

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

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 08/08/24
RE: P243; Mary Jane Ranch Rezone

Project Description

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). This item was heard as a consent item on July 18, 2024, by the Planning Commission. The vote was 9-0 for a recommendation for approval to the Board of County Commissioners. The property is located at 6425 J D Johnson Road at the intersection of Falcon Highway and J D Johnson Road and one mile east of Peyton Highway. (Parcel No. 3315000001) (Commissioner District No. 2)

Notation

Please see the Planning Commission Minutes from July 18, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Fuller moved and Byers seconded the motion to recommend approval of item P243 utilizing the resolution attached to the staff report with two (2) conditions and two (2) notations. The motion was **approved (9-0)**. The item was heard as a consent item at the Planning Commission hearing. Public opposition was not received.

Attachments

1. Planning Commission Minutes from 07/18/24
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

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

EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, July 18, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, BRYCE SCHUETTELPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JEFFREY MARKEWICH AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, SCOTT WEEKS, ELIZABETH NIJKAMP, ED SCHOENHEIT, DANIEL TORRES, JOE SANDSTROM, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: TOM SWAIM AND ROGER LUND.

1. REPORT ITEMS

Ms. Herington updated the board regarding an upcoming BOCC policy change that impacts how volunteer board vacancies are filled across the County. She provided an update on the current vacancy status of the PC. Because the board member assigned to the LDC working group is not an active member of the PC due to the new policy, the board may want to select a new/backup representative. The first LDC workgroup meeting is August 14, 2024.

Mr. Bailey asked the board members to consider their interest in serving on the LDC workgroup. He acknowledged that Mr. Moraes is their top choice. In the past, Mr. Trowbridge expressed interest.

Mr. Kilgore advised the board that agenda item 3D, P247, would be requesting postponement to a date certain of August 1. The next PC Hearing will be Thursday, August 1, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held June 20, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. VR2314

HOWSER

**VACATION AND REPLAT
THE SHOPS AT MERIDIAN RANCH FILING NO. 2**

A request by Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC for approval of a 2.43-acre Vacation and Replat creating 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot. The property is zoned CR (Commercial Regional) and is located at 11830 Stapleton Drive, at the northeast corner of the intersection of Stapleton Drive and Meridian Road (Parcel Nos. 4230319055 and 4230319056) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2314 FOR A VACATION AND REPLAT, THE SHOPS AT MERIDIAN RANCH FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

C. P243

LETKE

**MAP AMENDMENT (REZONING)
MARY JANE RANCH REZONE**

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 6425 J D Johnson Road which is at the intersection of Falcon Highway and J D Johnson Road and one mile east of Peyton Highway. (Parcel No. 3315000001) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Fuller asked why the Assessor's website map didn't match the imagery provided in the staff report.

Mr. Letke explained that the Assessor's aerial imagery may not be as up to date as the GIS application used by PCD staff. The image in the staff report is correct.

Ms. Fuller asked when the parcels south of the subject property were subdivided.

Mr. Letke answered that those properties were subdivided prior to State regulations. They are legal non-conforming, smaller than 35 acres in the A-35 zoning district.

Mr. Whitney pointed out that the staff report identified the rezoning would be compatible with the other zoning in the area, but that appears to all be A-35. He further stated that it appears the property is surrounded by 5-acre lots.

Mr. Letke clarified that the properties northwest are zoned RR-5 and while zoned A-35, the properties to the south are smaller than the 35-acre minimum lot size. Deeds were used to verify parcel legality.

Mr. Kilgore added that when zoomed out on the Assessor's map, some of the parcel lines disappear.

Ms. Fuller asked if the lots to the south were all 5 acres in size.

Mr. Letke answered that some are 5 acres and some are slightly larger.

PC ACTION: FULLER MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER P243 FOR A MAP AMENDMENT (REZONING), MARY JANE RANCH REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

D. P247

WEEKS

**MAP AMENDMENT (REZONING)
MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI**

A request by CS 2005 Investments III, LLC for approval of a Map Amendment (Rezoning) of 63.52 acres from PUD (Planned Unit Development) to RM-30 (Residential Multi-Dwelling). The property is located north of South Academy Boulevard and west of Venetucci Boulevard. (Parcel Nos. 6504300049 and 6504300050) (Commissioner District No. 4)

PC ACTION: FULLER MOVED / CARLSON SECONDED TO POSTPONE CONSENT ITEM 3D, FILE NUMBER P247 FOR A MAP AMENDMENT (REZONING), MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI, TO A DATE CERTAIN OF AUGUST 1, 2024. THE MOTION TO POSTPONE THE ITEM PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

E. VA242

LETKE

**VARIANCE OF USE
POWERS BOULEVARD CMRS TOWER VARIANCE OF USE**

A request by T-Mobile West, LLC for approval of a Variance of Use to allow a temporary freestanding CMRS Facility (Commercial Mobile Radio Service) tower in the A-5 (Agricultural) district. The vacant property is located at the northeast corner of State Highway 21 and Fontaine Boulevard. (Parcel No. 5500000015) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER VA242 FOR A VARIANCE OF USE, POWERS BOULEVARD CMRS TOWER VARIANCE OF USE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTELPELZ, SMITH, & WHITNEY.
IN OPPOSITION: NONE.
COMMENTS: NONE.

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEMS

A. P242

BAGLEY

MAP AMENDMENT (REZONING) APEX VILLAGE REZONE

A request by Richard Holmes for approval of a Map Amendment (Rezoning) of 37.47 acres from A-35 (Agricultural) to CC (Commercial Community). The property is located at 16888 Elbert Road and is located one-half of a mile south of the intersection of Elbert Road and Hopper Road. (Parcel No. 4122000002) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked about drainage and topography related to property east of Elbert Road.

Mr. Schoenheit explained that the land east of Elbert Road has different terrain, contours, and slope. He stated that there is a slight slope on the northern part of the subject property.

Ms. Merriam clarified then that the drainage will not be an issue.

Mr. Schoenheit replied that if development is kept at a small scale, there should not be a great impact. If larger commercial use were to be proposed, the potential need for water detention would need to be evaluated. That was not required for the subject application.

Ms. Merriam asked about the scale of the proposal. She asked if the event center would be a small local riding arena or a large County Fair.

Mr. Schoenheit answered that the applicant is proposing a small-scale 2,000-3,000 square foot business even center – a small building for commercial – and a small parking lot. At least initially, the impact should not be great.

Ms. Merriam asked about the permeability of different parking surfaces.

Mr. Schoenheit explained that gravel parking lots are assessed at 80% impervious. The larger the parking lot, the more runoff, which would affect the drainage analysis.

Mr. Whitney asked about the limited commercial use (size) allowed after the potential rezoning.

Ms. Bagley stated that if the property were to be rezoned to CC (Commercial Community), any of the allowed commercial uses would be possible so long as they meet dimensional standards.

Mr. Whitney clarified that he thinks the estimation that runoff would be limited with the current proposal could be irrelevant if the plans expand in the future.

Ms. Bagley confirmed and added that the CC zoning district does not have a maximum lot coverage standard, so the property could potentially be fully utilized in a commercial way.

Mr. Smith mentioned a letter of opposition that discusses a berm existing where the driveway is proposed. How will that be addressed?

Mr. Schoenheit answered that the applicant will need to submit construction drawings and a grading and erosion control plan during the Site Development Plan stage.

Mr. Smith clarified that the applicant would need to address potential drainage impacts that grading would create at that later stage.

Mr. Schoenheit confirmed.

The staff presentation concluded. The applicant's presentation began.

Mr. Smith asked if the applicant has any investment partners.

Mr. Richard Holmes, the owner and applicant, replied that they do not currently have partners. He is waiting to have the results of the requested rezone before he ventures further. His intention currently is to establish a single event center in Phase 1.

Ms. Fuller asked for further explanation of how the proposal is in conformance with the Master Plan.

Mr. Holmes replied that from what he read in the Master Plan, proposing a rural center in the subject placetype seemed appropriate. The only way for him to provide that on his property is to pursue a rezone.

Mr. Byers mentioned a recent application (rezoning to RVP for a commercial purpose) that had significant community opposition. Part of the opposition was due to business being taken from Maggie's Corner Store in Peyton. He theorized that the subject proposal could have the same result. He questioned the timing of the proposal and asked, "why now?"

Mr. Holmes responded that he has observed what is happening in the surrounding area and further stated that his proposal will likely be a 20-year plan. His first phase will be small scale. Long-term, he envisions a place that provides medical offices, pet care, haircuts, etc.

Mr. Byers asked how the proposal will be compatible and consistent with the surrounding area.

Mr. Holmes answered by explaining that the surrounding area needs a rural center. The nearest places like that available are Black Forest and Elbert, each about 10 miles away. His goal is to serve the immediate, growing community. After the first phase, businesses could come in as needed, or if an investor is interested. He stated the infrastructure would be in place to support future needs. He acknowledged that the property is surrounded by RR-5 and A-35, but it's located along Elbert Road and would be able to easily serve the wider area.

Mr. Byers remarked that he found it interesting that there was such opposition to the RVP proposal but there is much less opposition to the current proposal.

Mr. Whitney reiterated his understanding that Mr. Holmes is proposing something that isn't compatible with surrounding zoning at this time because it could be needed after future growth.

Mr. Holmes agreed. He reiterated that he would begin with a small first phase.

Mr. Whitney replied that once a rezoning is potentially approved, "the horse is out of the barn." If the property is rezoned, it has the potential to become a much larger commercial development than currently intended.

Mr. Holmes stated the development would follow the rural placetype.

Mr. Whitney responded that the property is within the rural placetype already, and as noted in the staff report, that placetype does not recommend commercial development.

Ms. Fuller pointed out the large size of the property. She asked if the rezoning would allow for a Wal-Mart to be built as a worst-case scenario.

Mr. Holmes answered that it could be allowed but is not his intention. He'd like to develop a village-like setting. He does not intend to build a strip mall.

Ms. Bagley read a list of what would be allowed by right in the CC zoning district. She mentioned commercial and retail shopping centers, community buildings, gas stations, health clubs, material disposal sites, offices, and rehabilitation centers.

Mr. Bailey cautioned against using subjective examples of worst- or best-case scenarios. He further stated that a Wal-Mart on the subject parcel is an overestimation.

Ms. Fuller agreed and further stated that while a Wal-Mart on the parcel is highly unlikely, how the rezoning could impact the area is a very important discussion. The subject property is very large and is located within a residential area.

Mr. Whitney pointed out that whether or not the community would like to see those services available in the area will be reflected by public outreach.

Mr. Bailey noted that even if people are opposed to the rezoning at the hearing, market forces would drive the scale of development and dictate the timeline. He stated that he appreciates the property owner's entrepreneurial drive and vision in recognizing that the subject area may grow in the future. He further stated that the groundwork for the establishment of a commercial center will be complete for when the surrounding A-35 is developed into 5-acre, 2.5-acre, or denser lots.

Ms. Merriam pointed out that the residents of the eastern plains have often intentionally moved to a remote area because they wanted to avoid density, traffic, etc. She mentioned observing this sentiment in the public comments of multiple projects. She doesn't think the proposal is a good idea for the current community.

Mr. Holmes replied that he moved to the area for those same reasons. He further stated that there are now several subdivisions of 5-acre lots that have been approved by the County. He stated that he was disappointed when the property across the road from him was subdivided. He suggested that his proposal is a result of what has been allowed to happen already in the rural area. When he saw the addresses of people opposed to his proposal, he observed that they are located directly off Elbert Road. He stated that Elbert Road is going to become so busy in the future that they won't have the rural feeling they had been looking for.

Ms. Merriam suggested that if the applicant's proposal isn't approved by the BOCC at this time, perhaps the idea would be successful in the future. She stated that she doesn't want to see the subject area being turned into a dump, which could be an allowed use if rezoned.

Mr. Holmes responded that he has already noticed two parcels along Elbert Road used as vehicle dumps. His intention is to create a village setting as opposed to a dump. He lives on the property.

Mr. Schuettpelz asked if the applicant would continue to live on the property.

Mr. Holmes stated that he plans to build a 3,000 square foot business event center, so there would still be room for his home.

Mr. Schuettpelz asked staff how long that would be allowed if the property were to be rezoned.

Mr. Holmes added that he would be interested in establishing owner-occupied commercial developments that have residences above the businesses.

Ms. Bagley answered that a detached single-family residence is not allowed within the CC zoning district so a Variance of Use application would be needed.

Ms. Seago stated that the existing residence would become a legal non-conforming use because it existed before the rezoning. The applicant would not be allowed to expand the non-conformity, but he wouldn't be required to move.

Ms. Bagley further explained that mixed-use residential use could be allowed in the CC zoning district with Special Use approval, which would require additional review by the PCD Department. It could potentially be an administrative process.

Mr. Holmes concluded by stating he believes having a commercial center in this area will be good.

PUBLIC COMMENTS

Mr. Tom Swaim spoke in opposition. He does not believe the application satisfies the first LDC criteria of approval, *"The application is in general conformance with the Your 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."* He stated that the subject property is in the rural placetype defined in the Master Plan. Commercial zoning is inconsistent with that placetype and is not listed in the conformance table. He stated that the entire surrounding area is an open prairie that provides habitat to wildlife. The surrounding area is also used for agricultural grazing.

He questioned the purpose of a Master Plan if it is not adhered to. He pointed out that the Master Plan is meant to ensure responsible development, and avoid the pitfalls of haphazard, uncontrolled development. The Master Plan is meant to help people decide where they'd like to live with the assurance that they are within a neighborhood that has a stable placetype. He explained why he and his wife chose to build in Apex Ranch Estates (with an average 1 home per 15 acres). They previously lived in Peaceful Valley, Fountain, and felt driven out by the uncontrolled development of Lorson Ranch. When they researched potential areas to move, they specifically chose an isolated area. They were comforted by the designation of the surrounding rural placetype. He stated that a rezoning to commercial within the rural placetype would be a violation of people's trust in the County's efforts via the Master Plan to ensure responsible development. He reiterated that the relocation to an area distanced from conveniences was done intentionally. He suspects that other people drawn to the area are looking for that same quality of life.

He stated that approving a rezone contrary to the Master Plan's designation will set a bad precedent for further exceptions and lead to accelerated development. He is concerned that the commercial development of the subject parcel will create a high-risk situation destined for failure due to its location. He stated that adherence to the Master Plan is not only done for aesthetic and sustainable development of the County but is also done for valid business reasons. Nearby successful commercial centers are in areas with higher density levels and established public infrastructure. He mentioned the Woodmen/Meridian/Hwy 24 intersection, the Stapleton/Meridian intersection, and Northgate/Hwy 83 intersection. He pointed out that areas like Peyton and Elbert have historically proven that they lack the population to sustain commercial areas. He further pointed out that there is a parcel of land already zoned commercial at the corner of Meridian and Hodgen (Winsome development) that has been vacant for the past 5 years. He suggested that its location is more appropriate, but the lack of development seems to suggest there is a lack of demand. He questioned the applicant's business plan, ability, and lack of representation.

Mr. Roger Lund spoke in opposition. Agreed with Mr. Swaim's remarks regarding LDC criteria number 1. He stated that he would focus on criteria number 3, *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions."* He read the list of uses that would be permitted if rezoning were approved: assisted living, dining services, food delivery, entertainment, learning center, child daycare, grocery, local deliveries, hair salon, fitness center, library, mail and packing services, banking, office space, car wash, laundromat, shopping/retail, and medical centers. He doesn't think any of those uses are compatible with the existing rural residential area. He stated that he moved to the country for a reason. While the comment about Wal-Mart was facetious, if he had wanted to live in proximity to the listed amenities, he would have purchased a home near Falcon Highlands or Meridian Ranch. He stated that he wants to enjoy his quiet land and does not want to experience the impacts that come with a commercial development.

As a solution or Mr. Holmes, he suggested looking into Internal Revenue Code (IRC) Section 1031, "like-kind exchange". He explained that if someone owns a piece of real estate meant for a use other than what they have planned, they can work out a third-party transaction with a qualified intermediary to exchange that parcel for another one. He applauds Mr. Holmes for being an entrepreneur but suggested that he should contemplate locating his proposal somewhere that is either already zoned commercial or will not have the adverse impact that the subject location has. He reiterated Mr. Swaim's reference to the commercial property at Meridian/Hodgen. He further suggested that a rezoning to RR-5 would not be as drastic of a request (siting LDC criteria 3) as the proposed rezoning from A-35 to CC. He is worried about Mr. Holmes' 20-year plan not coming to fruition and the surrounding area being left with blighted property. He concluded by pointing out that while the review agencies didn't object to the applicant's plan, they also didn't endorse it.

Mr. Holmes provided rebuttal. He stated that his intention is to build a rural center, not a giant commercial center. He stated that to accomplish that, the Planning Department told him he'd need to pursue a rezoning to Community Commercial. If there is another way to accomplish his goal, he's open to pursuing that path.

DISCUSSION

Mr. Smith asked if there would be the opportunity for the applicant to meet again with PCD staff to discuss other options. He specifically mentioned rezoning to RR-5.

Mr. Bailey explained that the opportunity for an applicant to meet with staff to discuss their vision has already taken place and is what brought them to this point.

Ms. Bagley added that Mr. Holmes has met with PCD staff several times and began the process in pursuit of a Special Use for limited commercial on his property. Mr. Holmes' plans continued to expand, so staff mentioned that rezoning to commercial would accommodate his full vision for the future. She stated that it is still an option to pursue the Special Use request, but the rezoning was deemed more appropriate for the full number of commercial uses that he wanted.

Mr. Carlson clarified that the applicant could request a Special Use to accommodate the 2,000-3,000 square foot business event center.

Ms. Bagley replied that she would need to investigate whether it would be a Special Use or Variance of Use, but it would be possible.

Ms. Fuller asked if the applicant could pursue a PUD zoning where most of the property is 5-acre residential lots and a smaller portion is designated commercial.

Ms. Bagley replied that if that was what the applicant had wanted to do, it could have been explored as a potential solution.

Ms. Fuller explained that she hopes every possibility is explored to help the applicant because land use development is not his profession. She further stated that the large size of the property is what worries her regarding compatibility.

Ms. Bagley stated that a PUD was not discussed. The applicant was only interested in proposing commercial development. PCD staff discussed pursuing a Special Use or Rezoning at that time.

Ms. Fuller asked if staff ever tries to suggest applicants pursue PUDs.

Ms. Bagley explained that PCD staff review what an applicant submits and compares that with the LDC to determine the best route an applicant should take to accomplish their goal. Based on what Mr. Holmes presented as his objective, PCD staff suggested pursuing Special Use or Rezoning.

Ms. Herington added that a business event center in A-35 would require Special Use approval. That aligns with the conversation that has taken place during the hearing. There are additional uses that could be allowed with Special Use in A-35. While the letter of intent was written broadly, the PC has the option to condition the straight zone to remove certain uses.

Mr. Bailey clarified his understanding that the overall vision is what led to the current request. The applicant's plan may not be specific enough to define in a PUD currently.

Mr. Schuettpelz reiterated that the first phase mentioned (a business event center as Special Use in A-35) was discussed, but then the applicant continued by describing additional aspirations that exceeded what is allowed with Special Use approval. As presented currently, he doesn't think the rezoning to commercial meets LDC criteria points 1 or 3.

Mr. Whitney agreed with Mr. Schuettpelz' comments. He remarked that the obstacle seems to be nailing down what the applicant wants. If the applicant were only intending to do a small business event center, perhaps a Special Use could have been utilized without upsetting residents of the surrounding area. A rezoning to commercial, however, has the potential of turning the property into something that's wildly incompatible with properties around it.

Ms. Fuller added that Agritainment is allowed in A-35.

Ms. Bagley confirmed.

Ms. Herington added that an amusement center, outdoor, is a Special Use. There are many options. A commercial retail center, however, is not permitted in A-35. There is no LDC definition of a *rural* commercial center, so treating it as a commercial retail center is perhaps how staff treated the request. Staff tries to give as much information to applicants as possible during EA meetings. Staff also tries to give applicants the heads-up if a request is going to be difficult and tries to provide alternatives.

Mr. Bailey stated that there is sometimes a challenge in reconciling the Master Plan with the rules and regulations of the LDC. The Code rewrite will help. He believes the Master Plan allows for and recognizes rural centers in various places. Property owners are allowed to use their properties to become rural centers. He believes there will be compatibility because at some point it will be needed. The applicant is proposing the use before the demand, but that's not up to the Planning Commission to decide which comes first. He applauded PCD staff in recognizing that Mr. Holmes is seeking to use his property in the way he sees fit. His vision may be long term, but rezoning is the right path to get him where he'd like to see his property one day. He does think the application meets criteria 1 and 3. After potential approval by the BOCC, bulldozers will not move in and build a Wal-Mart because that's not the applicant's vision. The applicant still lives on the property. The project will start small and will take a long time.

Mr. Whitney doesn't know why criteria 1 and 3 are part of the LDC criteria for approval if they're not meant to be adhered to.

Mr. Carlson cited non-conformance with LDC criteria for approval number 1 and 3. He further mentioned the property's very large size and the lack of control over future use of the property.

Ms. Fuller also mentioned concerns regarding the property's large size. She agreed that applicants have every right to ask for a rezoning of their property, but the Planning Commission has the right to say it doesn't fit.

Ms. Merriam stated she doesn't think the application meets LDC criteria numbers 1 or 3 as presented. She further stated there is nothing stopping the applicant from pursuing a Special Use.

Mr. Smith appreciated the forward thinking, and stated there are opportunities available. He agreed with the concern regarding a lack of control due to the large size of the property. He encouraged the applicant to speak with a consultant.

Mr. Whitney commended the applicant for trying to be forward thinking but encouraged the applicant to come up with a way to be ahead of the curve without changing the character of the area. He mentioned the process may need to be taken in smaller steps.

Mr. Bailey pointed out that there is no black and white; there is a lot of middle ground in the views expressed by board members. There must be a balance between holding onto the County everyone knows from the past with the County that exists currently.

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND DISAPPROVAL OF REGULAR ITEM 5A, FILE NUMBER P242 FOR A MAP AMENDMENT (REZONING), APEX VILLAGE REZONE, FOR NOT MEETING LDC CRITERIA 1 OR 3, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND DISAPPROVAL PASSED (7-2).

IN FAVOR: BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: BAILEY AND BRITAIN JACK.

**MASTER PLAN
MAJOR TRANSPORTATION CORRIDORS PLAN**

The El Paso County Department of Public Works requests adoption of the Major Transportation Corridors Plan (MTCP) into the Your El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of roads within unincorporated El Paso County. The MTCP is a critical step in creating an effective and efficient transportation infrastructure that meets future needs. The Plan will provide an updated vision for future transportation, a list of transportation improvements, and a long-term right-of-way preservation plan for each major roadway. (All Commissioner Districts)

PC ACTION: FULLER MOVED / MERRIAM SECONDED APPROVAL AND ADOPTION OF REGULAR ITEM 5B, FILE NUMBER MP241 FOR A MASTER PLAN, MAJOR TRANSPORTATION CORRIDORS PLAN (MTCP), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION FOR APPROVAL AND ADOPTION PASSED 9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.
IN OPPOSITION: NONE.
COMMENTS: NONE.

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 11:23 A.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

FULLER moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P243
MARY JANE RANCH REZONE

WHEREAS, Robert Williams did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Robert Williams for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) 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 El Paso County Board of County Commissioners for its consideration.

Byers seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

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

EL PASO COUNTY PLANNING COMMISSION


By: 
Chair

EXHIBIT A

Legal Description

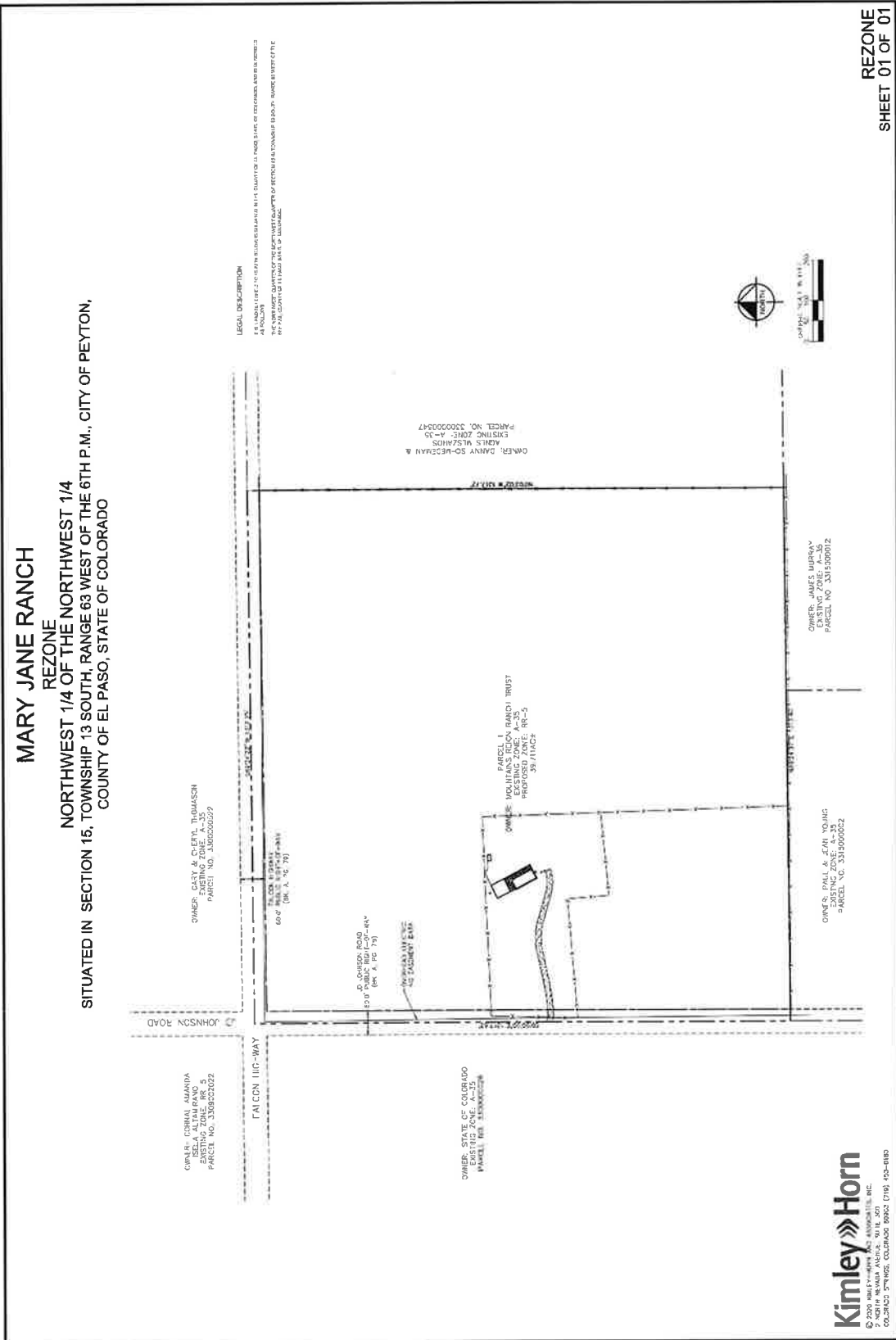
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED

AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 IN TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

SAID PARCEL IS 1,729,857SF OR 39.712AC, MORE OR LESS.

EXHIBIT B



EL PASO  **COUNTY**

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

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Joseph Letke, Planner II
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: P243
Project Name: Mary Jane Ranch Rezone
Parcel Number: 3315000001

OWNER:	REPRESENTATIVE:
Robert Williams 16975 Falcon Highway Peyton, CO 80831	Kimley-Horn and Associates, Inc. c/o Jim Houk 2 North Nevada Ave, Suite 300 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	7/18/2024
Board of County Commissioners Hearing Date:	8/8/2024

EXECUTIVE SUMMARY

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 6425 J D Johnson Road which is at the intersection of Falcon Highway and J D Johnson Road, one mile east of Peyton Highway.





A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no waivers associated with this request.

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

B. APPROVAL CRITERIA

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning), of the El Paso County Land Development Code (As Amended):

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

C. LOCATION

North:	A-35 (Agricultural)	Residential
South:	A-35 (Agricultural)	Residential
East:	A-35 (Agricultural)	Residential
West:	A-35 (Agricultural)	State of Colorado Exempt Nonresidential Land Use

D. BACKGROUND

The subject property was zoned A-35 on March 24, 1999, when zoning was first initiated for this portion of El Paso County. The current request is proposed to rezone the subject property to RR-5 (Residential Rural) to allow for subsequent subdivision of the parcel into four lots, however approval of the Map Amendment (Rezoning) to RR-5 could potentially permit more lots 5 acres in size.

If the request for a Map Amendment (Rezoning) is approved, the applicant will be required to submit and receive approval of a subdivision application.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone forty (40) acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: RR-5 (Residential Rural)
Maximum Density		
Minimum Lot Size	35 Acres	5 Acres
Minimum Width at Front Setback	500 feet	200 Feet
Front Setback	25 Feet	25 Feet
Rear Setback	25 Feet	25 Feet
Side Setback	25 Feet	25 Feet
Maximum Lot Coverage	None	25%
Maximum Height	30 Feet	30 Feet



F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

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

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

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

Recommended Land Uses:

Primary

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

Supporting

- *Estate Residential (Minimum 1 Unit/5-Acres)*
- *Institutional*

Analysis:

The subject area and property fall within the Rural placetype. The Rural placetype supports estate residential which has a minimum of 1 unit per 5 acres. The subject



property is adjacent to one platted community which is zoned RR-5 (Residential Rural). The subject property is located due west of a second platted community which is zoned RR-5 (Residential Rural). While the applicant's letter of intent currently states the intention for a future subdivision of 10 acre lots, the RR-5 zoning allows for lots with a 5-acre minimum. Future subdivisions will require submittal of a Final Plat and review by Planning and Community Development.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.

Analysis:

The rezone is proposing a zone change from A-35 to RR-5. The subject property is near adjacent to several properties zoned RR-5, PUD and A-35. The subject property consists of roughly 40 acres. The RR-5 zoning would be consistent with other zoning in the area.

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

There are no other implications associated with this project.

2. Water Master Plan Analysis

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

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Goal 1.2 – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within



Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

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

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

3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

During Final Platting a Soils and Geology report will be submitted which will identify potential site hazards. No hazards have been identified during the Map Amendment (Rezoning) review.

2. Floodplain: The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0590G, effective December 7th, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

3. Drainage and Erosion: The property is located in Hook and Line drainage basin. This basin is unstudied with no applicable basin or bridge fees. Drainage on the parcel



generally flows from the northwest to the southeast. A drainage report is not required with the rezone application but will be reviewed with any future platting application.

- 4. Transportation:** The parcel is located at the intersection of Falcon Highway and J D Johnson Road. Both roads are County maintained. Falcon Highway is a paved collector road while J D Johnson is a gravel local road. A Traffic Impact Study was not required to be submitted with the application in accordance with the Engineering Criteria Manual Section B.1.2.D. The proposed rezone is expected to generate approximately 30 new daily trips to the local road network. No public road improvements have been identified or proposed with the development. Access to the parcel will be limited to J D Johnson Road as the lower classification local road. The property is subject to the El Paso County Road Impact Fee Program. Driveway access permits will be required for any new access points to a county road.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water will be provided by well.

2. Sanitation

Wastewater will be provided by onsite wastewater treatment systems.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The Ellicott Fire District has no objections to the Map Amendment (Rezoning).

4. Utilities

Electric services will be provided by Mountain View Electric Association.

5. Parks/Trails

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

6. Schools

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



I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues with this request.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning), of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) 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.

L. PUBLIC COMMENT AND NOTICE

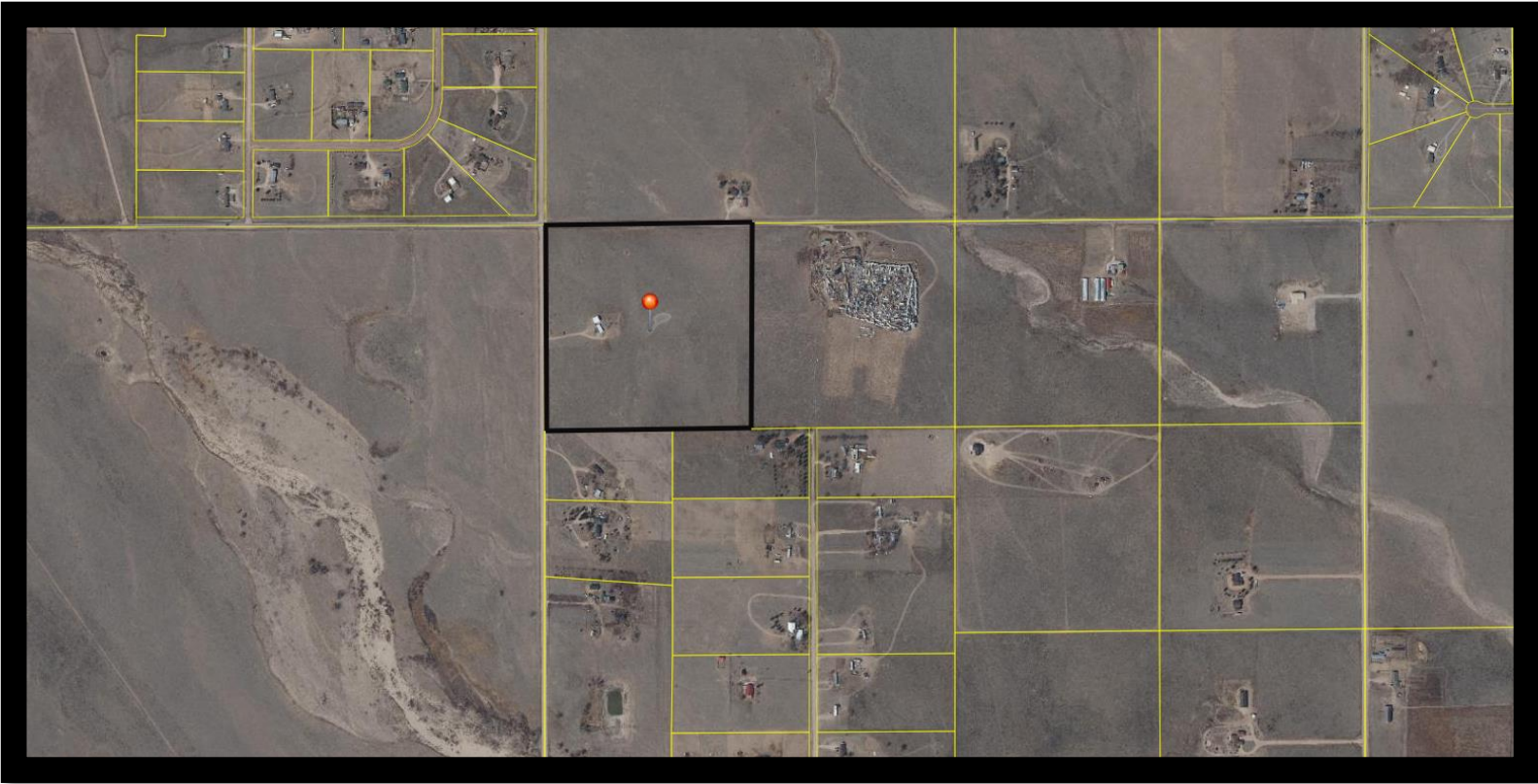
The Planning and Community Development Department notified eleven (11) adjoining property owners on July 3, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

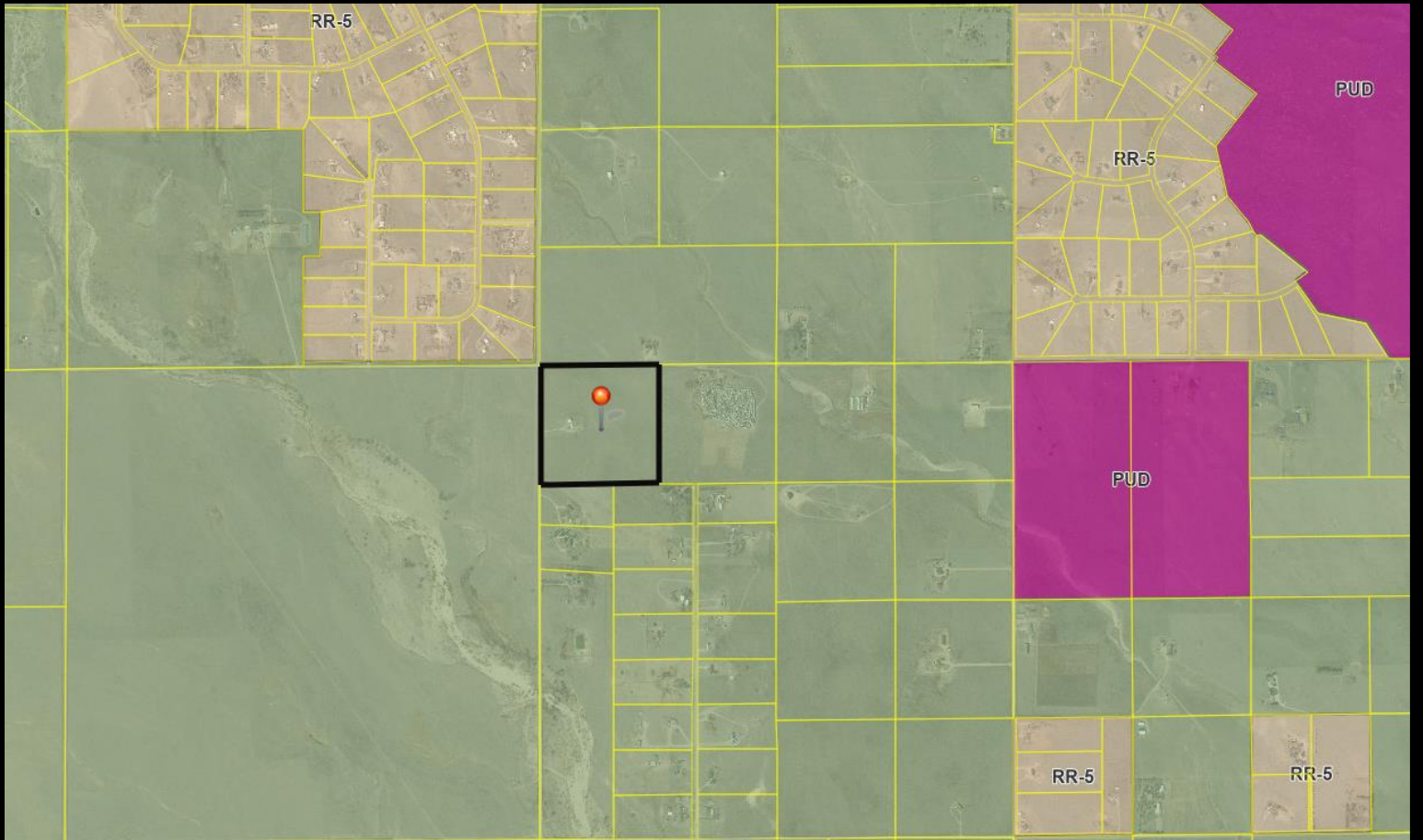
Map Series
Letter of Intent
Rezone Map
Draft Resolution



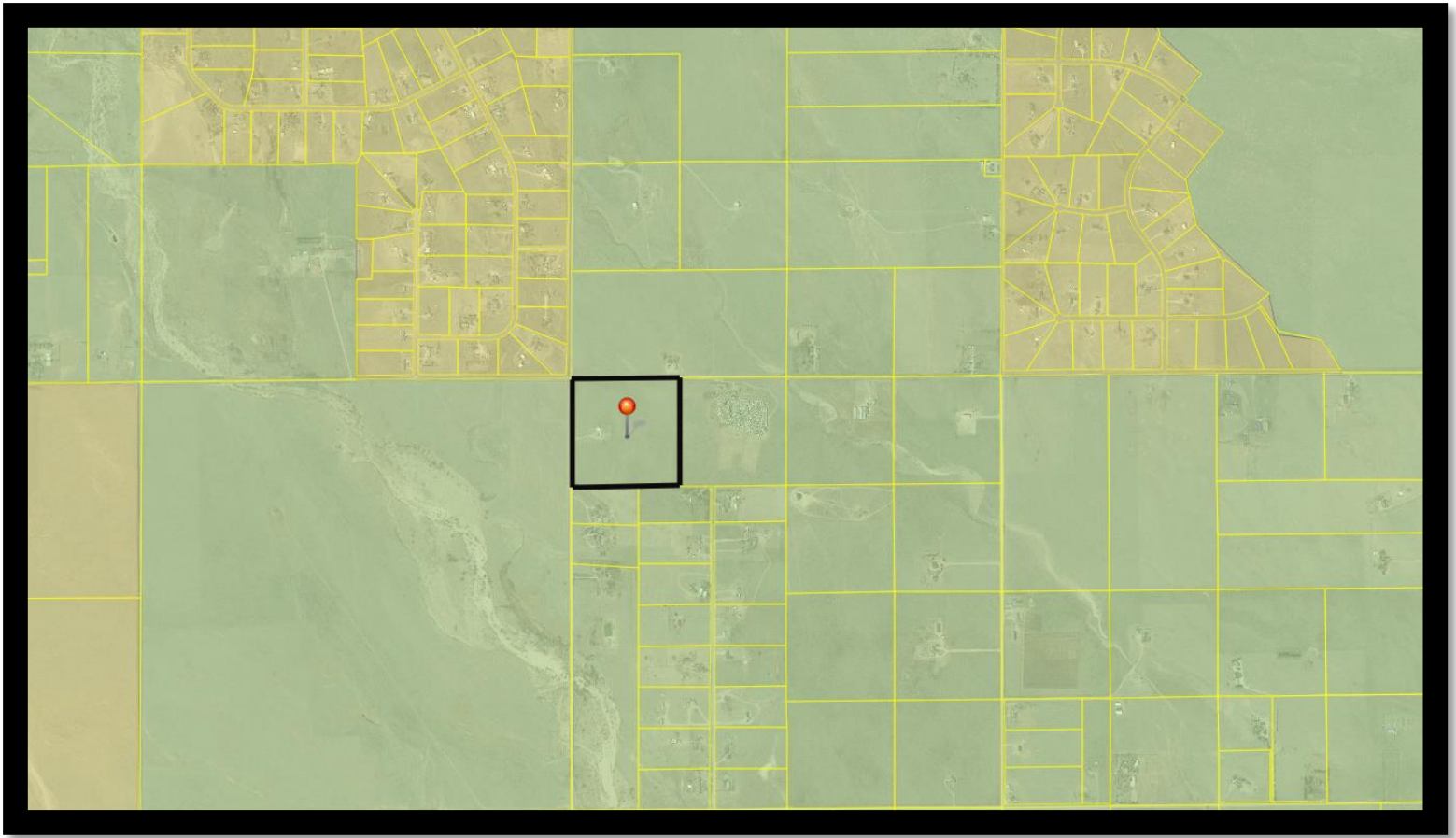
Map Exhibit #1: Aerial









Map Exhibit #2: Zoning



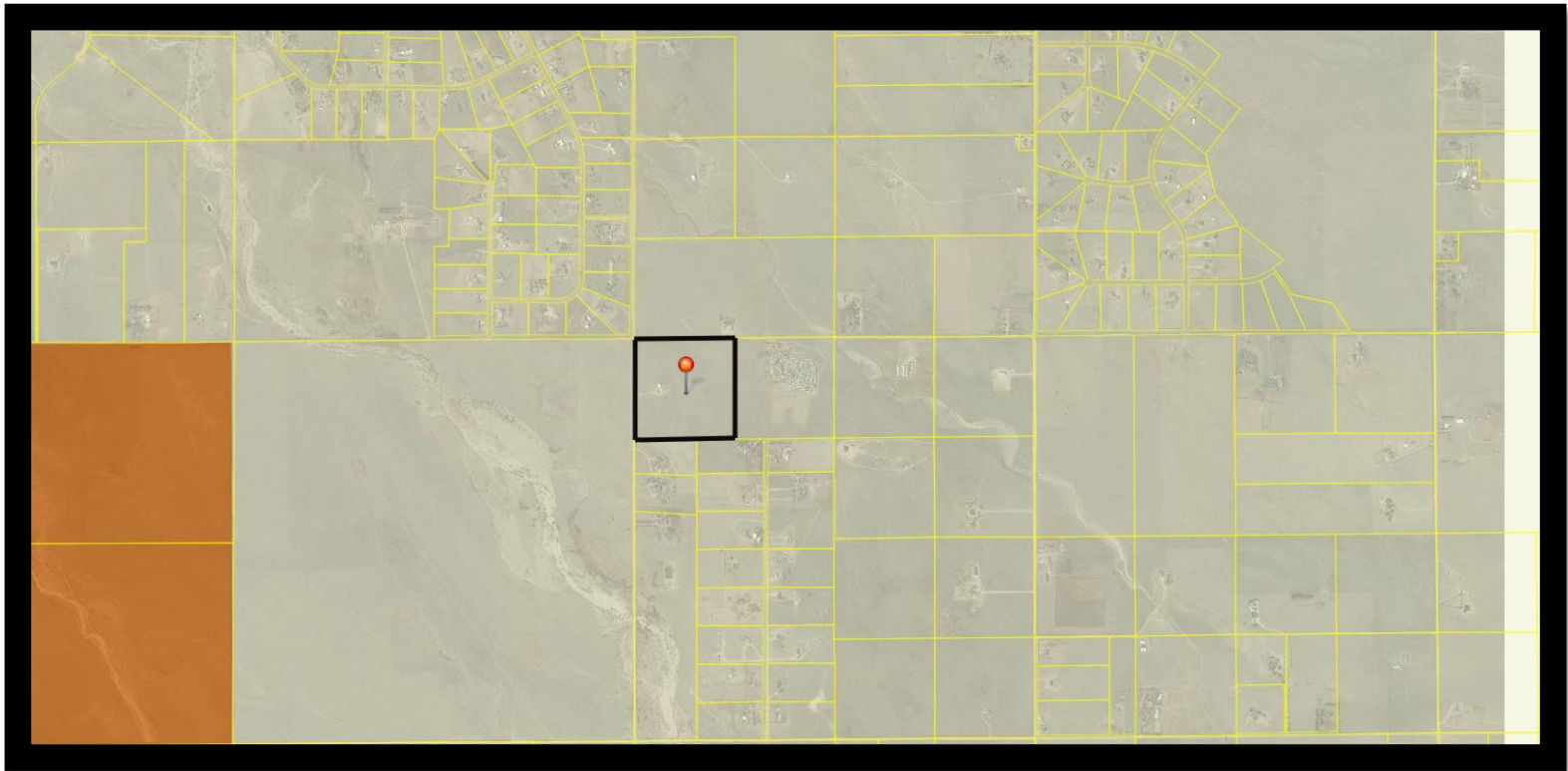
Map Exhibit #3: Placetype








Legend

-  Rural
-  Large-Lot Residential
-  Suburban Residential
-  Urban Residential
-  Rural Center
-  Regional Center

Map Exhibit #4: Area of Change



Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MOUNTAINS REIGN RANCH TRUST
16975 FALCON HIGHWAY,
PEYTON, CO 80831
stuing@protonmail.com
406-438-184

PLANNING SUPPORT

KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
jim.houk@kimley-horn.com
719-284-7280

ENGINEERING

KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
mitchell.hess@kimley-horn.com
719-284-7281

SURVEYING

CENTENNIAL LAND SURVEYING, LLC
3135 LEHMAN DRIVE
COLORADO SPRINGS, CO 80106
mike@centennialandsurveying.com
719-284-7281

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3315000001 EPC. The proposed rezoning is located near the southeast corner of the intersection of Falcon Highway and J D Johnson Road. The total acreage of the proposed rezone is ±40.01ac. Currently Zoned: Agricultural 35acres (A-35), Proposed zoning Rural Residential 5 acres (RR-5).



REQUEST

The application is to Rezone 40.01 acres from the A-35 zone to the RR-5 zone. The application includes the following request:

- Approval to rezone Parcel No. 3315000001.
- The Rezone process is projected to be approved concurrently with the minor subdivision and final plat of said parcel to four (4), ten acre lots.

JUSTIFICATION

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

The proposed Rezone from the A-35 district to the RR-5 district provides opportunity for the developer to include additional residential uses and rural residential options. The proposed RR-5 district and plat plans to subdivide the parcels into four (4) +/-10 acre lots. The Residential (RR-5) lots allow the developer to maintain compliance with adjacent zoning to the northwest (Oasis Subdivision) and match the 10 acre and less parcels to the south, (Zoned A-35). In addition, the subject parcels directly abut Falcon Highway which is a Major Arterial. Access for the proposed lots will be provided off of J D Johnson Road. Furthermore, the proposed planned residential development will respect the zone ordinance and the related buffers and setback with adjacent surrounding uses and residents.

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

The rezone to RR-5 is compatible with adjacent properties and maintain the established characteristics of the area.

Zone District Dimensional Standards

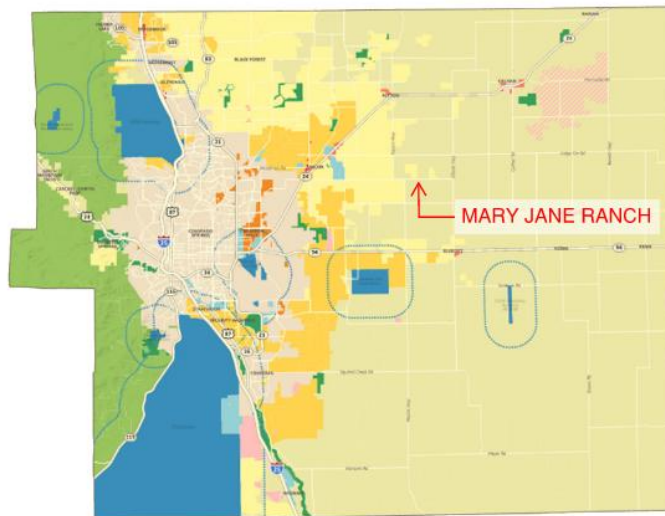
Code: (RR-5)		Proposal:	
Minimum Lot	5-Acre	Minimum Lot	10-Acre
Width at Front Setback	200'	Width at Front Setback	200'
Front Set Back	25'	Front Set Back	25'
Rear Setback	25'	Rear Setback	25'
Side Setback	25'	Side Setback	25'
Lot Coverage	25%	Lot Coverage	25%
Building Ht.	30'	Building Ht.	30'

*The proposal is consistent with the existing RR-5 zoning standards

**The are no special Districts or Overlay zoning that impact the zone change considerations.

Compliance with the Master Plan

Placetypes



Placetypes



PLACETYPES	LAND USES																		
	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multi-Family	Mixed Use	Restaurant	Commercial Retail	Tourism/Service	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○															○	
Large Lot	○		●					○	○									○	
Suburban				●	○	○		○	○									○	○
Urban Residential				●	●	●	○	○	○		○							○	○
Rural Center				●	○	○		●	●	●									●
Regional Center					○	●	○	●	●	●		●	○						○
Employment Center								○	○	○		●	●	●					
Regional Open Space																		●	●
Mountain Interface				○				○	○	○								●	●
Military				○	○	●		○	○	○		○	●	●				○	○
Utility																		○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype.
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

Rural Character

The Rural Character “placetype” comprises ranchland, farms, and other agricultural and large lot uses. The primary land use in this placetype is agriculture, however residential uses such as farm homesteads and residential estates are allowed as supportive /related uses. Residential lot development within the Rural placetype typically cover 35, 10, 5 and 2 acre lots. The Rural place-type covers most of the eastern half of the County.

Majority of rural residential areas rely on well and septic services for residential development that tend to be larger in size, greater than 2 acres. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places. The residences in these areas rely on access to regional transportation routes.

- **The rezone would be consistent with this placetype**
 - Minimal lot area will be larger than 5-acres per unit
- **The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.**
- **The proposal would match the existing and predicted patterns of growth in the area.**
- **The proposal is consistent with available and necessary services.**
- **The rezone would have no impact on any currently approved sketch plans.**

Key Areas:

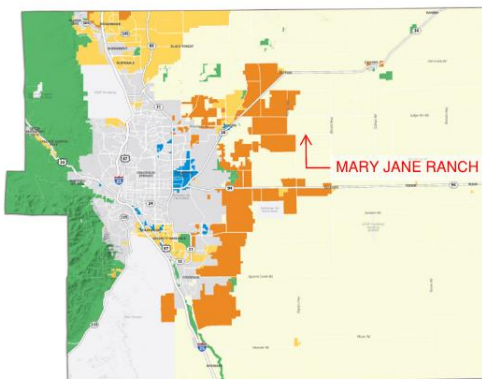


Key Areas



The property is not located within the ten (10) classifications of “key areas” defined in the EPC Master Plan.

Areas of Change:



Areas of Change



Mary Jane Ranch is located in the area expected for “Minimal Change Undeveloped” zone. It is understood that the character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character of the area. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

The existing site contains one residential building (house to remain) with a detached garage that will have its own private drive (existing). The remaining three (3) lots will have shared private drive (access). It will not adjust initial access provided from J D Johnson Road. Adjacent parcels/lots are built out North, East, south and Northwest. Directly west is owned by the State of Colorado and shall be reserved (State Land Board) as open space.

Sec. 5.3.5.B Map Amendment (Rezoning)

(B) Criteria for Approval. In approving a Map Amendment, 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 site, and zone change are in conformance with the El Paso County Master Plan, the rezone will be similarly zoned to adjacent Oasis Subdivision zoned RR-5, intended 4 lots will be larger than adjacent lots to the south lesser than 10 acres, zoned A-35.

- 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 requested rezone is in compliance with applicable statutory provisions.

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

The proposed land use of RR-5 is adjacent to existing RR-5 and A-35 zones.

- 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.

Site is suitable for intended use and all chapter 5 standards will be provided.

Water Master Plan:

Under the Colorado Revised Statutes, Title 32. This property is not within a district boundary, each lot will be serviced by individual wells and will follow the rules and regulations per the El Paso County Water Master Plan,

- **A sufficient water supply has been clarified or provided through existing private wells and water rights. The wells have been permitted per quantity and quality standards set forth in the State water supply standards.**
 - See the related water right documentation.

Wastewater systems:

- **Wastewater will be provided by on site leach fields and will be compliant with EPC code.**
 - See the related soil investigation and findings provide RMG Engineering

Electric

- **Electric service will be provided through Mountain View Electric.**

Gas

- **Services will be provided by Apollo Propane, each individual lot owner will be responsible for contracting with Apollo Propane**

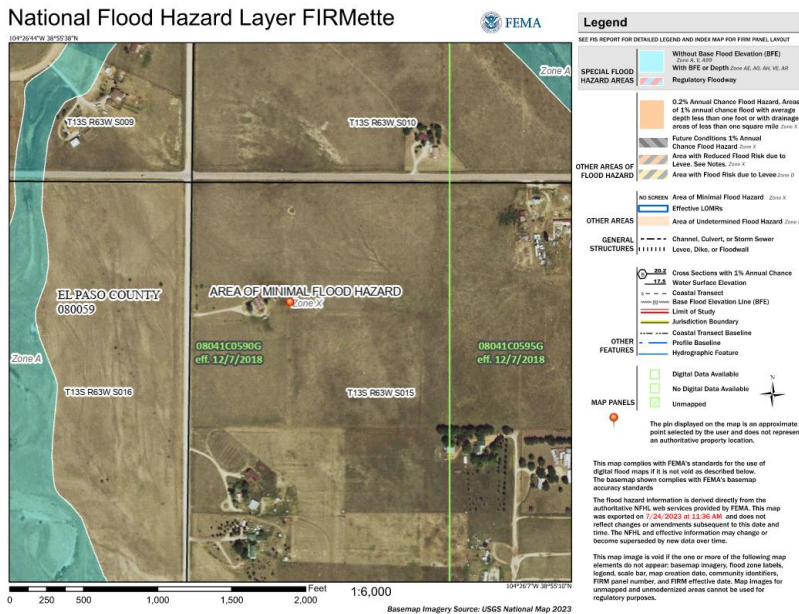
Natural or Physical site features:

The Zone Change will support the preservation of the natural features and drainages of the site and surrounding lands:

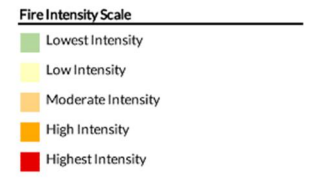
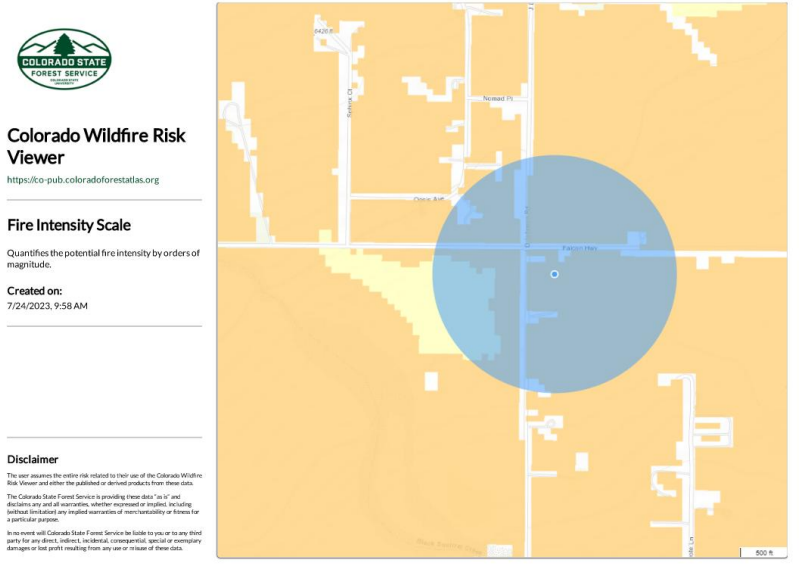
- **Site Natural Features:**
 - **Site is located within the Ellicott Consolidated drainage basin (CHBS1800). Data provided by Muller Engineering Company; (1988)**



- The topography of the site includes rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.
- The site consists of;
 - An area of minimal flood hazard “Zone X” per the National Flood Hazard Layer FIRMette (08041C0820G)



- Said Site is mapped as low to moderate per the wildfire risk public viewer.



Community Outreach:

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- **Adjacent owner notification letters will be sent out by the county upon the initial submittal, informing neighbors that a rezone and final plat application of said property will be completed. No comments have been received at this time.**
- **No additional community outreach has been conducted on the zone change to date.**

A Traffic Study

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*¹ published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. For this study, Kimley-Horn used the ITE Trip Generation Report average rates that apply to Single-Family Detached Housing (ITE Code 210) for traffic associated with this development. The following **Table 1** summarizes the estimated trip generation for the project (calculations attached).

Table 1 – 6425 JD Johnson Road Project Traffic Generation

Use	Size (Units/SF)	Weekday Vehicles Trips						
		Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Detached Housing - (ITE 210)	3 Units	30	1	1	2	2	1	3

As shown in the table and based on ITE Trip Generation calculations, 6425 JD Johnson Road is anticipated to generate approximately 30 weekday daily trips, in which two (2) of these trips would occur during the morning peak hour and three (3) trips would occur during the afternoon peak hour.

It is important to note that “El Paso County Engineering Criteria Manual: Transportation Impact Study Guidelines Appendix B.1.2.D” states that a traffic impact study is not required for a development if daily vehicle trip-end generation is less than 100 trips or the peak hour trip generation is less than 10 trips. Therefore, it is anticipated that a traffic impact study will not be required for this development due to peak hour project traffic trips being less than 10 trips and the daily trips being under 100 trips.

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Tenth Edition, Washington DC, 2017.

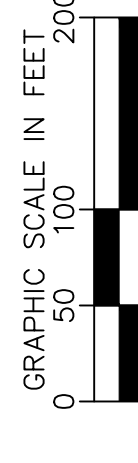
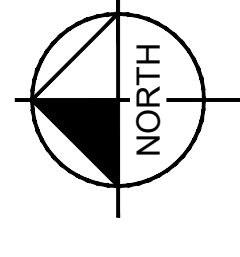
MARY JANE RANCH REZONE

NORTHWEST 1/4 OF THE NORTHWEST 1/4
SITUATED IN SECTION 15, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., CITY OF PEYTON,
COUNTY OF EL PASO, STATE OF COLORADO



LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:
THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 IN TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.



© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

K:\COS_LAI\196114001 - Mary Jane Ranch\CADD\PlanSheets\RZ-196114001.dwg Apr 30, 2024 11:17am

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO
APPROVAL OF MAP AMENDMENT (REZONING)
MARY JANE REZONE (P243)

WHEREAS, Robert Williams 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 8, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

6. That the proposed land use will be compatible with existing and permitted land uses in the area.
7. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Robert Williams 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 A-35 (Agricultural) zoning district to the RR-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-5 (Residential Rural) 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 8th day of August 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED

AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 IN TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

SAID PARCEL IS 1,729,857SF OR 39.712AC, MORE OR LESS.

EXHIBIT B

