado Springs, CO 80919	M.V.E. Inc. 1903 Lelaray Street, Suite 200 Colorado Springs, CO 80908

Commissioner District: 2

Planning Commission Hearing Date:	08/21/2018
Board of County Commissioners Hearing Date	09/11/2018

EXECUTIVE SUMMARY

A request by Bradley Investment Group, LLC, for approval of a map amendment (rezoning) from the CC (Commercial Community) to the RM-30 (Residential Multi-Dwelling) zoning district. The 5.24 acre parcel is located north of Gladiator Drive, south of Bradley Road, east of Lincoln Plaza, and west of Hancock Expressway and is within Section 2, Township 15 South, Range 66 West of the 6th P.M.

The applicant is proposing to construct 20 buildings with a maximum of 78 residential townhome units. The parcel was replatted (VR-18-008) from five (5) lots into one (1) lot on May 22, 2018. Security Water and Sanitation District had committed to serve the

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
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parcel at the time of the replat. A commitment letter is not required with a rezone request. If the Board approves the request, the applicant will be required to submit a site development plan for administrative approval by the Planning and Community Development Department.

A. REQUEST/WAIVERS/MODIFICATIONS

Request: A request for map amendment (rezone approval from the CC (Commercial Community to the RM-30) (Residential Multi-Dwelling) zoning district.

Waiver(s)/Modification(s): There are no waivers or modifications associated with the request.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent Item at the August 21, 2018 hearing

Recommendation: Approval with recommended conditions and notations

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: Applicant was represented at the hearing.

Legal Notice: Advertised on or before August 22, 2018 in *Shopper's Press*.

C. APPROVAL CRITERIA

In approving a Map Amendment (rezoning), the following findings shall be made:

- 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.
- The Board of County Commissioners shall include specific findings relative to airport noise within the approval resolution and shall require appropriate noise mitigation measures.

D. LOCATION

North: CC (Commercial Community)

Vacant

South: RS-5000 (Residential Suburban)

Residential Single-Family

East: CC (Commercial Community)
West: PUD (Planned Unit Development)

Car Wash/ Convenience Store
Townhome Development

E. BACKGROUND

The property was zoned from A-2 (Agricultural) to C-2 (Commercial, Obsolete) zoning district in 1960 and then to the PBP (Planned Business Park) (PBP-89-003) zoning district on September 14, 1989. Due to changes of the nomenclature of the El Paso County Land Development Code (2017), the PBP zoning district has been renamed as the CC (Commercial Community) zoning district.

The subject property was platted as the Bradley Crossroads (VR-10-004) on July 22, 2010 as seven (7) commercial lots. A vacation and replat (VR-18-008) was completed on May 22, 2018 which combined five (5) of the commercial lots into one (1) 5.24 acre lot.

The applicant proposes to develop 78 townhome units within 20 buildings on 5.24 acres if the rezone is approved. It is anticipated that the townhomes will be platted via the townhome exemption plat process pursuant to Section 7.2.2.B .5 of the Code. The townhome plat is an administrative process and is required for the individual units to be conveyed. It is anticipated that the townhome plat is to be submitted after the review and approval of the site development plan which is also an administrative approval by the Planning and Community Development Director.

Adjacent to the subject property, to the west, is the Lincoln Commons Planned Unit Development Plan (PUD-05-020) which was approved by the Board of County Commissioners on January 11, 2007. The PUD development included 87 units on 5.51 acres. The Lincoln Commons development is completed and the units have been sold.

F. ANALYSIS

1. Land Development Code Analysis

The rezone request complies with Section 5.3.5.B of the Code. This application meets the rezone (map amendment) submittal requirements and the standards for a rezone (map amendment) in Chapter 5 of the Code.

2. Zoning Compliance

The applicant has requested to rezone the subject property to the RM-30 (Residential Multi-Dwelling) zoning district. The RM-30 zoning district is a 30 dwelling unit per acre district intended to accommodate moderate density multi-

dwelling development. The RM-30 zoning district density and dimensional standards are as follows:

- Minimum lot size – 5,00 square feet
- Setbacks – front 25, sides 15 feet, and rear 15 feet
- Maximum building height – 40 feet
- Maximum lot coverage – 60 percent
- Density- 30 dwelling unit per 1 acres

The property is located east of an existing multi-family townhome development and west of a convenience store and car wash. There is single-family residential development to the south of the subject property. The proposed multi-family development is anticipated to be a suitable transition from the single-family residential development and the commercial development. The property to the north is zoned commercial and remains vacant.

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

Policy 6.3.4 - Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.

Policy 13.1.1- Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

Policy 13.1.2- Support the provision of land use availability to meet the housing needs of county residents.

The applicant is proposing a multi-family development adjacent to the Lincoln Commons Townhome multi-family development. The single-family residential to the south is separated by Gladiator Drive, an 80 foot public right-of-way. If the Board should approve this request, a minimum 15 foot buffer would be required on the south side of the subject property. The buffer will be identified on the anticipated site development plan to be reviewed and approved by the Planning and Community Development Department. The remaining vacant commercial property to the north and east is intended to accommodate retail sales and service establishments that serve the adjoining neighborhoods. Staff has no concerns regarding rezone request.

4. Small Area Plan Analysis

The subject parcel is not within the boundaries of a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, and the U.S. Fish and Wildlife Service (USFWS) were each sent a referral at the time of the preliminary plan submittal. No comments that would preclude development were provided.

The Master Plan for Mineral Extraction (1996) identifies potential upland and coal deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, no severed mineral rights exist

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A hazard evaluation was not performed with this rezone request. No hazards were identified with the previously approved preliminary plan that would preclude development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, and the U.S. Fish and Wildlife Service (USFWS) were each sent a referral in conjunction with the prior preliminary plan submittals. No comments were identified that would preclude development. Comments were not requested with this rezoning request.

3. Floodplain

Per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 08041C0763, no portion of the property is within or near a FEMA-designated 100-year floodplain.

4. Drainage and Erosion

The site is located within the Little Johnson drainage basin. Because the zoning has been commercial since original platting, any new plat or subdivision of the parcel would not increase the imperviousness allowed under the zoning. Per ECM Appendix L, drainage and bridge fees apply when there is a subdivision and the imperviousness of the property would increase. In this case, the allowed imperviousness is not increasing; therefore drainage and bridge fees will not apply if the site is further subdivided.

The site generally drains to the southwest where existing and proposed storm drainage facilities will provide detention and water quality treatment. An existing shared detention/water quality pond exists on the lot to the west (Lincoln Commons Townhomes). The Security Creek/Little Johnson DBPS calls for a regional detention pond on a neighboring site approximately 1,300 feet southwest of the site. The shared detention pond on the lot to the west is required to remain until the time that the regional pond is constructed and storm drain facilities with the required capacity are extended. The Fountain Mutual Irrigation Canal (FMIC) has an underground conduit running from northwest to southeast just outside the northeast corner of overall Bradley Crossroads development.

Grading and erosion control plans have been reviewed with the previous plat and site development plans for this overall development. These plans call for best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public storm sewer system before, during, and after construction. County and State stormwater permits will be required for further construction activities and revegetation.

5. Transportation

The overall Bradley Crossroads development has frontage along Bradley Road to the north, Main Street (southerly extension of Hancock Expressway) to the east, and Gladiator Drive to the south. The lot proposed to be rezoned has private road access connecting to Bradley Road and Gladiator Drive.. Dedication of the required rights-of-way for these roads was provided with previous plats and construction of the required improvements was completed in 2012. With the improvements constructed, the private drive and surrounding roads are adequate for the proposed traffic for this site.

H. SERVICES

1. Water

Sufficiency:

Quality: Not required for a rezone application.

Quantity: Not required for a rezone application.

Dependability: Not required for a rezone application.

Attorney's summary: Findings with regards to water sufficiency are not required with rezoning requests. The property is within the boundaries of the Security Water and Sanitation District. The district committed to serve the property at the time of final platting.

2. Sanitation

The property will be served by the Security Water and Sanitation District. The district committed to serve the property at the time of final platting.

3. Emergency Services

The site is located within the boundaries of the Security Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Colorado Springs Utilities will provide gas and electric service to the property.

5. Metropolitan Districts

The property is within the Security Water and Sanitation District. The district will provide water and sanitation services to the property.

6. Parks/Trails

Park fees in lieu of park land dedication are not required for a rezone application. Park fees in lieu of land dedication will be due at the time of townhome plat recordation.

7. Schools

Land dedication and fees in lieu of school land dedication is not required for a rezone application. School fees in lieu of land dedication will be due at the time of townhome plat recordation

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 5.3.5 (Map Amendment) as well as Section 4.3.1.F.2.b of the El Paso County Land Development Code (2017); staff recommends the following conditions and notations:

CONDITIONS

1. The applicant shall apply for and receive approval of a site development plan.
2. 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.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
4. Developer shall pay all park and school fees at the time of townhome plat recordation.

5. At the time of issuance of a building permit, the 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. 16-454), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents and on plan notes 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 twenty five (25) adjoining property owners on August 1, 2018, for the Board of County Commissioners hearing. Responses are provided in the staff report.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Adjacent Property Owner Responses
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name:

Zone Map No.:

PARCEL	NAME
6502407102	BRADLEY INVESTMENT GROUP LLC

ADDRESS	CITY	STATE
106 SUNBIRD CLIFFS LN E	COLORADO SPRINGS	CO

ZIP	ZIP+4
80919	8013

Date:



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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June 22, 2018

**LETTER OF INTENT
THE TOWNHOMES AT BRADLEY CROSSROADS – ZONE CHANGE**

Owner:

Bradley Investment Group LLC
106 Sunbird Cliffs Lane East
Colorado Springs, CO 80919
(719) 229-8041

Developer:

J Elliot Construction LLC
12218 Crystal Downs Road
Peyton, CO 80931
(719) 499-8214
Attn: Jordan Guinane

Applicant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736
Attn: Dave Gorman

Site Location Size and Zoning:

The site of the proposed Zone Change is Lot 1A, Bradley Crossroads Filing No. 1B, located within the southeast one-quarter of Section 2, Township 15 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 65024-07-102 and is currently undeveloped, except for the adjacent private roadways located on the north and east edges of the property. The 5.24± acre site is situated south of Bradley Road, north of Gladiator Drive, east of Lincoln Plaza Drive and west of Hancock Expressway. The existing zone of the site is CC (Commercial Community). The site is proposed to be rezoned to RM-30 (Residential Multi-Dwelling) to facilitate construction of a townhome community on the site. The future development is planned to consist of 20 buildings having a total of 78 units.

Gladiator Drive borders the south edge of the site. The property to the southwest of the site is part of Bradley Ranch Filing No. 4 Phase 1, zoned RS-5000 (Residential Suburban) containing developed 5000 sf single family residential lots. The property to the southeast is a Widefield School District 3 facility zoned RS-5000. The platted properties north of the site are undeveloped Lots 2A and 5A, Bradley Crossroads Filing No. 1B, zoned CC. These lots separate the site from Bradley Road to the north. The developed property to the west is Lincoln Commons Townhomes zoned PUD and containing multi-family (townhome) use. The southeast side of the site is adjacent to developed Lot 7A, Bradley Crossroads Filing No. 1B zoned CC and containing a car wash. The adjacent property to the northeast is vacant and undeveloped Lot 4A, Bradley Crossroads Filing No. 1B zoned CC.

Engineers • Surveyors

1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736

Fax 719-635-5450 • e-mail mve@mvecivil.com

The site will be served with water by Security Water District. Sanitary Sewer treatment will be by Security Sanitation District. Electric and Natural Gas will be provided to the site by Colorado Springs Utilities. The site is located within the boundaries of the Security Fire Protection District.

A Neighborhood meeting was advertised by direct certified mail and held on May 23, 2018 at Security Fire Station No. 1. There were no attendees from the neighborhood.

Request and Justification:

The request is for approval of a change of zone of the 5.24± acre site from CC (Commercial Community) to RM-30 (Residential Multi-Dwelling). The site is currently vacant, except for the edge of shared private roadway on the north and east edges of the site. The proposed future multi-family development will be laid out and planned to comply with the requirements of the requested RM-30 zoning with respect to land use (multi-family residential), lot size, minimum building setbacks, drainage, access, and utilities.

The requested zone is compatible with the zones and uses of the surrounding zones listed above and provides a good buffer/transition between the 5000 sf single family lots opposite Gladiator Drive and the Community Commercial parcels located north of the site. The proposed zone change application is in conformance with the goals, objectives, and policies of the Master Plan including the Policy Plan discussed below. There is no operative Small Area Plan for the site.

The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request: “*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.*” The proposed rezone will not create the need for additional roadways or public facilities. The site will be the same multi-family land use as the adjacent property to the west; “*Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.*” The proposed rezone is in an area adjacent to both less dense single-family residential development on the south and future commercial land use on the the north and east. The site will serve as a transition from the lower density single family residential on the south and the future commercial areas to the north and east; “*Policy 6.1.13 – Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs*”; The proposed rezone will utilize the existing adjacent roadways without adding new public facilities.; “*Policy 6.2.14 Encourage the reasonable accommodation of mixed uses within neighborhoods for the purposes of promoting land use efficiency and providing housing options.* The proposed rezone preserves the mixed use concept in the area with single-family, multi-family and commercial uses in the neighborhood.

As a proposed Multi-Family Residential project, Park Fees and School Fees will be due.

Z:\61093\Documents\Correspondance\61093 LetterOfIntent-ZoneChange.odt

M.V.E., Inc. • Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR
July 31, 2018

This letter is to inform you of the following petition which has been submitted to El Paso County:

P-18-003

PARSONS

MAP AMENDMENT (REZONE) THE TOWNHOMES AT BRADLEY CROSSING REZONE

A request by Bradley Investment Group, LLC, for approval of a map amendment (rezoning) of 5.24 acres from CC (Commercial Community) to RM-30 (Residential Multi-Family). The property is located north of Gladiator Drive, south of Bradley Road, east of Lincoln Plaza, and west of Hancock Expressway. (Parcel No: 85024-07-102) (Commissioner District No. 4) (Kari Parsons)

Type of Hearing: Quasi-Judicial

[Handwritten signature]
For

Against

No Opinion

Comments:

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on August 21, 2018. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- The item will also be heard by the El Paso County Board of County Commissioners on September 11, 2018. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcddevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2018-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,

[Handwritten signature]
Kari Parsons, Project Manager/Planner II

Your Name: Mollie Miller

Address: 4316 Yellow Dork Pt

Property Location: 4316 Yellow Dork Point

Phone 785-445-9220

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300

COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695



www.ELPASOCO.com

EL PASO COUNTY



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Sincerely,


Kari Parsons, Project Manager/ Planner II

Your Name: Zofia Kuros

Address: 4881 Schring Ct. CO 80911

Property Location: 4364 Yellow Dock Pt Ct. CO 80911 Phone: 719-484-9998

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

www.ELPASOCO.org

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July 31, 2018

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P-18-003

PARSONS

**MAP AMENDMENT (REZONE)
THE TOWNHOMES AT BRADLEY CROSSING REZONE**

A request by Bradley Investment Group, LLC, for approval of a map amendment (rezoning) of 5.24 acres from CC (Commercial Community) to RM-3D (Residential Multi-Family). The property is located north of Gladiator Drive, south of Bradley Road, east of Lincoln Plaza, and west of Hancock Expressway. (Parcel No: 65024-07-102) (Commissioner District No. 4) (Kari Parsons)

Type of Hearing: Quasi-Judicial

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No Opinion

Comments:

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Sincerely,


Kari Parsons, Project Manager/Planner II

Your Name:

Mollie Miller

Address:

4316 Yellow Dock Pt

Property Location:

4316 Yellow Dock point
Colorado Springs, CO 80911

Phone

785-445-9220

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

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MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Dillon moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-18-003

WHEREAS, Bradley Investment Group, 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 CC (Commercial Community) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 21, 2018; 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:

The application was properly submitted for consideration by the Planning Commission.

Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.

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.

The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.

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

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

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.

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 Bradley Investment Group, 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 CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) zoning district be approved by the Board of County Commissioners:

See Exhibit A for Legal Description.

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The applicant shall apply for and receive approval of a site development plan.
2. 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.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
4. At the time of issuance of a building permit, the 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. 16-454), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents and on plan notes 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 Board of County Commissioners for its consideration.

Commissioner Risley seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Curry	aye
Commissioner Creely	aye
Commissioner Wood	aye
Commissioner Dillon	aye
Commissioner Bailey	aye
Commissioner Aurich	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

EXHIBIT A

LAND DESCRIPTION (Bradley Crossroads)

LOT 1A, BRADLEY CROSSROADS FILING NO. 1B, AS RECORDED IN RECEPTION NO. 218714143 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

RESOLUTION NO. 18-

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

**APPROVAL OF THE TOWNHOMES AT BRADLEY CROSSING MAP
AMENDMENT (REZONING) (P-18-003)**

WHEREAS Bradley Investment Group, 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 CC (Commercial Community) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 21, 2018, 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 September 11, 2018; 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. Changing conditions clearly require amendment to the Zoning Resolutions.
8. 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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Bradley Investment Group, 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 CC (Commercial Community) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The applicant shall apply for and receive approval of a site development plan.
2. 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.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

4. At the time of issuance of a building permit, the 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. 16-454), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents and on plan notes 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 11th day of September, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

EXHIBIT A

LAND DESCRIPTION (Bradley Crossroads)

LOT 1A, BRADLEY CROSSROADS FILING NO. 1B, AS RECORDED IN
RECEPTION NO. 218714143 OF THE RECORDS OF EL PASO COUNTY,
COLORADO.