

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: 12/12/2024
RE: P248 and P249; Schmidt Map Amendments (Rezoning) (RM-12 and RS-5000)

Project Description

A request by Turkey Canon Quarry, Inc., and Sugar Daddys, LLC for approval of a Map Amendment (Rezoning) of 34.98 acres from RR-5 (Rural Residential) to RM-12 (Residential Multi-dwelling); and for approval of a Map Amendment (Rezoning) of 23.00 acres from RR-5 (Rural Residential) to RS-5000 (Residential Suburban). The items were heard on the regular agenda at the November 21, 2024, Planning Commission hearing, and were recommended for approval with a vote of 5-4 and 9-0. The property is zoned RR-5 (Residential Rural) and is located immediately east of Black Forest Road, and west of Vollmer Road. (Parcel Nos. 520000577 and 520000570) (Commissioner District No. 1)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis. There were opposition letters received regarding additional traffic, density, water use, noise wall, southern berm, the timing of Marksheffel Road build-out to the west, and drainage concerns. Opposition at the hearing included concerns about density for the proposed RM-12 Rezoning, and a request to keep a berm within the proposed Marksheffel right-of-way, which was used to control stormwater runoff and buffer the closed gravel mine and recycling facility. Opposition compared the development in the Region to "Death by 1,000 cuts."

Planning Commission Recommendation and Vote

Trowbridge moved / Carlson seconded for approval of the RM-12 Map Amendment, utilizing the resolution attached to the staff report with 3 conditions and 2 notations. The motion was **approved (5-4)**.

Moraes moved / Brittain Jack seconded for approval of the RS-5000 Map Amendment, utilizing the resolution attached to the staff report with 3 conditions and 2 notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (9-0)**. The items were heard as regular agenda items.

Discussion

There was discussion. Mr. Markewich clarified the entitlement process. Mr. Bailey further clarified the process and discussed private property rights. Mr. Whitney sympathizes with "Death by 1,000 cuts;" however, he stated the Planning Commission has to rely on the approval criteria when making recommendations. Mr. Carlson reiterated that the Rezoning stage is the appropriate time for neighborhood involvement. He does see compatibility with the urban lots to the south, and the proposed Marksheffel Roadway will provide a physical barrier from the rural development to the RM-12 Rezoning area. Mr. Moraes stated he does not find compatibility between the existing rural development to the north from the proposed RM-12 Rezoning regardless of the proposed Marksheffel Road corridor.

Attachments

1. Planning Commission Minutes from 11/21/2024.
2. Signed Planning Commission Resolutions.
3. Planning Commission Staff Report.
4. Letters of Opposition.
5. Applicant's Response to Opposition.
6. Draft BOCC Resolutions.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting - Thursday, November 21, 2024
El Paso County Planning and Community Development Department
Held at Centennial Hall, 200 S Cascade Ave, Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: Thomas Bailey, Sarah Brittain Jack, Jim Byers, Jay Carlson, Eric Moraes, Bryce Schuettpelez, Tim Trowbridge, Christopher Whitney, and Jeffrey Markewich.

PC MEMBERS PRESENT AND NOT VOTING: None.

PC MEMBERS ABSENT: Becky Fuller and Wayne Smith.

STAFF PRESENT: Meggan Herington, Justin Kilgore, Kari Parsons, Kylie Bagley, Lisa Elgin, Joe Sandstrom, Elizabeth Nijkamp, Charlene Durham, Daniel Torres, Bret Dilts, Lori Seago, and Erika Keech.

OTHERS PRESENT AND SPEAKING: Cindy Landsberg, Rick Van Wieren, Matthew Grubacich, Bryan Bagley, Charles Blasi, Matt Dunston, Harold Larson, Bruce Sidebotham, Maria Edh, Chris Sparkes, Darcy Schoening, Judy Williamson, Robin Wright, Allison Catalano, Steve King, Mitch LaKind, Laura Lucero, Christie Beverly, Christi Beyer-Tarver, Bernard Humbles, Skyler Smith, Michael Schmidt, Jacques Lemond, Kenneth Kimple, and Angela Larson.

1. REPORT ITEMS

Ms. Herington advised the board that the next PC hearing will be on Dec. 5, 2024. That agenda will include a legislative LDC Amendment. A measure was passed in 2022 regarding Natural Medicine. The State tasked local jurisdictions with defining the time, place, and manor, which needs to be established before the end of the year. Due to the short amount of time, PCD will be asking the board to make a recommendation at the next hearing. She then discussed the revised minutes that had been presented to the board. She suggested adding a time to further discuss the minutes on the Dec. 5, 2024, agenda.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

Ms. Cindy Landsburg spoke about a future proposal, Buc-ee's, adjacent to the Monument Ridge East proposal. She spoke about how Monument was originally designed to preserve the natural environment (no streetlights, compact developments, etc.). She is concerned by the changes happening in that area of the County.

BOCC Report Packet

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3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on November 7, 2024.

DISCUSSION: Board Members requested a scheduled time to discuss the changes to the minutes.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (8-1)

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Carlson, Moraes, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (1) Markewich.

B. P2410

ELGIN

**MAP AMENDMENT (REZONING)
WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL**

A request by Proterra Properties for approval of a Map Amendment (Rezoning) of 7.21 acres from CC (Commercial Community) to RR-2.5 (Residential Rural). The property is located at 16511 Early Light Drive, on the northwest corner of Hodgen Road and North Meridian Road. (Parcel No. 4119007001) (Commissioner District No. 1)

NO PRESENTATION, PUBLIC COMMENT, OR DISCUSSION.

PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P2410, FOR A MAP AMENDMENT (REZONING), WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL, UTILIZING THE ATTACHED RESOLUTION 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: (9) Bailey, Brittain Jack, Byers, Carlson, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

4. CALLED-UP CONSENT ITEMS

(NONE)

5. REGULAR ITEMS

A. P249

PARSONS

**MAP AMENDMENT (REZONING)
SCHMIDT RS-5000**

A request by Turkey Canon Quarry Inc., and Sugar Daddys, LLC, for approval of a Map Amendment (Rezoning) of 23.02 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The property is located north of Vanderwood Road, west of Vollmer Road, and east of Black Forest Road. (Parcel Nos. 5200000577 and 5200000570) (Commissioner District No. 1)

****This item was heard in a combined presentation with P248. All discussion was combined.**

**MAP AMENDMENT (REZONING)
SCHMIDT RM-12**

A request by Turkey Canon Quarry Inc. for approval of a Map Amendment (Rezoning) of 34.98 acres from RR-5 (Residential Rural) to RM-12 (Residential Multi-Dwelling). The property is located north of Vanderwood Road, west of Vollmer Road, and east of Black Forest Road. (Parcel No. 5200000577) (Commissioner District No. 1)

COMBINED STAFF & APPLICANT PRESENTATIONS.

DISCUSSION: Ms. Parsons addressed concerns raised in written public comment; the detention pond proposed to the southeast will remain, and the existing berm will be addressed during the Preliminary Plan stage of the process. **Mr. Carlson** asked about the density within the southern PUD zoning. Ms. Parsons later answered that lots ranged from 5,400 to 8,400 sq ft. RM-12 zoning would require 3,500 sq ft lot sizes for single-family attached or detached dwellings. The LDC requires that townhomes each be on their own lots. **Mr. Markewich** asked for clarification regarding the benefits of annexation as it pertains to utilities, which was answered by Ms. Barlow. Cottonwood Creek improvements were briefly discussed; the floodplain will not be impacted by the subject proposal, but they are proposing a bridge for Marksheffel Boulevard over the creek. The existing permit for mining operations remains valid, but the property is in the reclamation process and the applicant is proposing a change in use. **Mr. Moraes** confirmed the design of townhomes/single-family attached units and expressed a struggle with finding compatibility if the RM-12 rezoning ultimately resulted in multi-family units (which would be allowed). Ms. Barlow indicated that apartments are not in their plan and RM-12 would not support the high-density complexes typically designed with apartment communities.

PUBLIC COMMENTS: None in favor. **Mr. Rick Van Wieren** opposed the increase in density. He discussed the inconsistent transition from a suburban neighborhood to higher density (proposed), and then rural lots to the north. He referred to the plan as “death by 1,000 cuts” to the rural character of the Black Forest Road corridor. **Mr. Matthew Grubacich** disagreed with the statement that there will be minimal impact to traffic. He would rather see acreage lots. **Mr. Bryan Bagley** opposed the rezoning to RM-12. He did not agree that the rezoning would be consistent or compatible with the neighborhood. He further mentioned a lack of buffer or transition between the proposed development and the existing residents to the north. **Mr. Charles Blasi** opposed the lack of transition between the proposed RM-12 and the RR-2.5 lots to the north. He mentioned a desire to retain the existing berm. He requested sound mitigation adjacent to the road expansion.

APPLICANT REBUTTAL: Provided by Ms. Andrea Barlow with N.E.S. She discussed a neighborhood meeting held prior to the adjacent rezoning to RM-30 where future plans were discussed. Regarding the traffic study, the one she referenced in her presentation was “subject to improvements”, meaning only the capacity of existing roads and intersections was reviewed. The future expansion of Marksheffel to a 4-lane arterial roadway will alleviate current traffic concerns and accommodate growth. The berm that has been discussed is within the right of way and regardless of the mining reclamation process, will need to be removed to allow construction of the road. She then discussed the various changes to the area and how compatibility is discretionary. She believes the proposed zoning is compatible due to the arterial roadways and surrounding suburban development.

PLANNING COMMISSION DISCUSSION: Ms. **Brittain Jack** asked about the existing berm, and Ms. Barlow indicated in her rebuttal that the berm would need to be removed for construction of the road. **Mr. Moraes** asked if apartments were developed on RM-12 zoning anywhere in the County. Ms. Parsons stated that all apartment projects she had been part of were within RM-30 zoning. **Mr. Markewich** and **Mr. Bailey** discussed the Planning Commission's role in the land use process. **Mr. Whitney** sympathized with the neighbors' perspectives but explained that they could only consider the criteria of approval. **Mr. Carlson** stated that he views the RS-5000 as compatible with the southern development and he sees no issue with the RM-12 zoning because of the 106' wide roadway creating a separation adjacent to the rural lots to the north. **Mr. Moraes** stated that he does not think the RM-12 is compatible with the surrounding character, even with a 106' wide road. He would have supported the entire parcel being rezoned to RS-5000 instead. **Mr. Markewich** agreed.

PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER P249, FOR A MAP AMENDMENT (REZONING), SCHMIDT RS-5000, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) Bailey, Brittain Jack, Byers, Carlson, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.
IN OPPOSITION: (0) None.

PC ACTION: TROWBRIDGE MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER P248, FOR A MAP AMENDMENT (REZONING), SCHMIDT RM-12, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (5-4).

IN FAVOR: (5) Bailey, Brittain Jack, Byers, Carlson, and Trowbridge.
IN OPPOSITION: (4) Markewich, Moraes, Schuettpelz, and Whitney.

****Mr. Carlson** was excused due to a schedule conflict. There were eight (8) voting members moving forward.

C. P246

BAGLEY

**MAP AMENDMENT (REZONING)
MONUMENT RIDGE RS-6000**

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 18.97 acres from PUD (Planned Unit Development), CC (Commercial Community), C-1(Commercial), and RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). The property is located directly east of Monument Hill Road and west of Misty Acres Boulevard, one-quarter of a mile south of the intersection of I-25 and County Line Road and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 712201014, 7102200013, 7102200008, 7102200006, and 7102201001) (Commissioner District No. 1)

****This item was heard in a combined presentation with P245 and SP241.**

D. P245

BAGLEY

**MAP AMENDMENT (REZONING)
MONUMENT RIDGE EAST RM-12**

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 40.51 acres from PUD (Planned Unit Development), C-1 (Commercial), CS (Commercial Services), and CC (Commercial Community) to RM-12 (Residential, Multi-Dwelling). The property is located directly east of Monument Hill Road and west of Misty Acres Boulevard, one-quarter of a mile south of the intersection of I-25 and County Line Road and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 7102200006, 7102200010, and 7102201013) (Commissioner District No. 1)

****This item was heard in a combined presentation with P246 and SP241.**

E. SP241

BAGLEY

**PRELIMINARY PLAN
MONUMENT RIDGE EAST PRELIMINARY PLAN**

A request by Vertex Consulting Services for approval of a 59.48-acre Preliminary Plan depicting 37 single-family lots and 21 multi-family lots. The property is located directly southeast of the intersection of Interstate 25 and County Line Road, southwest of the intersection of County Line Road and Doewood Drive, and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 712201014, 7102200013, 7102200008, 7102200010, 7102200006, and 7102201001) (Commissioner District No. 1)

COMBINED STAFF & APPLICANT PRESENTATIONS.

DISCUSSION: During the engineering portion of the presentation, **Mr. Moraes** asked if the County had any reservations about taking a highway frontage road and running it through a suburban neighborhood. Mr. Dilts referred to a presentation slide to explain that the curves of the realigned road (running east to west through the proposal) would have speed limits of 25 mph and be reduced to an urban collector type of roadway. Mr. Moraes had concerns that the MTCP calling for the road in that placement may have made sense when the land was zoned commercial, but it doesn't make sense if rezoned to residential. **Mr. Markewich** confirmed that commercial development (current zoning) on the lot would have a greater traffic impact than the proposed residential. **Mr. Carlson** discussed the comparison between the current zoning and proposed rezoning in terms of density. **Mr. Moraes** asked for more information regarding sidewalks and walkability due to proximity with the school. Ms. Ruiz discussed internal sidewalks on the Preliminary Plan. Mr. Dossey indicated there are no sidewalks currently along Monument Hill Road or Misty Acres Boulevard. The County may require one to be constructed. **Mr. Moraes** pointed out that clear imagery of the proposed districts were not included in the applicant's Letter of Intent.

Some of the applicant's complaints from the review process were discussed. Mr. Dossey stated the Preliminary Plan provides more detail than a PUD. Potential future major amendments to the Preliminary Plan, if approved, would need to appear before the Board again. **Mr. Markewich** then asked if Mr. Dossey's requested changes to the Preliminary Plan conditions of approval had been addressed. Rewording was discussed. Rather than removal, the applicant requested that conditions

5 and 6 be revised to only include the RM-12 area. **Mr. Byers** discussed the applicant's criticism of a landscape plan request from County staff. He doesn't think the intent was as intensive as the applicant interpreted it to be and thinks the situation may be slightly misrepresented. Ms. Bagley clarified that the request for landscaping information would not have applied to single-family detached areas. **Ms. Herington** then gave clarification regarding how County staff followed the requirements of the LDC. She read LDC 8.4.1 (F), "*Lot Layout, Design and Configuration. Divisions of land shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; ...*" Because staff did not receive the information requested, they felt that they could not make a finding that it met those sections of the LDC. She further read the LDC definition for multi-family, "*Dwelling, Multifamily — A structure containing 3 or more dwelling units designed for or used exclusively as a residence by 3 or more families...*" Staff was unsure of what the applicant was requesting during the review process. She stated that the declaration made during the presentation (that the intention is to build single-family attached structures) is the first time staff has heard that commitment. She pointed out the reason for different requests for different project types (i.e., Rezoning versus Preliminary Plan).

Mr. Byers mentioned that Douglas County had previously been opposed to improvements at Misty Acres Boulevard where it met County Line Road. He asked if Douglas County was supportive of the traffic improvements presented by the applicant's engineer. Ms. Nijkamp replied that her team is working with Douglas County. She knew they would like to maintain the alignment to the north, so El Paso County is trying to maintain that alignment to the south as well. **Mr. Moraes** confirmed that Douglas County would be a review agency for the improvements.

PUBLIC COMMENTS: In favor: **Mr. Matt Dunston** spoke about the character of the area. He likes the proposal when compared to the potential options under current zoning. He believes redesigning the road through the proposal will make it less dangerous. **Mr. Harold Larson** discussed the zoning change from commercial to residential, which he appreciates. He is satisfied with the 15,000 sq ft lots adjacent to the existing homes. He encouraged other members of the public to work with the developer regarding finer details. **Mr. Bruce Sidebotham** discussed current misuse of the property and stated vacant suburban land is unproductive land until it is developed. He believes the residential design is compatible with existing uses and the Douglas County open space. **Ms. Maria Edh** expressed support for the proposal, especially when compared to the commercial alternatives. **Mr. Chris Sparkes** also supported residential rezoning to replace the commercial alternatives. He also supported increasing density as it abuts major roadways. **Ms. Darcy Schoening** believes the proposal meets the criteria of approval. She stated opposition is coming from emotional or political motivators and that the project was denied in Monument to "make an example out of the developer."

In opposition: **Ms. Judy Williamson** asked if local school arrival and dismissal times were considered in the traffic study. **Mr. Robin Wright** supports rezoning to residential but is concerned about the density of the RM-12. He questioned what the gateway of El Paso County should look like. He suggested maintaining the RS-6000 throughout the entire property, but he was told the RM-12 was included so the developer could recoup cost of investment. **Ms. Allison Catalano** expressed agreement with Steve King's letter found in the project file. She read directly from the Your El Paso Master Plan introduction, page 9, "Sense of Place" and other environmental considerations. In regard to compatibility with Douglas County's open space, she read directly from the Douglas

County letter found in the project file which raised concerns with the RM-12. She further mentioned page 19 in the Master Plan relating to the Tri-Lakes Key Area. She stated that if the proposal aligned with the character of the surrounding area, there wouldn't be so many people in opposition. She agreed with rezoning to residential but has issue with the RM-12. **Mr. Steve King**, Monument Mayor Pro Tem, referenced the Monument denial resolution found in the project file and explained that the proposal did not meet their Master Plan, nor could they supply water to it or the related proposal on the west side. He stated that property rights apply to the zoning rights granted and available currently, not the rights you want in the future. He dislikes the approach of straight zoning and would have liked to see a PUD. He finished by reiterating that the area is the gateway to the County, is heavily treed with wildlife, and has unique environmental features. He also discussed the proposed intersections and driving conditions. **Mr. Mitch LaKind**, Monument Mayor, reiterated that the Monument denial was not for political reasons. He spoke about Monument Police Department MOU's and IGA's across the Tri-Lakes Area that result in frequent coverage of services in unincorporated areas of the County. He does not believe the police force is staffed for the proposed increase in density. The Town will not receive revenue to assist in the increased calls for service to the area; the Monument taxpayers would have to foot the bill. Residential development is desired, but not at the density proposed. He asked that a PUD be considered so there would be more conformity with the surrounding area. **Ms. Laura Lucero** opposed the density of the RM-12 zoning. She then brought up the Douglas County letter regarding drainage found in the project file. She expressed concerns about traffic egress in case of emergency. **Ms. Christie Beverly** expressed opposition to the density and stated she thinks it should remain single-family detached. She has concerns about traffic and drainage. She doesn't think the Preliminary Plan is complete or ready to be approved. **Ms. Christi Beyer-Tarver** opposed the high density and clearing of trees. She thinks the proposal will overwhelm local schools. If the housing is low-income, that would statistically increase crime and burden local services. **Mr. Bernard Humbles** spoke about the character of the neighborhood. He opposed housing other than single-family detached. **Mr. Skyler Smith** spoke on behalf of **Mr. Michael Schmidt**. He read a letter which was also sent to County staff and is found in the project file. **Mr. Jacques Lemond** questioned the impact the proposal would have on adjacent property values. **Mr. Kenneth Kimple** reiterated opposition to the density of the RM-12 zoning. He discussed the traffic impact due to a lack of commercial services in the area. **Ms. Angela Larson** spoke about the character of the neighborhood.

APPLICANT REBUTTAL: Provided by Mr. Dossey with Vertex Consulting Services. He presented past aerial imagery of adjacent development where trees were removed. He stated home values would drop if a strip club were built. He stated the existing character of the neighborhood is commercial. He believes people don't like the proposal because they aren't in control of it. He discussed how it is typical to transition high density decrease to less density as it moves away from major roadways, which is what has been proposed. He stated that the comprehensive plan for the Town of Monument includes the subject property and plans for it to be mixed-use. He disagreed with the comments that the proposal would decrease people's peaceful enjoyment of their properties. He stated the applicant plans to preserve trees to re-plant in the proposals landscaping. Regarding the impact of Monument first responders serving the property, he stated future residents would likely shop in Monument, offsetting the cost. If the entire property were zoned RS-6000, it would allow for 290 dwelling units. He further stated straight zoning does not require open space or public landscaping. The schools did not raise concerns about capacity issues. He then discussed why the proposal would be fire-wise. He discussed compatibility with the existing residential use.

Mr. Moraes asked if the traffic study was conducted during school drop-off or pick-up times. Mr. Jeff Hodsdon with LSC Transportation Consultants Inc. answered that typical traffic studies near school areas would include 3 peak times, which include peak school times. He stated that their traffic study ultimately included 2 peak times because their study showed no significant increase in results heading north. School peak volumes were considered but they did not count the High School entrances. Mr. Moraes expressed concerns if Misty Acres becomes the main collector road in the area. Mr. Dossey then showed a preliminary landscape plan that had been submitted and addressed why he believes the proposal is in conformance with the Master Plan.

PLANNING COMMISSION DISCUSSION: Mr. Schuettpelz asked why the suggestion of rezoning to PUD would be beneficial. Ms. Bagley answered that a PUD would provide more information with conceptual plans, including landscaping and trails. It would also address requirements for usable open space. Having more information included would give comfort to neighbors. **Mr. Schuettpelz** asked if the same density and layout could have been achieved under PUD zoning, which Ms. Bagley confirmed. **Mr. Moraes** believes a PUD would have been a better option. He read about the purpose and intention of PUD zoning from the LDC. He then discussed the major entrances to El Paso County and how he would have liked to see something different in this area. He would have liked to see more innovation. **Mr. Markewich** believes the current proposal protects the current residents from something “crazy”. He discussed property rights and the consideration of criteria for approval. He expressed disappointment that an agreement was not made between the applicant and Town of Monument so that revenue and first responder concerns could have been addressed. **Mr. Trowbridge** agreed that rezoning to residential is better than the existing commercial zoning in the area. He agreed with Mr. Moraes’ desire for a more innovative package. He doesn’t love the RM-12 zoning and the size of that piece. He further mentioned the natural features. **Ms. Brittain Jack** expressed excitement for improvements to the intersection at County Line Road and I-25.

PC ACTION: BRITTAIN JACK MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5C, FILE NUMBER P246, FOR A MAP AMENDMENT (REZONING), MONUMENT RIDGE RS-6000, UTILIZING THE ATTACHED RESOLUTION WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.
IN OPPOSITION: (0) None.

PLANNING COMMISSION DISCUSSION: Mr. Markewich stated he understands concerns about the density of the RM-12 zoning, but that million-dollar houses next the highway wouldn’t sell. He stated the character of the existing neighborhood wouldn’t be able to extend throughout the full area. **Mr. Moraes** mentioned criteria for approval of a Map Amendment (Rezoning) number 3, compatibility with land uses in all directions. He does not see RM-12 as being compatible. **Mr. Whitney** agreed with Mr. Moraes’ comment regarding incompatibility of RM-12 zoning. **Mr. Byers** explained that he did not hear compelling justification for the density of RM-12, and he does not see compatibility. Marketability is not part of the criteria for approval. **Mr. Trowbridge** stated he does not feel the RM-12 zoning is compatible. **Mr. Bailey** expressed that he does believe the RM-12 is compatible and a better option than the property’s current zoning.

PC ACTION: MARKEWICH MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5D, FILE NUMBER P245, FOR A MAP AMENDMENT (REZONING), MONUMENT RIDGE EAST RM-12, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED (4-4) RESULTING IN NO RECOMMENDATION BEING FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS.

IN FAVOR: (4) Bailey, Brittain Jack, Markewich, and Schuettpelz.

IN OPPOSITION: (4) Byers, Moraes, Trowbridge, and Whitney.

PLANNING COMMISSION DISCUSSION: Mr. Markewich asked to discuss modification of the conditions of approval. Ms. Herington clarified that staff did not modify the resolution or make changes based on the applicants request and if the board would like anything changed, staff would need more direction. **Mr. Trowbridge** suggested removing condition number 8 and made a motion to do so, which passed. **Mr. Schuettpelz** asked his fellow board members if revision of other conditions of approval should be considered. No one suggested to make further amendments. **Mr. Whitney** explained that he cannot support a Preliminary Plan which includes an element (RM-12) that he disagrees with. **Mr. Moraes** and **Mr. Trowbridge** agreed.

PC ACTION: SCHUETTPELZ MOVED / MARKEWICH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5E, FILE NUMBER SP241, FOR A PRELIMINARY PLAN, MONUMENT RIDGE EAST, UTILIZING THE ATTACHED RESOLUTION WITH NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICANCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION.

TROWBRIDGE MOVED / WHITNEY SECONDED TO REVISE THE MOTION MADE BY MR. SCHUETTPELZ, REMOVING CONDITION NUMBER EIGHT (8) FROM THE RESOLUTION. THE MOTION TO REVISE THE MOTION PASSED (8-0).

THE REVISED MOTION TO RECOMMEND APPROVAL OF SP241, FOR A PRELIMINARY PLAN, MONUMENT RIDGE EAST, UTILIZING THE REVISED RESOLUTION WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICANCY 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 (5-3).

IN FAVOR: (5) Bailey, Brittain Jack, Byers, Markewich, and Schuettpelz.

IN OPPOSITION: (3) Moraes, Trowbridge, and Whitney.

6. NON-ACTION ITEMS

(NONE)

MEETING ADJOURNED at 4:30 P.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

McLAES

moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P249
SCHMIDT PROPERTY RS-5000 REZONE

WHEREAS, Turkey Canon Quarry Inc., and Sugar Daddys, LLC. did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 21, 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 Turkey Canon Quarry Inc., and Sugar Daddys, LLC., for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) 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 RS-5000 (Residential Suburban) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plat and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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.

BRITTA JACK 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	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Erik Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / 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 21st day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W. COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N05°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING; THENCE THE FOLLOWING THREE (3) COURSES:

1. S28°05'30"W A DISTANCE OF 114.82 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°50'45" AND AN ARC LENGTH OF 417.87 FEET, TO A POINT OF TANGENT;
3. S00°45'15"E A DISTANCE OF 62.27 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE ON SAID SOUTH LINE, S89°14'45"W A DISTANCE OF 2,388.20 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°15'57"W A DISTANCE OF 70.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOURTEEN (14) COURSES;

1. N89°15'16"E A DISTANCE OF 361.98 FEET;
2. N89°10'22"E A DISTANCE OF 216.65 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF NON-TANGENT;
4. N59°19'04"E A DISTANCE OF 106.07 FEET, TO A POINT OF NON-TANGENT CURVE;
5. THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N39°01'39"W, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 08°20'44" AND AN ARC LENGTH OF 78.66 FEET, TO A POINT OF TANGENT;
6. N42°37'37"E A DISTANCE OF 437.98 FEET;
7. N42°33'04"E A DISTANCE OF 50.00 FEET;
8. N42°28'32"E A DISTANCE OF 25.03 FEET, TO A POINT OF NON-TANGENT CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S52°24'29"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
10. N89°18'36"E A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
11. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S02°05'24"E, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.98 FEET, TO A POINT OF NON-TANGENT;
12. S61°54'30"E A DISTANCE OF 32.69 FEET;
13. S67°31'17"E A DISTANCE OF 51.12 FEET;
14. S61°54'30"E A DISTANCE OF 123.21 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 1,002,006 SQUARE FEET OR 23.0029 ACRES.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P248

SCHMIDT PROPERTY RM-12 REZONE

WHEREAS, Turkey Canon Quarry Inc., did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RM-12 (Residential, Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 21, 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 Turkey Canon Quarry Inc., for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RM-12 (Residential, Multi-Dwelling) 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 RM-12 (Residential Multi-dwelling) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plat and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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.

CARLSON 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	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	aye / <u>no</u> / non-voting / recused / absent
Erik Moraes	aye / <u>no</u> / non-voting / recused / absent
Bryce Schuettpelz	aye / <u>no</u> / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	aye / <u>no</u> / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 4 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 21st day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N05°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING; THENCE THE FOLLOWING FOURTEEN (14) COURSES:

1. N61°54'30"W A DISTANCE OF 123.21 FEET;
2. N67°31'17"W A DISTANCE OF 51.12 FEET;
3. N61°54'30"W A DISTANCE OF 32.69 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S24°10'45"W, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.98 FEET, TO A POINT OF NON-TANGENT;
5. S89°18'36"W A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
6. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S01°07'23"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
7. S42°28'32"W A DISTANCE OF 25.03 FEET;
8. S42°33'04"W A DISTANCE OF 50.00 FEET;
9. S42°37'37"W A DISTANCE OF 437.98 FEET, TO A POINT OF CURVE;
10. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 08°20'44" AND AN ARC LENGTH OF 78.66 FEET, TO A POINT OF NON-TANGENT;
11. S59°19'04"W A DISTANCE OF 106.07 FEET, TO A POINT ON NON-TANGENT CURVE;
12. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N27°42'52"W, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF TANGENT;
13. S89°10'22"W A DISTANCE OF 216.65 FEET;
14. S89°15'16"W A DISTANCE OF 361.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°11'44"W A DISTANCE OF 61.02 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE QUITCLAIM DEED RECORDED IN BOOK 3859 AT PAGE 151 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON THE BOUNDARY OF SAID PROPERTY, THE FOLLOWING THREE (3) COURSES:

1. N42°23'21"E A DISTANCE OF 657.49 FEET;
2. N01°53'26"W A DISTANCE OF 403.35 FEET;
3. N87°33'35"W A DISTANCE OF 365.82 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 82.22 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. N89°18'51"E A DISTANCE OF 2,582.55 FEET;
2. S00°41'24"E A DISTANCE OF 204.78 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF;
4. S28°05'30"W A DISTANCE OF 94.93 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 1,524,025 SQUARE FEET OR 34.9868 ACRES.

COMMISSIONERS:
HOLLY WILLIAMS, DISTRICT 1
CARRIE GEITNER, DISTRICT 2

STAN VANDERWERF, DISTRICT 3
LONGINOS GONZALEZ, JR., DISTRICT 4
CAMI BREMER, DISTRICT 5

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kari Parsons, Principal Planner
Ed Schoenheit, Associate Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Numbers: P249 and P248
Project Names: Schmidt RS-5000 Map Amendment (Rezoning) and
Schmidt RM-12 Map Amendment (Rezoning)
Parcel Numbers: 5200000570 and 5200000577

OWNER:	REPRESENTATIVE:
Turkey Canon Quarry Inc., & Sugar Daddys, LLC. 20 Boulder Crescent Street, 2cd Floor Colorado Springs, CO, 80903-3300	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	11/21/2024
Board of County Commissioners Hearing Date:	12/12/2024

EXECUTIVE SUMMARY

A request by Turkey Canon Quarry Inc., and Sugar Daddys, LLC for approval of a Map Amendment (Rezoning) of 23.02 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban), and approval of a Map Amendment (Rezoning) of 34.98 acres from RR-5 (Residential Rural) to RM-12 (Residential Multi-dwelling). The property is located north of Vanderwood Road, west of Vollmer Road, and east of Black Forest Road.

The requested RS-5000 rezoning provides a gradual density increase to the adjacent Trails at Forest Meadows subdivision, an urban development within the City of Colorado Springs that has lot sizes ranging from 5,716 square feet to 8,481 square feet. The RM-12 rezoning is proposed north of the requested RS-5000 rezoning, and south of the future Marksheffel Corridor, which is anticipated to separate urban development from the Silver Ponds Development, a rural 2.5-acre minimum lot size development to the north.

A. WAIVERS/AUTHORIZATION

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

Authorization to Sign: There are no items requiring signature associated with this request.

B. APPROVAL CRITERIA

In approving a Map Amendment (Rezoning), Section 5.3.5, Map Amendment (Rezoning), of the El Paso County Land Development Code, as amended, states the Board of County Commissioners shall find that:

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

C. LOCATION

North:	PUD (Planned Unit Development)	Single-family Residential
South:	City of COS/ PUD (Planned Unit Development)	Single-family Residential
East:	RM-30 (Residential Multi-Dwelling)	Vacant
West:	City of Colorado Springs	Vacant



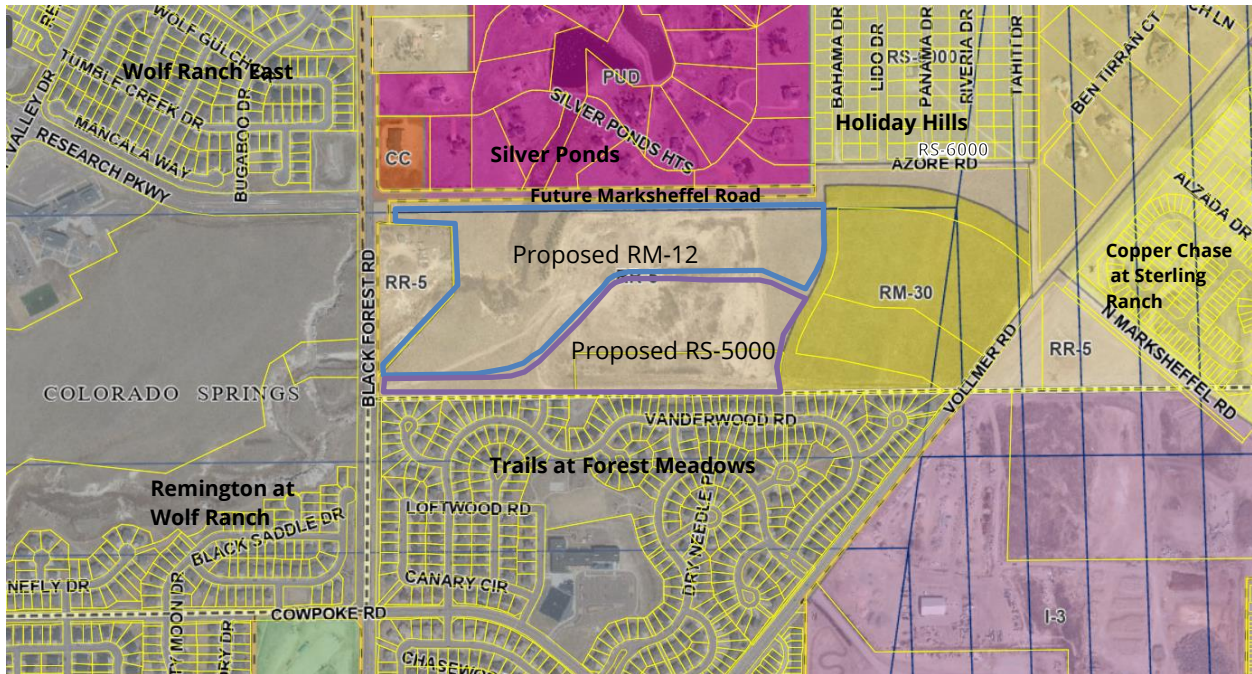


Figure C1: Zoning Map

D. BACKGROUND

The Board of County Commissioners approved the initial zoning of the subject property to A-5 (Residential) on September 20, 1965. Nomenclature changes within the Land Development Code have renamed the district to RR-5 (Residential Rural).

On February 24, 1983, a Special Use was approved for mineral extraction (gravel pit), and a Variance of Use for asphalt recycling and retail sales was approved by the Board of County Commissioners. On January 9, 1992, an additional Special Use to allow for a portable wash plant to wash aggregate was approved by the Board of County Commissioners. The gravel pit and ancillary operations have ceased on the property.

The adjacent property, consisting of 31.4 acres to the east, was rezoned to RM-30 (Residential Multi-dwelling) on April 4, 2023. The extension of Marksheffel Road from Vollmer Road to Black Forest Road is planned through the northern portion of the site.

The proposed Stonebridge Metropolitan District Nos. 1-6 are under review and is anticipated to be heard by the Board of County Commissioners in the spring of 2025 and placed on the April 2025 ballot for the formation of the districts. The districts are anticipated to design and construct the public and private improvements, in addition to owning and maintaining the open space and private improvements.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

E. ANALYSIS

1. Land Development Code Compliance

The applicant is requesting approval of a Map Amendment (Rezoning) of 23.02 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban) and approval of a Map Amendment (Rezoning) of 34.98 acres from RR-5 (Residential Rural) to RM-12 (Residential Multi-dwelling).

Section 5.3.5, Map Amendment (Rezoning), of the Code (as amended) states:

“The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the Land Development Code also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses.

Generally, Rezoning is justifiable under one of the following circumstances:

- *When the requested Rezoning is in general conformance or consistency with the County's Master Plan;*
- *If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;*
- *When there was an error or oversight in the original zoning of the property; or*
- *The zone change is necessary for the general health, safety, or welfare of the community.”*

This portion of El Paso County has experienced, and continues to experience, significant growth and development along the Marksheffel Road and Vollmer Road corridors. The land uses allowed within the proposed Zoning Districts are compatible with the existing and approved urban level residential development surrounding the subject property. The applicant is proposing to utilize Marksheffel Road Corridor as the buffer between the rural properties to the north. Landscaping will be required along the southern portion of the Marksheffel Corridor.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

The proposed rezonings are consistent with the Your El Paso Master Plan (2021, See discussion in Section E of this report). The two (2) Map Amendment (Rezoning) applications meet the purpose of zoning and criteria of approval in Chapter 5 of the Code.

The applicants will be required to go through the subdivision entitlement process for the development meeting the respected Zoning Districts' Dimensional and Development standards.

2. Zoning Compliance

The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RS-5000 (Residential Suburban) zoning district are as follows:

- *Minimum lot size: 5,000 square feet*
- *Minimum width at the front setback line: 50 feet*
- *Setbacks - 25 feet in the front and rear, 5 feet on the sides*
- *Maximum lot coverage - 40 percent / 45 percent**
- *Maximum height: 30 feet*

**Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45 percent of the total lot area.*

The RM-12 (Residential Multi-dwelling) zoning district is a 12-dwelling unit per acre zoning district intended to accommodate moderate-density single-family attached and detached and low-density multi-dwelling development. The density and dimensional standards for the RM-12 (Residential Multi-dwelling) zoning district are as follows:

- *Minimum lot size*: 3,500 square feet*
- *Minimum width at the front setback line: 35 feet*
- *Setbacks**: 20 feet in the front, 15 feet in the rear, and 5 feet on the sides*
- *Maximum lot coverage - 70 percent*
- *Maximum height: 40 feet*

**The minimum lot area of 3,500 square feet applies to single-family attached dwellings. The minimum lot area for single-family detached dwelling units is 3,500*



square feet. The minimum lot area for two-family dwellings and all other allowed uses is 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.

***The minimum distance between buildings shall be 10 feet.*

***If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. Within the zoning district, a 25-foot perimeter boundary setback shall be maintained around the entire development, but a zero-foot setback is allowed along any internal lot line within the development.*

Staff requests the RS-5000 Map Amendment (Rezoning) be approved prior to the RM-12 Map Amendment (Rezoning) to ensure the transition from the existing residential development to the south.

F. MASTER PLAN COMPLIANCE

1. Your El Paso Master Plan

a. Placetype Character: Suburban Residential

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

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

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

Recommended Land Uses:

Primary

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

Supporting

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

Analysis: The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

Goal 2.1 – *Promote development of a mix of housing types in identified areas.*

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

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC4-1 – *Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.*

The two (2) Map Amendment (Rezoning) are consistent with the Suburban Residential Placetype. The applicant proposes to develop the subject property with a mix of single-family residential homes, and/or medium density multi-family which is consistent with the existing land uses in the area and the Placetype. The applicant is anticipated to provide pedestrian connectivity



throughout the development with sidewalks which will connect to the Cottonwood Creek open space within the development. The rezonings provide a density transition from the urban residential lots south, and southwest of the development by proposing a density increase from south to north up to the Marksheffel Road Corridor within the development area, which is anticipated to provide a variety of housing types within the development area.

b. Area of Change Designation: New Development

The subject parcel is within an area of New Development: These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis: The proposed two (2) Map Amendments (Rezoning) are located in an area that is expected to significantly change the character. The re-purposing of a portion of the gravel pit and associated ancillary uses to a multifamily development is a significant character change to the subject property which is anticipated to be a less impactful use to the adjacent residential properties. Multi-family development is a supporting land use within the Suburban Residential Placetype and may provide a complimentary land use to the planned commercial nodes in the nearby Sterling Ranch development and anticipated Jaynes Sketch Plan (Retreat at PraireRidge Development) area which are adjacent to the Briargate/Stapleton Corridor, approximately a mile to the north.

c. Key Area Influences: Potential Areas for Annexation

The subject property is located within the Potential Areas for Annexation. The key area map demonstrates the anticipated urban growth areas in unincorporated El Paso County. The property is contiguous to the City of Colorado Springs boundary. The applicants do not wish to annex into the City at this time. The applicant, City, and County are coordinating the design of Vollmer Road and Marksheffel Road Corridor, and the Cotton Wood Creek Channel. Continued coordination between the applicants, City, and County is anticipated to occur to ensure the design and construction for the impacted roadways and drainage way.

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d. Other Implications (Priority Development, Housing, etc.) The subject property is located within a High Priority Development Area, Falcon Area.

The Falcon community has developed its own unique character and functions like a small municipality. New Suburban Residential development would not only match the existing development pattern in Colorado Springs and Falcon to the east and west but also act as a density buffer between more urban development to the south and large lot to the north.

The proposed rezone is also consistent with the High Priority Areas, and the guidelines below:

- *Residential development near the municipal boundaries adjacent to this area may include single-family attached and multi-family units.*
- *The County should emphasize Stapleton Road, Woodmen Road and Vollmer Road as connectivity corridors that would provide important access to necessary goods and services in surrounding communities, generally supporting suburban residential development.*
- *The County should support the completion of Stapleton Road to improve connectivity between Falcon and Colorado Springs.*
- *Neighborhood-level commercial uses and public services should also be considered in these areas at key intersections.*

The subject area is anticipated to continue to have significant growth due to the establishment of central water and sanitation services. As residential development occurs, commercial areas are anticipated to develop in these areas along the Briargate Parkway/Stapleton, Vollmer Road, and Marksheffel Road Corridors to provide local services to the residents in the area. The proposed two (2) Map Amendment (Rezoning) requests are consistent with the developed area and with the goals and policies of the Master Plan.

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:

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Goal 1.2 – Integrate water and land use planning.

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Policy 6.4.1.3 – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.

Policy 6.4.1.4 – Promote long-term planning by water providers for sustainable water supplies serving new development.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Region 3, Falcon Area, which is expected to experience significant growth by 2040. Specifically, the Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road.”

The Water Master Plan identifies a current water demand of 4,494-acre feet (AF) and a current supply of 7,164 AF for this Region, resulting in a surplus of water (decreed water rights) of 2,670 AF. The area included within the rezoning request is projected in the Water Master Plan as likely to reach build out by year 2040. For year 2040, the Plan projects a water demand of 6,403 AF for Region 3 versus a projected supply of 7,921 AF, resulting in a reduced surplus of 1,581 AF. When considering additional development in Region 3, it is important to note that the Plan ultimately projects a water supply deficit for the Region of 1,143 AF by 2060.



A finding of water sufficiency regarding quantity, dependability, and quality is not requested nor required with the proposed rezoning requests.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and the Colorado Parks and Wildlife were each sent referrals and have no outstanding comments.

The Community Services Department Parks Division has provided the response below which includes an analysis regarding conformance with The El Paso County Parks Master Plan (2022):

“El Paso County Parks and Community Services Department. The 2022 El Paso County Parks Master Plan shows no impacts to existing or proposed parks, trails, or open space. A similar rezoning application was reviewed by EPC Parks and Community Services in 2022, and these comments support the 2022 recommendations. While there are no impacts to existing or proposed County trail or park facilities, there is however a proposed City of Colorado Springs trail that follows the south and east sides of the development. As the development borders the incorporated city limits of Colorado Springs, staff suggests the applicant coordinate with City Parks to ensure there are no impacts to planned trails in this area. Please contact Emily Duncan at Emily.Duncan@coloradosprings.gov or 719-385-6951. Upon review of the forthcoming preliminary plans and final plats, regional and urban park fees will be calculated and collected upon recording of the final plat(s). No Park Advisory Board endorsement is necessary for rezoning applications. Thank you.”

Please see the Transportation Section below for information regarding conformance with the 2024 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geologic hazards and soils study is not required with a Map Amendment (Rezoning). A geology and soils study meeting the requirements of the Land Development Code and Engineering Criteria Manual shall be required with subsequent land use applications.

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2. Floodplain

The westernmost portion of the proposed RM-12 rezone area is located within a studied floodplain zone (Zone AE) as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0529G, effective December 7th, 2018. This floodplain is directly adjacent to Cottonwood Creek. This area is not planned for development and is anticipated to contain open space and trails. The eastern portion of the RM-12 and RS-5000 rezone area is not located within a floodplain, Zone X, as determined by a review of the aforementioned FEMA Flood Insurance Rate Map.

3. Drainage and Erosion

The proposed RM-12 and RS-5000 rezone areas are in the Cottonwood Creek (FOMO2200) and Sand Creek (FOMO4000) drainage basins. Both are studied basins with applicable basin and bridge fees to be determined and assessed at the Final Plat stage. A drainage report or grading and erosion control plan is not required with a rezone application but will be required as part of the Preliminary Plan and Final Plat application. The drainage report will provide hydrologic and hydraulic analysis to identify and mitigate drainage impacts of the proposed development, typically by providing water quality and flood control detention facilities.

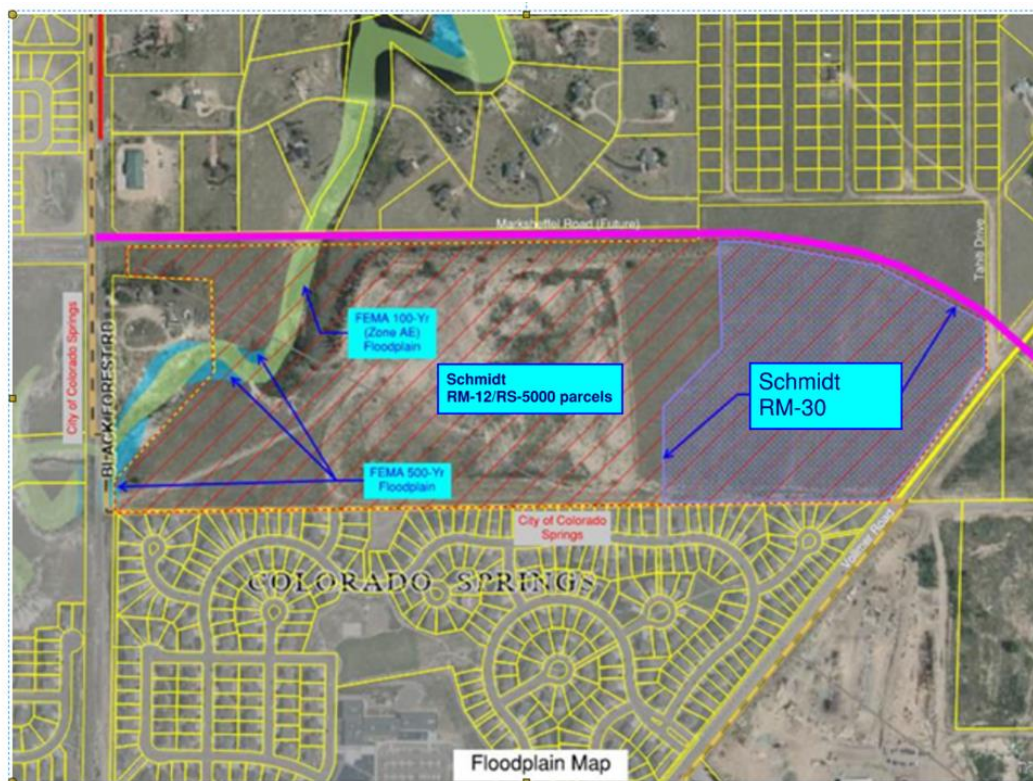


Figure G.1: Vicinity & Floodplain Map

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4. Transportation

The property is located east of Black Forest Road and one mile north of Woodmen Road. Black Forest Road is classified as a minor arterial and is owned and maintained by the City of Colorado Springs. The property is also bordered by Vollmer Road to the east which is a County maintained rural major paved collector road. The proposed RM-12 and RS-5000 rezone area will be located along the south side of the future Marksheffel Road extension to Black Forest Road. This will be constructed by the developer as part of the planned development. All segments of Marksheffel Road will be owned and maintained by the City of Colorado Springs and will be designed and constructed in accordance with the City's criteria and approval processes. The submitted traffic study identifies that the primary access to the property will be from Marksheffel Road via Vollmer Road.

Brush Top Road, to be designated as a collector road, is proposed to provide a north-south corridor for the proposed development area, connecting Marksheffel Road extension to the existing City right-of-way stub provided in the Trails at Forest Meadows development to the south. A future signal will be required by the City of Colorado Spring at the intersection of Brush Top Road and Marksheffel Road once connected to Black Forest Road. Limited turn access into the development area will also be provided along Black Forest Road subject to City of Colorado Springs requirements.

The proposed rezone is projected to generate approximately 3,248 daily vehicle trips with 209 of those occurring during the morning peak hour and 272 during the afternoon peak hour.

It is projected that by development buildout (year 2040), a signal will be warranted at the Marksheffel Road and Vollmer Road intersection. This intersection will be monitored as development progresses to determine signal warrant. The developer is anticipated to provide escrow for the future anticipated traffic signal to the City of Colorado Springs at time of Final Plat.

Further analysis of the improvements, roadway designs, cost estimates and escrow amounts will be provided with additional traffic impact studies associated with the subsequent land use applications. The extent of developer responsibility



for the offsite improvements mentioned above will be determined with the subsequent Preliminary Plan and Final Plat applications.

All proposed access and roadway locations provided in the rezone application documents are conceptual and subject to change until approved by El Paso County and the City of Colorado Springs through the subdivision process.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.



Figure G.2: Road Access Plan Map

H. SERVICES

1. Water

Falcon Area Water and Wastewater Authority (FAWWA) provides water service to this area and is anticipated to serve the property. A commitment letter is not

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required with a rezoning application. A finding for water sufficiency will be required to occur with subsequent Final Plat(s).

2. Sanitation

Falcon Area Water and Wastewater Authority (FAWWA) provides wastewater service and is anticipated to serve the property. A commitment letter is not required with a rezoning application.

3. Emergency Services

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

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA). Natural gas service to the area is provided by Colorado Springs Utilities. The agencies were sent a referral and have no outstanding comments.

5. Schools

The site is within the boundaries of the Academy School District No. 20.

I. APPLICABLE RESOLUTIONS

See attached resolutions.

J. STATUS OF MAJOR ISSUES

No major issues remain.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the Map Amendment (Rezoning) requests meet the criteria for approval outlined in Section 5.3.5, Map Amendment (Rezoning), of the Code, as amended, staff recommends the following conditions and notations for each rezoning request:

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,

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particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district, and RM-12 (Residential Multi-dwelling) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plan and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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 192 adjoining property owners on November 6, 2024, for the Planning Commission and Board of County Commissioner meetings.

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M. ATTACHMENTS

Vicinity Map

Combined Letter of Intent

RS-5000 Rezone Drawing

RM-12 Rezone Drawing

Draft RS-5000 Rezone Resolution

Draft RM-12 Rezone Resolution

Adjoining Property Owner Responses

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**EL PASO COUNTY
PARCEL INFORMATION**

FILE NO.:

P248 and P249

PARCEL NO.:

5200000577 and
5200000570

OWNER NAME:

Turkey Canon Quarry Inc.

ADDRESS:

Unaddressed, see map.



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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SCHMIDT PROPERTY RM-12 AND RS-5000 MAP AMENDMENTS

LETTER OF INTENT

AUGUST 2024

OWNERS:

TURKEY CANON QUARRY INC
20 BOULDER CRESCENT ST 2ND FLOOR
COLORADO SPRINGS CO, 80903-3300
719.491.3024
JMORLEY.MORLEYCOS@GMAIL.COM

SUGAR DADDYS LLC
1601 N FRANKLIN ST
COLORADO SPRINGS, CO 80907
STEVENIRAMARTIN@GMAIL.COM
AOYLER@QUANTUMCOMMERCIAL.COM

APPLICANT:

TURKEY CANON QUARRY INC
20 BOULDER CRESCENT ST 2ND FLOOR
COLORADO SPRINGS CO, 80903-3300

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
ABARLOW@NESCOLORADO.COM

SITE DETAILS:

TSN: 5200000570 & 5200000577

ACREAGE: 73.41 ACRES (5200000570 – 7 ACRES; 5200000577 – 66.41 ACRES)

CURRENT ZONING: RR-5 CAD-O

CURRENT USE: VACANT LAND, FORMER GRAVEL MINE SITE

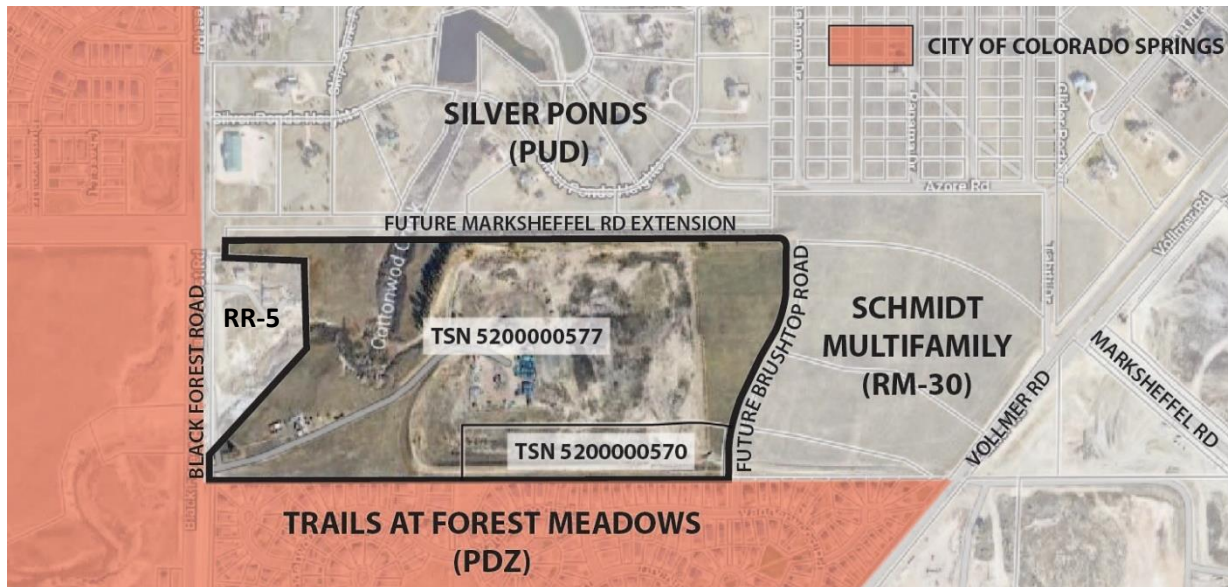
REQUEST

N.E.S. Inc. on behalf of Turkey Canon Quarry Inc requests approval of two Map Amendments (Rezones) as follows:

- Rezone 34.9868 acres from RR-5 to RM-12
- Rezone 23.0029 acres from RR-5 to RS-5000

LOCATION & SURROUNDING LAND USE

The Schmidt Property is located between Black Forest Road and Vollmer Road in a growing suburban residential area in northeast El Paso County, on the border of the City of Colorado Springs limits. It is north of the Trails at Forest Meadows subdivision (located in the City and zoned PDZ) and south of the Silver Ponds residential subdivision (located in the County and zoned PUD). The Schmidt multifamily development, recently rezoned to RM-30 (Resolution No. 23-108, approved April 4, 2023), is located directly east. Across Vollmer Road to the east is the Sterling Ranch master planned community, which includes commercial development and up to 4,800 residential units on 1,444 acres. The planned Marksheffel Road extension will serve as the site's northern boundary, and the planned Brushtop Road will serve as the site's eastern boundary.



PROJECT DESCRIPTION

The Schmidt Property RM-12 and RS-5000 map amendment requests include rezoning portions of TSN 5200000577 and 5200000570, both currently zoned RR-5. The current boundaries of the parcels include 73.41 total acres (5200000570 – 7 acres; 5200000577 – 66.41 acres). The rezones will cover 57.9897 acres of these parcels. The map amendments will be separated along the line of a future public residential connector internal to the site.

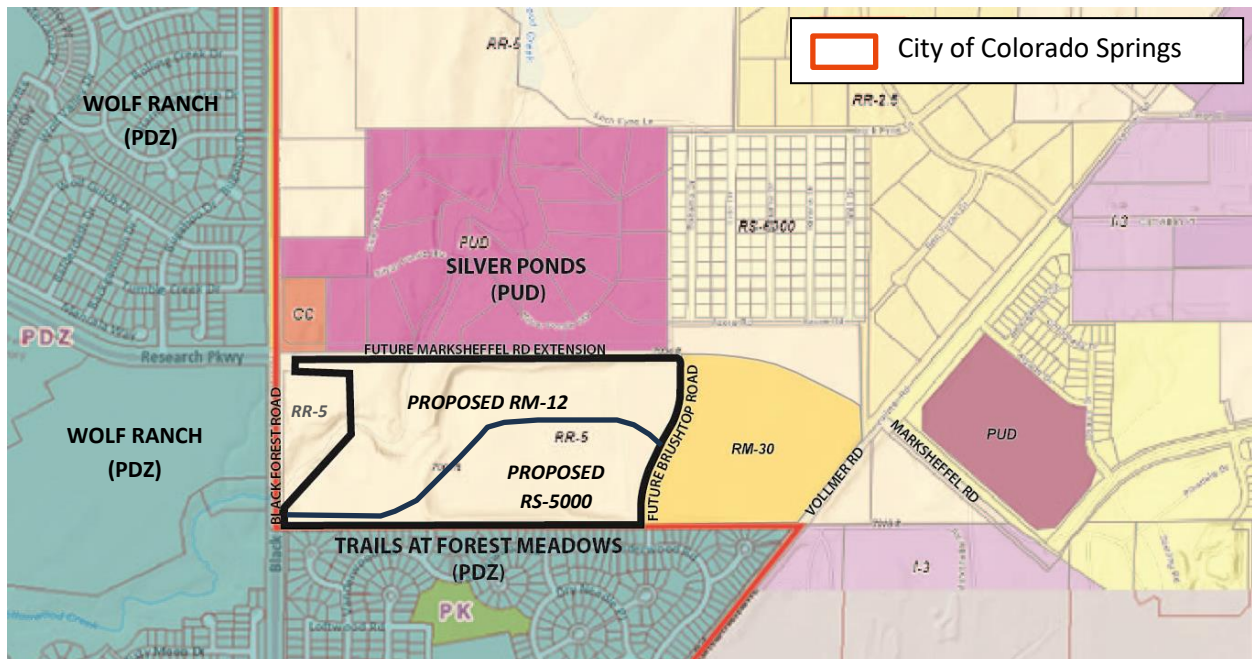


The RM-12 map amendment includes 34.9868 acres, which will exclusively take place on TSN 5200000577. It is anticipated that an approximately 8-acre open space and associated trails will be provided in the northwest corner of the property surrounding Cottonwood Creek, as this includes floodplain and land on the west side of the creek that is not currently accessible. This leaves the RM-12 map amendment area with a net developable area of approximately 26.48 acres, which will include a 3-acre detention pond. The RS-5000 map amendment includes 23.0029 acres, comprising all 7 acres of TSN 5200000570 and 16 acres of TSN 5200000577. The net developable area of the RS-5000 rezone is 19.55 acres, which excludes the narrow undevelopable strip along the southwest side of the proposed east-west residential street that divides the two zone districts.

At this stage, the proposed development is conceptual and no specific residential densities have been determined. However, based on the maximum density allowed in each zoning district and the net developable area of the map amendment areas, it is assumed that the RM-12 zone could accommodate up to 318 multifamily dwelling units, and the RS-5000 zone could accommodate a realistic maximum density of six dwelling units per acre, resulting in a total of 117 single-family dwelling units.

The owner/developer ultimately intends to annex the site into the City of Colorado Springs and has initiated conversations with staff to do so. The rezone applications in the County will allow the formation of metropolitan districts required to move the project forward. The requested rezones reflect the proposed future uses of the site and will correspond with anticipated zoning in the City.

COMPATIBILITY/TRANSITIONS: The Schmidt Property rezones will continue the pattern of diverse housing types and density in this increasingly urbanizing area. The property is a former gravel mining operation; the proposed residential zones will be more compatible with adjacent residential development. The maximum height is 40' in the RM-12 district and 30' in the RS-5000 district. The anticipated development in both the RM-12 and RS-5000 zones is for two-story single-family detached or townhome structures, which will be comparable to the scale of adjacent single-family residential land uses.



The Schmidt Property RM-12 and RS-5000 map amendments are surrounded by existing and proposed developments of differing zoning and land use intensities within the County and the City.

SOUTH: The Schmidt RS-5000 map amendment will be similar in density and lot size to the PDZ-zoned Trails at Forest Meadows single-family subdivision to the south within the City of Colorado Springs, which has a net density of approximately 6 DU/AC. The proposed RS-5000 zone will provide a transition in density to the proposed RM-12 zone to the north. The Schmidt RM-12 map amendment will be separated from the RS-5000 zone by a future public residential connector that will bisect the site.

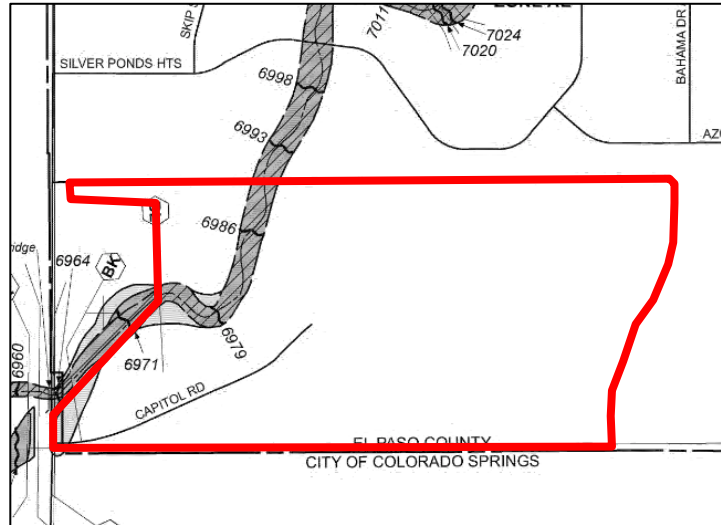
NORTH: The RM-12 zone will extend to the northern edge of the future Marksheffel Road extension, which has a required 106-foot-wide right-of-way. Sixty feet of this right-of-way was dedicated to the County with the Silver Ponds Filing 1 subdivision plat and was recently annexed into the City of Colorado Springs. When Marksheffel Road extension is constructed, this principal arterial will provide a substantial physical separation that will buffer the proposed RM-12 zone from the Silver Ponds rural residential subdivision to the north, zoned PUD (with a density of ~0.3 DU/AC). The proposed RM-12 zone will in turn provide a transition between the highly trafficked Marksheffel Road corridor and the proposed RS-5000 zone.

EAST: The parcels immediately to the east were recently rezoned to from RR-5 RM-30 for high density multifamily residential development. The TIS completed by SM Rocha in September of 2022 for the project assumed a maximum density of 30 DU/AC, or 714 apartment units on the 23.8 acres of developable land. The future Brushtop Road will separate the RM-12 and RS-5000 zones of this project from the higher density of the RM-30 zone. The RM-30 zone provides a physical buffer and land use transition from the future signalized intersection of Marksheffel Road and Vollmer Road and more intense mixed-use commercial and industrial land uses proposed to the east of Vollmer Road, to the less intense residential densities proposed by the Schmidt rezones.

WEST: A single-family 5-acre residential parcel (RR-5 zone) is located between the Schmidt RM-12 rezone parcel and Black Forest Road, which forms the boundary with the City of Colorado Springs. This 5-acre parcel is under separate ownership and is not part of the Schmidt property. The area surrounding this 5-acre parcel has an urbanizing character. A City capital project to widen Black Forest Road to a 4-lane arterial road is nearing completion. On the west side of Black Forest Road is the Wolf Ranch master planned community. To the north of the 5-acre parcel is the proposed extension of Marksheffel Road, which will connect to Black Forest Road at a signalized intersection. To the north of future Marksheffel Road is a commercially zoned property in the County. The 5-acre residential property will be buffered from development on the proposed Schmidt RM-12 zone by the Cottonwood Creek channel and adjacent floodplain, which will be preserved as open space.

UTILITIES: Within the County, the site is currently located within the service area of the Falcon Area Water and Wastewater Authority (FAWWA), which can sufficiently provide water and wastewater services. The site is also within the service area of Mountain View Electric Association, Inc. for electricity supply, and within the service area of Colorado Springs Utilities for natural gas supply. Upon future anticipated annexation into the City, the site will be serviced by Colorado Springs Utilities for electricity, natural gas, water, and wastewater.

FLOODPLAIN: Areas along the eastern edge of the site are within FEMA Zone AE and Zone X (FEMA Floodplain Map No. 08041C0529G, dated December 7, 2018), indicating an approximate one percent (1%) and 0.2% annual risk of flooding, respectively. These areas are almost entirely located within the RM-12 map amendment area and include the land immediately surrounding Cottonwood Creek. This area is not planned for development and is anticipated to contain open space and trails.



WETLANDS: Cottonwood Creek flows through the western edge of the site and contains Riverine Habitat as classified by the National Wetlands Inventory. Development is not planned for this area.

WILDLIFE: In general, the site provides moderate to poor quality habitat for wildlife. No State-listed or State sensitive species were observed on the site. The site is not suitable habitat for any Federally-listed threatened and endangered species. The site provides moderate quality habitat for some grassland and woodland wildlife, including birds, mammals, reptiles, and possibly amphibians. The expected impact from site development to grassland species is classified as relatively low and to woodland species as moderately low.

WILDFIRE: The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a lowest-low-moderate wildfire intensity scale with a moderate burn probability risk. Development of the site will reduce available wildfire fuels in this area.

DISTRICTS SERVING THE PROPERTY:

The site is currently served by the following districts within the County:

- Academy School District 20
- Mountain View Electric Association - Electric
- Colorado Springs Utilities - Gas
- FAWWA – water and wastewater
- Black Forest Fire Protection District

TRAFFIC

The TIS completed by SM Rocha in October 2024 acknowledges the conceptual nature of the project and that no specific land uses or densities have been determined. For the purposes of the study, there is an assumed maximum density of 318 multi-family dwelling units for the RM-12 map amendment area, and a maximum density of 117 single-family dwelling units for the RS-5000 map amendment area. The RM-12 zone is assumed to be approximately 26.48 acres based on developable land and, while the RS-5000 is assumed to be 19.55 acres.

Proposed access to the development is shared and provided at the following locations:

- One full-movement access onto Brush Top Road (future connection from Vanderwood Road north to Marksheffel Road extension),
- One right-in/right-out access onto Black Forest Road, and
- One full-movement access drive to the south via Salt Brush Road.

It is anticipated that development construction would be completed by end of year 2027. Pursuant to the committed area roadway improvements discussed in Section I, and to remain consistent with assumptions made in previous traffic reports within the area, Year 2027 analysis assumes that Black Forest Road is expanded to accommodate four through lanes, Marksheffel Road is extended west past Vollmer Road to intersect with the future Brush Top Road, and that the intersection of Black Forest Road and Research Parkway/Marksheffel Road becomes signalized. Year 2040 background traffic analysis assumes that Marksheffel Road is extended further west to intersect with Black Forest Road and align with Research Parkway, Vollmer Road is extended west past Black Forest Road to create a four-leg intersection, and that the Vollmer Road and Marksheffel Road intersection becomes signalized.

Auxiliary lane improvements include a northbound right-turn deceleration lane along Black Forest Road to access the site. It is understood that the City is to construct this improvement in lieu of dedicated right-of-way (ROW) that was provided by the developer.

Analysis of future traffic condition indicates that the addition of site-generated traffic is expected to create a minor impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis. Intersection operations are similar to background conditions.

PROJECT JUSTIFICATION

The request is consistent with the criteria in Section 5.3.5.B for a Map Amendment (Rezoning) as follows:

- 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;**

The relevant County master plan documents for the Map Amendment (Rezone) are Your El Paso County Master Plan, the El Paso County Water Master Plan, the El Paso County Major Transportation Corridor Plan, and the El Paso County Parks Master Plan.

YOUR EPC MASTER PLAN

The project site is denoted as a Suburban Residential placetype within a priority development area in the County Master Plan. The primary land use in this placetype is single family detached residential with lot sizes smaller than 2.5 acres and up to a 5 DU/AC density. Supporting land uses include single-family attached, commercial retail, commercial service, institutional, parks, and open space. Multifamily residential is also considered a supporting use within the Suburban Residential placetype, provided such development is not the dominant development type and is supportive of

and compatible with the overall single-family character of the area. The Suburban Residential placetype in this part of the County is extensive and expands from the City boundary to the south and west, north to approximately Burgess Road, and east to highway 24. Within this area, the predominant land use is, or is planned to be, single-family detached residential at densities of less than 5 du/ac, with small pockets of higher density single-family detached and attached residential. The proposed RS-5000 zoning is consistent with the Suburban Residential placetype primary land uses and characteristics, while the proposed RM-12 zoning is an appropriate supporting use at this location, as it will not be the dominant development type in this predominantly suburban residential area. Furthermore, the location of the site adjacent to a busy arterial intersection will be supportive of and compatible with the overall single-family character of the area as it will provide a physical buffer and land use transition from the arterial road traffic to the surrounding single-family residential development. This higher density residential will also support the Employment Center land use designation to the east of Vollmer Road by providing workforce housing.

Under Areas of Change, the site is identified as a New Development area that will be significantly transformed as new development takes place. These areas are often on undeveloped or agricultural areas, and are expected to be complementary to adjacent development. The proposed RS-5000 and RM-12 zoning will implement this transformation through new development that is consistent with the densities for the Suburban Residential placetype.

In the Key Area Influences chapter, this site is also designated as a potential area for annexation. This is indicative of the site's suburban character and need for centralized services. The owner/developer is in discussions with the City of Colorado Springs to annex the site in the future. These rezone applications in the County will allow the owner/developer to move forward with the formation of metropolitan districts to provide upfront infrastructure. The rezones are consistent with the future intended development in the City.

Core Principle 1, Land Use and Development, seeks to "manage growth to ensure a variety of compatible land uses that preserve all character areas of the county." Supporting Goal 1.1 seeks to "ensure compatibility with established character and infrastructure capacity." The proposed RS-5000 zoning is compatible with adjacent residentially zoned areas and continues the suburban density approved with the adjacent subdivisions. Additionally, Core Principle 2, Housing & Communities, identifies the need to "preserve and develop neighborhoods with a mix of housing types." The RM-12 zoning contributes to this goal by providing housing at a higher density while maintaining an appropriate buffer from the lower-density Silver Ponds PUD subdivision to the north via the physical boundary of the future Marksheffel Road extension.

WATER MASTER PLAN

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

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the projected demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year and the projected demand is 8,307-acre feet.

While the Schmidt Property RM-12 and RS-5000 rezones remain within the jurisdictional limits of El Paso County, they are within the service area of FAWWA, which has sufficient supply and infrastructure in the area to serve this development. In order to meet future water demands, FAWWA has contractual arrangements to obtain additional legal and physical supply including contracts with McCune Water SR Water LLC and the Bar X Water. In addition to adding off-site sources, FAWWA has a priority to acquire and invest in additional renewable water supplies. Future supply has been contracted for, and implementation is under way.

FAWWA’s main supply source is centralized at a point that both Cherokee Metropolitan District and Woodmen Hills Metropolitan District have adjacent major storage and delivery facilities. It is possible that future agreements could be made. If the property is annexed, Colorado Springs Utilities will provide water service to the property.

EL PASO COUNTY MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

The 2040 MTCP identifies the extension of Marksheffel Road as a 4-lane Principal Arterial between Vollmer Road and Black Forest Road through the Schmidt property. The RM-12 rezone area accounts for this future road extension. The Black Forest Road intersections with E Woodmen Road and Vollmer Road are signalized. The future intersection of Marksheffel Road/Research Parkway and Black Forest Road will also be signalized.

Several future improvements to the existing roadway network within the study area are planned, and include the following:

- Black Forest Road expansion to four through lanes (two lanes in each direction), under construction and planned for completion by late 2024.
- As part of the Black Forest Road widening the project, the City will construct a northbound right-turn deceleration lane to access the site in lieu of dedicated right-of-way (ROW) that was provided by the developer.
- Marksheffel Road widening to accommodate four through lanes (two lanes in each direction).
- Marksheffel Road extension north and west to connect with Black Forest Road and align with Research Parkway. Pursuant to ConnectCOS and PPRTA’s capital improvements projects lists,

the extension of Marksheffel Road includes a bridge spanning over Cottonwood Creek. PPRTA funding is allocated for this project.

EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan identifies a future primary regional trail connection along the north side of the Schmidt Property to connect the Sand Creek Regional Trail to Black Forest Road. This generally appears to follow the alignment of future Marksheffel Road and will be addressed with the County Parks Department at the more detailed road and site planning stage. The build out of Marksheffel will include a bike lane. Future connection to the Sand Creek Regional Trail system within Sterling Ranch will be provided at full build-out via pedestrian improvements at the intersection of Marksheffel Road and Vollmer Road, and via new sidewalks along the arterial roads and proposed residential streets within the future multifamily development. An approximately 8-acre open space area and associated trails are planned along Cottonwood Creek in the northwestern corner of the site.

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;

As the proposed rezoning applications fulfil the goals of the County Master Plan as described under criterion (1) above and is a compatible transition between the adjacent uses, as described in criterion (3) below, it therefore complies with the statutory provisions that allow the County to establish, limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS;

The Schmidt property accommodated a former sand and gravel mining operation and has been substantially disturbed in the past. It is surrounded by existing and planned suburban residential, commercial and industrial development, with a planned principal arterial running along its northern boundary. As such, it effectively represents an infill development area and one that is identified on the County Master Plan as a potential area for annexation into the City.

The site is surrounded by existing and proposed developments of differing zoning and land use intensity. Suburban residential development predominates to the north, with the existing Silver Ponds subdivision (with a density of ~0.3 DU/AC) and undeveloped land zoned RS-6000. To the south is the Trails at Forest Meadows subdivision in the City of Colorado Springs, which is zoned PDZ for single-family residential with a density of approximately 6 DU/AC. To the east, the parcels within Sterling Ranch adjacent to Vollmer Road include Copper Chase, an approved 7 DU/AC PUD residential community, and a proposed mixed-use site.

The proposed RM-12 and RS-5000 zoning is designed to respect the existing and proposed character of this area. The RS-5000 zoning is located within the southern half of the site and abuts the existing Trails at Forest Meadows with a complementary density and an extension of Brushtop Road into that community. Across a future internal public residential connector, the RM-12 zone will provide

higher density housing adjacent to the approved RM-30 Schmidt multifamily property to the east. The planned extension of Marksheffel Road, a principal arterial, runs along the site's northern boundary, and will provide a physical separation, buffer, and transition between the 2.5 Ac lots to the north and the proposed RM-12 development to the south. The RM-12 development will provide further transition of density between the 2.5 Ac lots and the proposed RS-5000 development. The multifamily parcel to the east was recently rezoned to RM-30 and is located at what will be a major signalized intersection of the convergence of Marksheffel Road and Volmer Road. A landscape setback and noise attenuation, as required by County code, will be provided along the northern boundary of the RM-12 development adjacent to Marksheffel Road with future site development.

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.

Future development of the Schmidt Property RM-12 and RS-5000 map amendment areas will meet the use and dimensional standards for the RM-12 and RS-5000 zones as set out in Chapters 5, and the development standards in Chapter 6 and subdivision standards in Chapter 8 of the Land Development Code (LDC). If the property is annexed into the City, future development will meet the applicable standards of the City's Unitary Development Code (UDC). The site is suitable for the proposed residential density, and it provides a transition between residential use types surrounding the site. The project can be accessed by the future extension of Marksheffel Road and the widened Black Forest Road and has access to all utility services either in the County or City.

\\nes02\projects\Morley\Schmidt Property\Admin\Submittals\RM12 and RS5000 Rezones\Schmidt RS5000 and RM12_Rezone_Letter of Intent_2nd_Submittal_10-24.docx

REZONE MAP

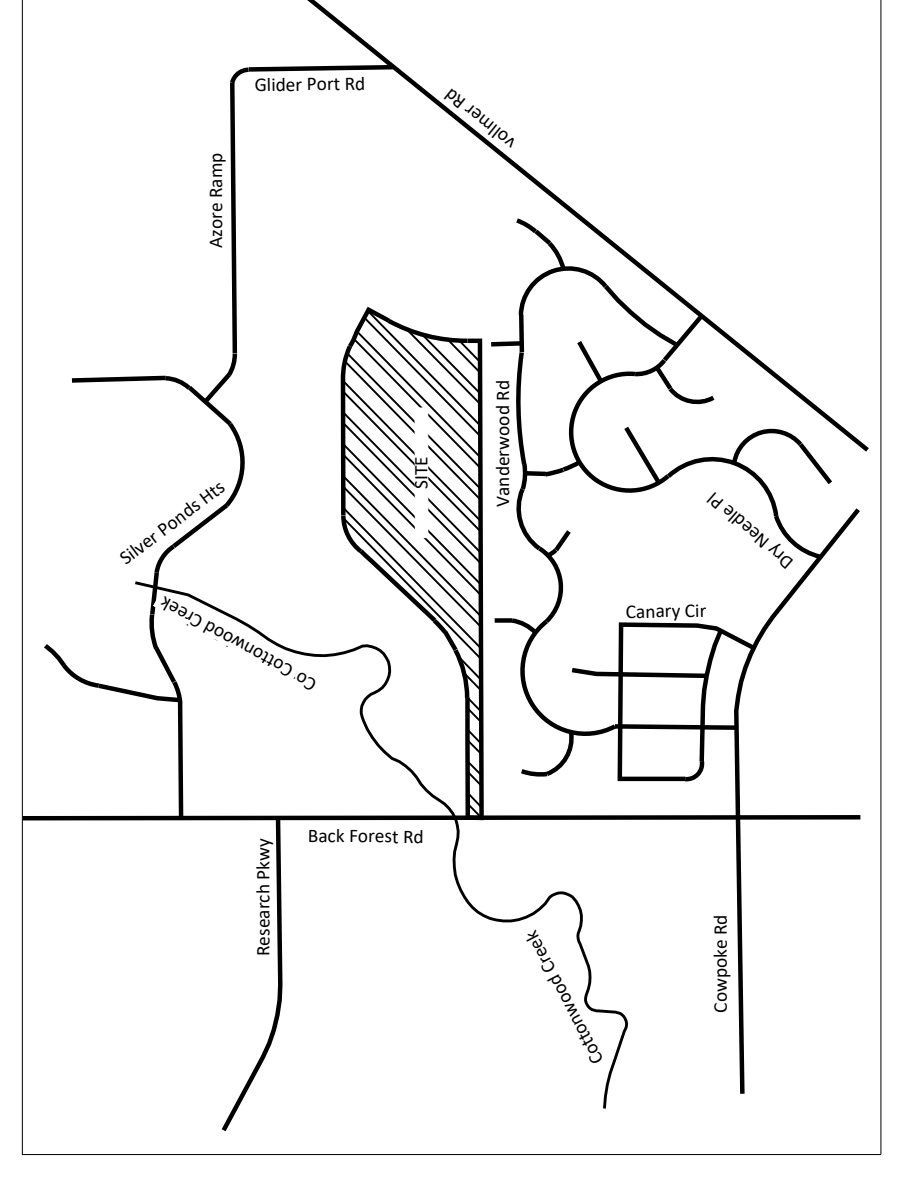
SCHMIDT PROPERTY - RS 5000 ZONE DISTRICT

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719-471-0073
Fax 719-471-0267
www.nescolorado.com
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VICINITY MAP



SITE DATA

Tax ID Number: 5200000571-5200000570
Total Area: 23.0029 AC
Current Zoning: RR-5 CAD-O
Proposed Zoning: RS-5000
Current Use: Vacant
Sketch Plan: South Academy Station

PROJECT TEAM

OWNER: Turkey Canon Quarry Inc.
20 Boulder Crescent St., 2nd Floor
Colorado Springs, CO 80903

APPLICANT: Sugar Daddy's LLC
602 N. Prainning St.
Colorado Springs, CO 80907

CONSULTANT: Turkey Canon Quarry Inc.
20 Boulder Crescent St., 2nd Floor
Colorado Springs, CO 80903

ENGINEER: N.E.S. Inc.
619 N. Cascade Ave., Suite 200
Colorado Springs, CO 80903

ENGINEER: JB Engineering
5775 Red Center Dr. 235
Colorado Springs, CO 80919

LEGAL DESCRIPTION

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3.5-1/4" ALUMINUM CAP BEARING THE END AND A 2-1/2" ALUMINUM CAP STAMPED LS 4842 AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

COMMENCING AT: THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN.

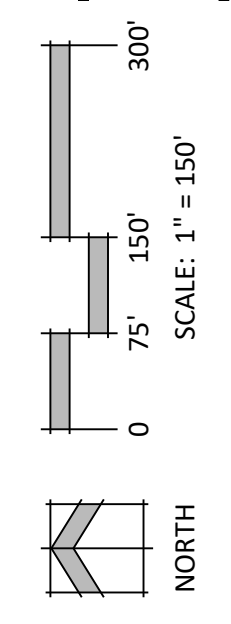
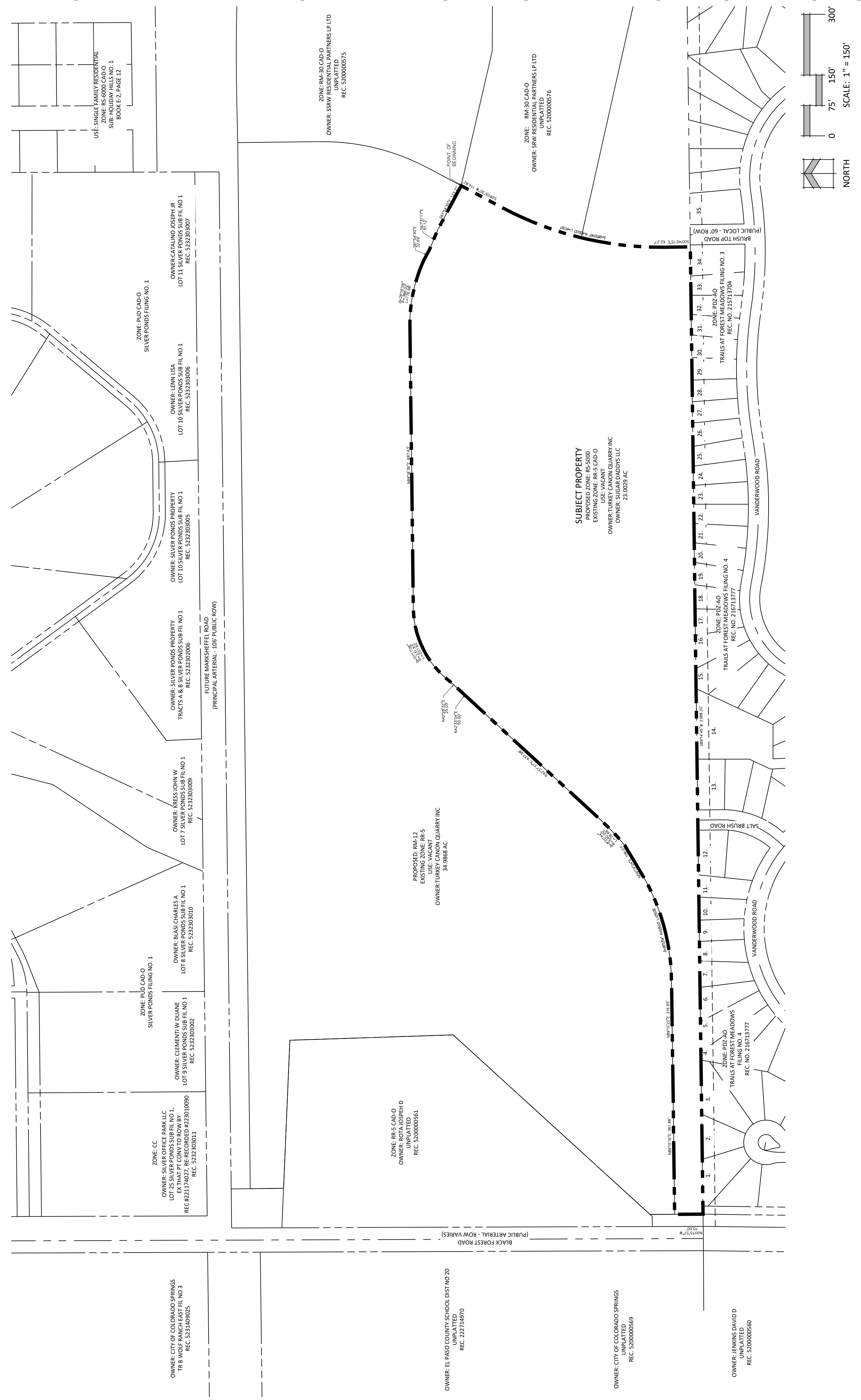
THENCE: N05°14'38"W A DISTANCE OF 965.02 FEET, TO THE POINT OF BEGINNING.

THENCE THE FOLLOWING THREE (3) COURSES:

- S28°05'30"W A DISTANCE OF 114.62 FEET, TO A POINT OF CURVE.
 - ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°59'45" AND AN ARC LENGTH OF 417.87 FEET, TO A POINT OF TANGENT.
 - S09°46'15"E A DISTANCE OF 86.27 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN.
- THENCE ON SAID SOUTH LINE:** S89°14'45"W A DISTANCE OF 2,388.20 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD.
- THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE:** N00°15'57"W A DISTANCE OF 70.00 FEET.
- THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOURTEEN (14) COURSES:**
- N89°15'16"E A DISTANCE OF 361.98 FEET.
 - N89°10'22"E A DISTANCE OF 216.66 FEET, TO A POINT OF CURVE.
 - ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 636.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.08 FEET, TO A POINT OF NON-TANGENT.
 - N89°19'06"E A DISTANCE OF 108.07 FEET, TO A POINT OF NON-TANGENT CURVE.
 - THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N89°19'38"W, HAVING A RADIUS OF 440.00 FEET, A CENTRAL ANGLE OF 06°20'44" AND AN ARC LENGTH OF 78.68 FEET, TO A POINT OF TANGENT.
 - N42°37'37"E A DISTANCE OF 437.88 FEET.
 - N42°30'04"E A DISTANCE OF 50.00 FEET.
 - N42°28'32"E A DISTANCE OF 26.03 FEET, TO A POINT OF NON-TANGENT CURVE.
 - ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S82°24'29"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT.
 - N89°18'38"E A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE.
 - ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S02°05'24"E, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.88 FEET, TO A POINT OF NON-TANGENT.
 - S81°54'39"E A DISTANCE OF 32.69 FEET.
 - S87°31'17"E A DISTANCE OF 51.12 FEET.
 - S87°54'39"E A DISTANCE OF 132.21 FEET, TO THE POINT OF BEGINNING.
 - N89°15'43"E A DISTANCE OF 1,002.006 SQUARE FEET OR 23.0029 ACRES

ADJACENT PARCEL TABLE

ID NUMBER	PARCEL NUMBER	OWNER	LEGAL DESCRIPTION
1	5305201030	WISE PHILLIP B	LOT 15 TRAILS AT FOREST MEADOWS FIL NO 4
2	5305201031	SCHATZ RANDY C	LOT 16 TRAILS AT FOREST MEADOWS FIL NO 4
3	5305201032	SUFKA BRIAN P	LOT 17 TRAILS AT FOREST MEADOWS FIL NO 4
4	5305201040	LANIUM CHARLES DOUGLAS	LOT 25 TRAILS AT FOREST MEADOWS FIL NO 4
5	5305201041	JONES FAMILY LIVING TRUST	LOT 26 TRAILS AT FOREST MEADOWS FIL NO 4
6	5305201042	JENNINS WARRI ELIZABETH	LOT 27 TRAILS AT FOREST MEADOWS FIL NO 4
7	5305201043	PARK TINGYU	LOT 28 TRAILS AT FOREST MEADOWS FIL NO 4
8	5305201044	MAZARCHUK OLEG	LOT 29 TRAILS AT FOREST MEADOWS FIL NO 4
9	5305201045	FAVERO ALEXANDRA	LOT 30 TRAILS AT FOREST MEADOWS FIL NO 4
10	5305201046	MARQUES ENRIQUE	LOT 31 TRAILS AT FOREST MEADOWS FIL NO 4
11	5305201047	HANES ISAAC	LOT 32 TRAILS AT FOREST MEADOWS FIL NO 4
12	5305201049	HENDERSON JASON	LOT 34 TRAILS AT FOREST MEADOWS FIL NO 4
13	5305219015	SALKO DMYTRO	TR A TRAILS AT FOREST MEADOWS FIL NO 4
14	5305219031	WOODMEN HTS METRO DIST NO 2	LOT 45 TRAILS AT FOREST MEADOWS FIL NO 4
15	5305219025	BUBS ZACHARY P	LOT 46 TRAILS AT FOREST MEADOWS FIL NO 4
16	5305219026	KAMINIENICK LAWRENCE J	LOT 47 TRAILS AT FOREST MEADOWS FIL NO 4
17	5305219027	CHEIMDO PAUL	LOT 48 TRAILS AT FOREST MEADOWS FIL NO 4
18	5305219028	BOIVANT JAMES P	LOT 49 TRAILS AT FOREST MEADOWS FIL NO 4
19	5305219029	NELSON JERRY	LOT 50 TRAILS AT FOREST MEADOWS FIL NO 4
20	5305219030	GREEN RAYMOND R	LOT 34 TRAILS AT FOREST MEADOWS FIL NO 3
21	5305219001	GOIMEZ ANTHONY	LOT 35 TRAILS AT FOREST MEADOWS FIL NO 3
22	5305219002	PAUL SPENCER	LOT 36 TRAILS AT FOREST MEADOWS FIL NO 3
23	5305219003	STEWART GARY	LOT 37 TRAILS AT FOREST MEADOWS FIL NO 3
24	5305219004	ECKERT JOHN ROBERT	LOT 38 TRAILS AT FOREST MEADOWS FIL NO 3
25	5305219005	BRADLEY MICHAEL	LOT 39 TRAILS AT FOREST MEADOWS FIL NO 3
26	5305219006	CSH PROPERTY ONE LLC	LOT 40 TRAILS AT FOREST MEADOWS FIL NO 3
27	5305219007	OLAVSON BERT JAMES	LOT 41 TRAILS AT FOREST MEADOWS FIL NO 3
28	5305219008	WILLIAMS CAMERON B	LOT 42 TRAILS AT FOREST MEADOWS FIL NO 3
29	5305219009	SANGPU BAIKUMAR	LOT 43 TRAILS AT FOREST MEADOWS FIL NO 3
30	5305219010	WERNIMONT SEAN P	LOT 44 TRAILS AT FOREST MEADOWS FIL NO 3
31	5305219011	BLOCKED BY REQUEST	LOT 45 TRAILS AT FOREST MEADOWS FIL NO 3
32	5305219012	LATHROP WILLIAM S	LOT 46 TRAILS AT FOREST MEADOWS FIL NO 3
33	5305219013	JEBEN ROBERT	LOT 47 TRAILS AT FOREST MEADOWS FIL NO 3
34	5305219014	RICE DEBORAH M	LOT 48 TRAILS AT FOREST MEADOWS FIL NO 3
35	5305220001	MALEWITZ VANESSA CAROL	LOT 48 TRAILS AT FOREST MEADOWS FIL NO 3



PROJECT INFO
DATE: 10.29.24
PROJECT MGR: A BARLOW
PREPARED BY: T KNAB

STAMP

REZONE MAP

ISSUE INFO
DATE: BY: DESCRIPTION:

ISSUE / REVISION

SHEET TITLE

SHEET NUMBER

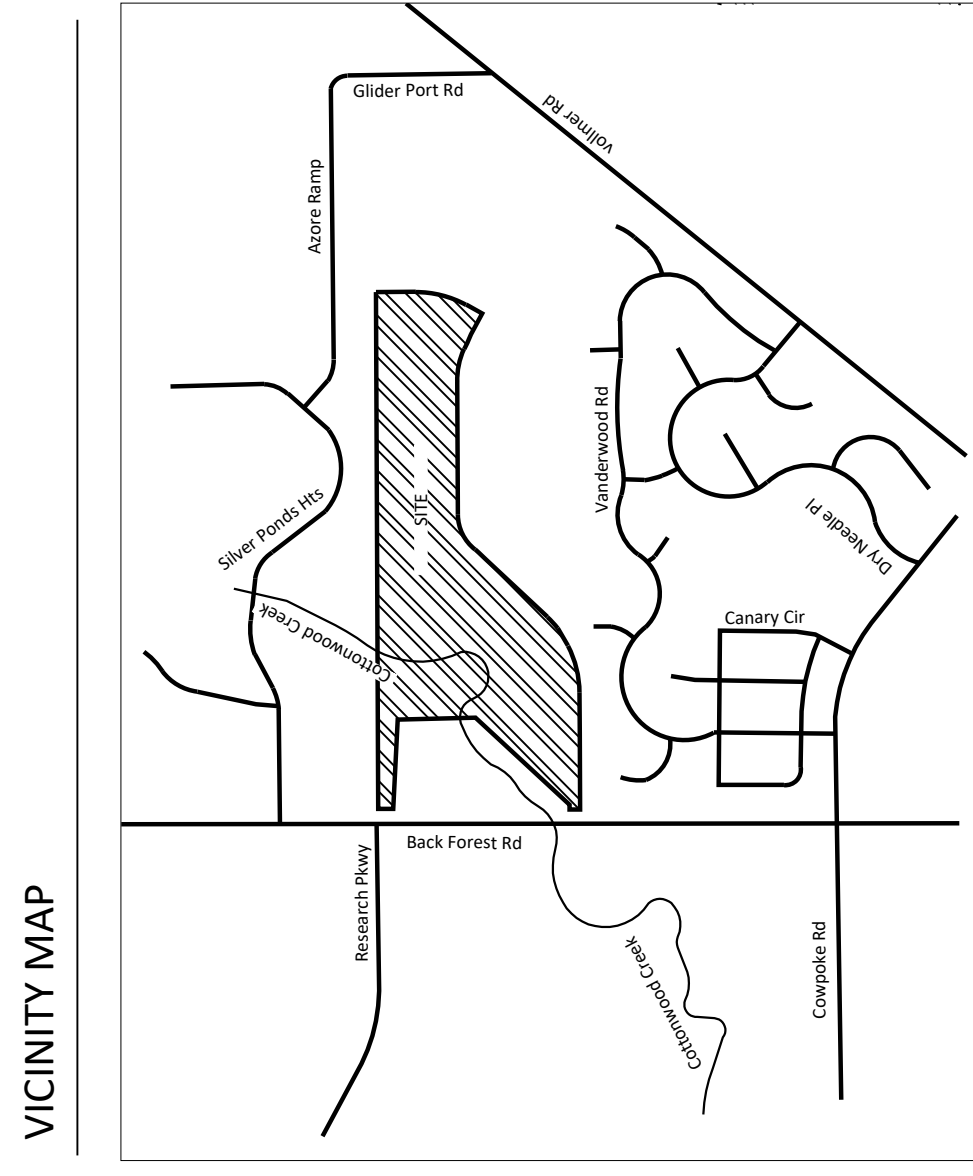
1 OF 1

PLAN FILE # P 249

REZONE MAP SCHMIDT PROPERTY - RM 12 ZONE DISTRICT WEST OF THE 6TH PRINCIPAL MERIDIAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel: 719-471-0073
Fax: 719-471-0267
www.nescolorado.com
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SITE DATA

Tax ID Number: 5200000577
Total Area: 34.9868 AC
Current Zoning: RR-5 CAD-0
Proposed Zoning: RM-12
Current Use: Vacant
Proposed Use: Residential

PROJECT TEAM

OWNER: Turkey Canon Quarry Inc.
20 Boulder Crescent St., 2nd Floor
Colorado Springs, CO 80903

APPLICANT: Turkey Canon Quarry Inc.
20 Boulder Crescent St., 2nd Floor
Colorado Springs, CO 80903

CONSULTANT: N.E.S. Inc.
619 N. Cascade Ave., Suite 200
Colorado Springs, CO 80903

ENGINEER: JR Engineering
5475 Tech Center Dr. 235
Colorado Springs, CO 80919

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

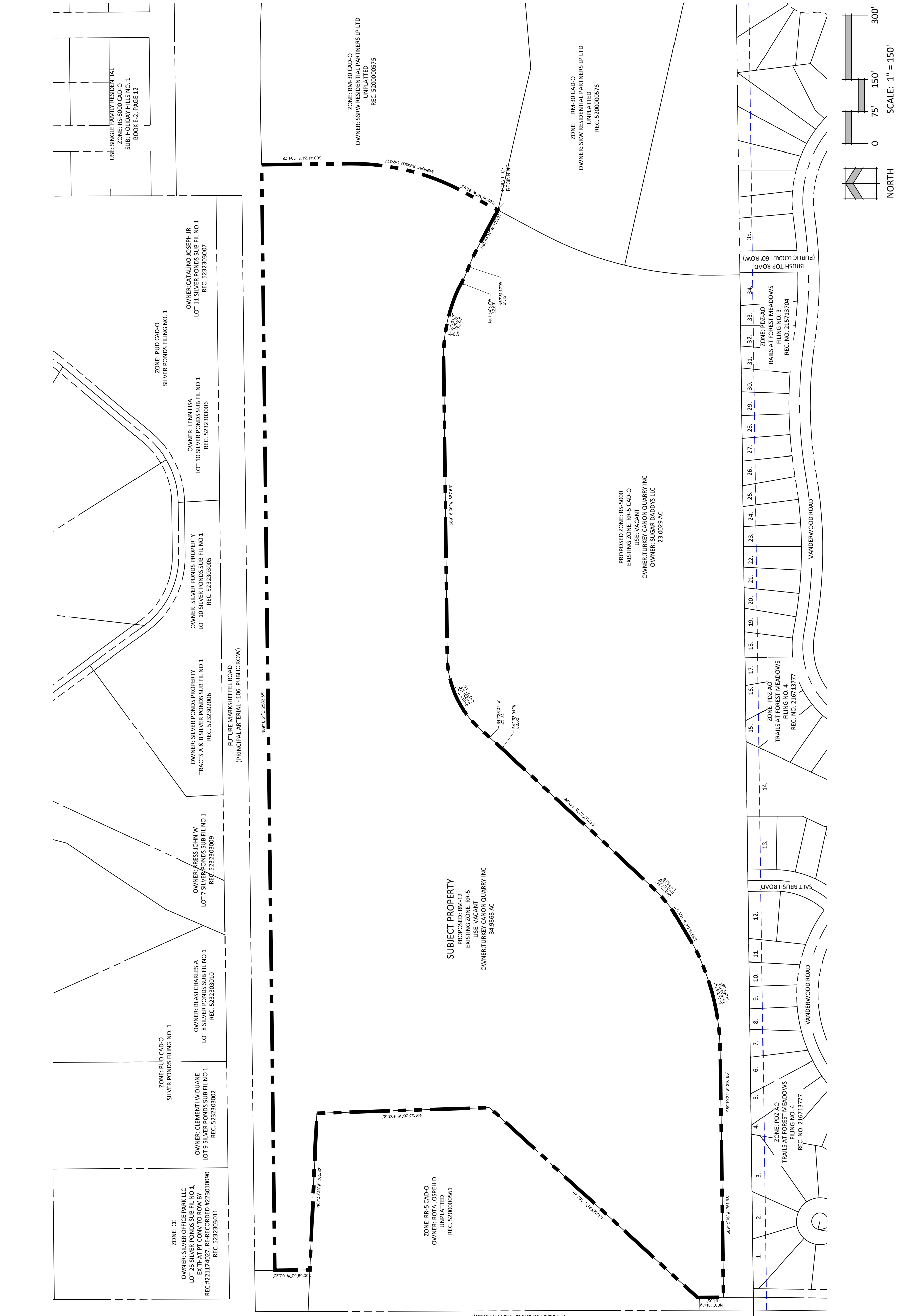
BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A 3/4" ALUMINUM CAP STAMPED "LS 10387" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S88°14'13"W.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

- THENCE N65°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING;
 - THENCE THE FOLLOWING FOURTEEN (14) COURSES:
 1. N61°53'07"W A DISTANCE OF 123.21 FEET;
 2. N67°31'17"W A DISTANCE OF 51.12 FEET;
 3. N61°54'30"W A DISTANCE OF 32.69 FEET, TO A POINT OF NON-TANGENT CURVE;
 4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S24°14'14"W, HAVING A RADIUS OF 386.62 FEET, A CENTRAL ANGLE OF 26°10'59" AND AN ARC LENGTH OF 173.86 FEET, TO A POINT OF NON-TANGENT;
 5. S89°16'39"W A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
 6. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S01°07'23"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'09" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
 7. S42°28'32"W A DISTANCE OF 25.03 FEET;
 8. S42°33'04"W A DISTANCE OF 50.00 FEET;
 9. S42°37'37"W A DISTANCE OF 437.88 FEET, TO A POINT OF CURVE;
 10. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 69°20'44" AND AN ARC LENGTH OF 736.93 FEET, TO A POINT OF NON-TANGENT;
 11. S59°19'04"W A DISTANCE OF 106.07 FEET, TO A POINT OF NON-TANGENT CURVE;
 12. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N27°42'52"W, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF TANGENT;
 13. S89°10'22"W A DISTANCE OF 218.65 FEET;
 14. S89°15'19"W A DISTANCE OF 361.98 FEET, TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;
 - THENCE ON SAID EASTERN RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 82.22 FEET, TO A POINT ON THE LINE OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
 - THENCE ON THE BOUNDARY OF SAID PROPERTY, THE FOLLOWING THREE (3) COURSES:
 1. N42°23'21"E A DISTANCE OF 667.49 FEET;
 2. N01°53'29"W A DISTANCE OF 403.35 FEET;
 3. N87°33'35"W A DISTANCE OF 565.92 FEET, TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF SAID BLACK FOREST ROAD;
 - THENCE ON SAID EASTERN RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 82.22 FEET;
 - THENCE DEPARTING SAID EASTERN RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:
 1. N89°18'51"E A DISTANCE OF 2,592.55 FEET;
 2. S00°41'24"E A DISTANCE OF 204.78 FEET TO A POINT OF CURVE;
 3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 29°46'34" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF;
 4. S28°06'30"W A DISTANCE OF 94.39 FEET, TO THE POINT OF BEGINNING;
- CONTAINING A CALCULATED AREA OF 1,524,025 SQUARE FEET OR 34.8888 ACRES.

ADJACENT PARCEL TABLE

ID NUMBER	PARCEL NUMBER	OWNER	LEGAL DESCRIPTION
1	5305201030	WISE PHILLIP B	LOT 15 TRAILS AT FOREST MEADOWS FIL NO 4
2	5305201031	SCHTATZ RANDY C	LOT 16 TRAILS AT FOREST MEADOWS FIL NO 4
3	5305201032	SUFAL BRIAN P	LOT 17 TRAILS AT FOREST MEADOWS FIL NO 4
4	5305201040	LANJUM CHARLES DOUGLAS	LOT 25 TRAILS AT FOREST MEADOWS FIL NO 4
5	5305201041	JONES FAMILY LIVING TRUST	LOT 26 TRAILS AT FOREST MEADOWS FIL NO 4
6	5305201042	JENNINS MARY ELIZABETH	LOT 27 TRAILS AT FOREST MEADOWS FIL NO 4
7	5305201043	PARK TINGYU	LOT 29 TRAILS AT FOREST MEADOWS FIL NO 4
8	5305201044	MAZARCHUK OLEG	LOT 30 TRAILS AT FOREST MEADOWS FIL NO 4
9	5305201045	FAVERO ALEXANDRA	LOT 31 TRAILS AT FOREST MEADOWS FIL NO 4
10	5305201046	MARQUES ENRIQUE	LOT 32 TRAILS AT FOREST MEADOWS FIL NO 4
11	5305201047	HANES ISAAC	LOT 34 TRAILS AT FOREST MEADOWS FIL NO 4
12	5305201049	HENDERSON JASON	LOT 35 TRAILS AT FOREST MEADOWS FIL NO 4
13	5305219015	SALIKO DMYTRO	TRACT A TRAILS AT FOREST MEADOWS FIL NO 4
14	5305219031	WOODMEN HTS METRO DIST NO 2	TRACT A TRAILS AT FOREST MEADOWS FIL NO 4
15	5305219025	BUBS ZACHARY P	LOT 45 TRAILS AT FOREST MEADOWS FIL NO 4
16	5305219026	KAMINIENIEKI LAWRENCE J	LOT 46 TRAILS AT FOREST MEADOWS FIL NO 4
17	5305219027	CHEIMO PAUL	LOT 47 TRAILS AT FOREST MEADOWS FIL NO 4
18	5305219028	BONAVITA JAMES P	LOT 48 TRAILS AT FOREST MEADOWS FIL NO 4
19	5305219029	NELSON JERRY	LOT 49 TRAILS AT FOREST MEADOWS FIL NO 4
20	5305219030	GREEN RAYMOND R	LOT 50 TRAILS AT FOREST MEADOWS FIL NO 4
21	5305219001	GOMEZ ANTHONY	LOT 34 TRAILS AT FOREST MEADOWS FIL NO 3
22	5305219002	PAUL SPENCER	LOT 35 TRAILS AT FOREST MEADOWS FIL NO 3
23	5305219003	STEWART GARY	LOT 36 TRAILS AT FOREST MEADOWS FIL NO 3
24	5305219004	ECKERT JOHN ROBERT	LOT 37 TRAILS AT FOREST MEADOWS FIL NO 3
25	5305219005	BRADLEY MICHAEL	LOT 38 TRAILS AT FOREST MEADOWS FIL NO 3
26	5305219006	CSH PROPERTY ONE LLC	LOT 39 TRAILS AT FOREST MEADOWS FIL NO 3
27	5305219007	OLAVSON BERT JAMES	LOT 40 TRAILS AT FOREST MEADOWS FIL NO 3
28	5305219008	WILLIAMS CAMERON B	LOT 41 TRAILS AT FOREST MEADOWS FIL NO 3
29	5305219009	SANGEPU BANUKUMAR	LOT 42 TRAILS AT FOREST MEADOWS FIL NO 3
30	5305219010	WERNIMONT SEAN P	LOT 43 TRAILS AT FOREST MEADOWS FIL NO 3
31	5305219011	BLOCKED BY REQUEST	LOT 44 TRAILS AT FOREST MEADOWS FIL NO 3
32	5305219012	LATHROP WILLIAMS S	LOT 45 TRAILS AT FOREST MEADOWS FIL NO 3
33	5305219013	JEBEN ROBERT	LOT 46 TRAILS AT FOREST MEADOWS FIL NO 3
34	5305219014	RICE DEBORAH M	LOT 47 TRAILS AT FOREST MEADOWS FIL NO 3
35	5305220001	MALEWITZ VANESSA CAROL	LOT 48 TRAILS AT FOREST MEADOWS FIL NO 3



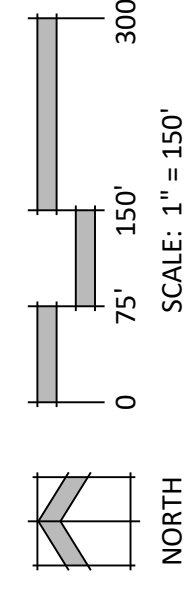
SCHMIDT PROPERTY

RM-12 ZONE DISTRICT

DATE: 10.24.24
PROJECT MGR: A BARLOW
PREPARED BY: T. KNAB

REZONE MAP

DATE: BY: DESCRIPTION:



SHEET NUMBER: 1 OF 1
PLAN FILE #: P 248

Miranda Benson

From: PCD Hearings
Sent: Wednesday, October 2, 2024 10:32 AM
To: PCD Hearings
Subject: FW: Opposition to P248 and P249

From: Rick Van Wieren <vanwierenrick@gmail.com>
Sent: Tuesday, September 24, 2024 9:49 AM
To: Kari Parsons <kariparsons@elpasoco.com>
Cc: Holly Van Wieren <holly.vanwieren@gmail.com>
Subject: Opposition to Parcel #5200000570 and 5200000577 Rezoning

As residents of The Trails at Forest Meadows, I want to register our strong disapproval for the rezoning of these parcels from low density RR-5 to the high density Rm-12 and RS-5000.

This section of land has always been designated as low density. As new apartments, townhomes and other density uses have developed in the general area, the traffic and other infrastructure have been sorely stretched. Even now the Black Forest corridor is still a war zone of road work. Completion of Marksheffel to connect with Research is still a pipe dream.

These parcels should be left as RR-5, or as a minimum downgraded only to 1 acre minimum sizes as a buffer between the higher density of The Trails at Forest Meadows and Forest Meadows itself and the lower density of Silver Ponds and Forestgate. Wildlife we've observed including antelope, deer, foxes, coyotes, owls, hawks, geese, herons, even eagles, may still have a chance to survive in lower density development.

Let the higher density developments happen where they are already master planned, in the Banning Lewis Ranch and areas further east. Please don't ruin this area any further.

Rick and Holly Van Wieren
8724 Vanderwood Rd
Colorado Springs CO 80908

Rick Van Wieren

RE/MAX Properties, Inc 1915 Democracy Pt

Colorado Springs, CO 80908

Call or Text 719-331-7675

vanwierenrick@gmail.com

www.LivingColoradoSprings.com

www.FaceBook.com/rickvanwierenrealestate

www.YouTube.com/rickvanwieren

November 15, 2024

Mr. & Mrs. Bryan Bagley
7070 Silver Ponds Hts.
Colorado Springs, CO 80908

Re: Schmidt Parcel Rezoning Application P249, specifically the Schmidt RM-12 portion

Dear El Paso County Planning Commission and Board of County Commissioners,

We are writing to urge you to reject the application for a rezoning of this property from RR-5 to RM-12.

We believe this parcel is inappropriate for rezoning due to the following reasons:

1. El Paso County Master Plan: The plan for this area is to be "suburban residential." Page 31 of the plan indicates development should be "supportive of and compatible" (pg 31) with the overall development. This area is zoned for lower density housing on all sides to included single-family residences on 2.5 acres to the north. In this area, the only exception is the RM-30 location that you just recently approved. Rezoning to multi-family housing (RM-12) is incompatible with current development. Rezoning to RR-2.5, RR-1, RR-0.5, RS-20000, RS-6000 or even RS-5000 would be more compatible.
 - a. Rezoning as proposed would not "maintain County character" (pg 60) which is described as detached housing in suburban residential areas.
 - b. Rezoning as proposed would violate the idea of "seamless transitions" (pg 60) as it would inappropriately place multi-family high density residences in the midst of existing single-family dwellings.

Zoning change	Housing Density increase
RR-5 to RR-2.5	2X
RR-5 to RR-1	5X
RR-5 to RR-.5	10X
RR-5 to RM-12	120X*

* Assumes apartment complex of only 2 families per dwelling

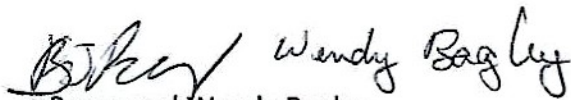
Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County's Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare of the community. The material change in the character of the area surrounding this parcel does NOT justify a rezoning to this density level (120 times more dense than currently zoned).

- c. Criteria for Approval (B, page 147) indicates a rezoning requires the following findings to be made: general conformance with the El Paso County Master Plan OR substantial change in the character of the neighborhood. The requested zoning change is NOT in conformance with the El Paso County Master Plan though there has been a change in the character of the neighborhood. The change in the neighborhood to higher density single family homes does NOT justify rezoning the Schmidt parcel to RM-12.
 - d. The rezoning may be in compliance with all applicable statutory provisions, but it is NOT compatible with the existing and permitted land uses and zone districts in ALL directions. (pg 148).
 2. Rezoning this parcel (which abuts the Silver Ponds community) violates the El Paso County Silver Ponds General Development Guide (Book 6917, pages 38-53). This El Paso County document has never been revoked or rescinded. This re-zoning request violates the guidelines and principles set forth in this development guide; examples: the community/development should “maximize the unique physical features of the site to strengthen the feeling of a mountain community” (page 3). This document also specifies that all lots are at least 2.5 acres and residential buildings are limited to 30 feet in height and the one commercial building is limited to 35 feet.
 3. If the re-zoning request is for a higher density than RR-1, the Silver Ponds community requests that the existing berm be left in place (or a similar sound and sight barrier be erected) so that our compliance with the El Paso master plan be somewhat protected from this planned “Schmidt Multi-Dwelling Rezone” community that does not comply with the rural feel of the adjacent neighborhoods (that are in compliance with the master plan). The PC (Planning Commission) Staff Report (dated Feb 23, 2023) states that the “design and construction of Marksheffel Road will be a developer requirement.” This implies that if the commissioners approve this rezoning request (a huge density increase), they will be paid in return by the developer putting in a needed roadway. This PC Staff Report also states “A minimum 15-foot zone district buffer is required between the existing single-family residential development to the south and the proposed rezone area.” The Silver Ponds community (located to the north of this proposed rezone area) requests that the berm between our community and the Marksheffel Road extension be left in place. This should be acceptable to the developer since they are also responsible for the Marksheffel road extension and have apparently already agreed to protect the single-family homes to the south of this proposed rezone area (The Silver Ponds subdivision (zoned RR-2.5) should be given the same quality buffer (if not a larger buffer area) than what is already planned to protect the housing units in the area zoned as RS-5000).
 4. In summary, we urge you to reject the application for rezoning the Schmidt parcel from RR-5 to RM-12 (over a 120X increase in density). If considering approval of rezoning to a density greater than RR-1, we request the proposed rezoning be resubmitted for public

comment, with defined mitigations to protect the Silver Ponds community from this proposed 120X increase in density right next to our 2.5-acre single family homes.

Our final comment: we are concerned this hearing will be similar to the one we attended on March 2, 2023. We were given a chance to submit comments and briefly speak however, we felt the deals were already made between the planning commissioners and the developers. As suspected, the outcome was 7 yea votes and 1 nay vote by the planning commissioners to approve the rezoning that abuts our Silver Ponds community. Every indication is that this public hearing is similar and is just an exercise to follow the prescribed process and community inputs will not have an effect on how you vote on this matter. So, can we at least get your commitment for a sound and sight barrier on the north side of the Marksheffel extension? We request this sight and sound barrier be at least along the length of the road extension where it abuts rural residential housing in the Silver Ponds subdivision.

Sincerely,



Bryan and Wendy Bagley

Homeowners within 100 yards of this proposed dramatic housing density increase

719-482-8093 cell

bwjbagley@gmail.com

page 3 of 3

Miranda Benson

From: Ray Green <rayrgreen@gmail.com>
Sent: Tuesday, November 19, 2024 10:34 AM
To: PCD Hearings
Subject: File No P248 and P249

You don't often get email from rayrgreen@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

My info:

Ray Green
8794 Vanderwood Road
847-687-2272
File # P248
Participate remotely

1. What is the plan for the burne located on the south side of the property that backs up close to our existing fence line?
2. How many single family homes are being proposed for RS-5000?
3. What type of multi-family housing is being proposed for Schmidt RM12?
(i.e. townhomes, condos, apartments?)
4. What is the proposed timeline for this project?

Thank you,
Ray Green

--

Ray Green
Cell: 847-687-2272

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO
APPROVAL OF A MAP AMENDMENT (REZONING)
SCHMIDT RS-5000 REZONE (P249)

WHEREAS, Turkey Canon Quarry Inc., and Sugar Daddy, 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 a property located within the unincorporated area of the County, more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 21, 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 December 12, 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 Turkey Canon Quarry Inc., and sugar Daddy, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) 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 RS-5000 (Residential Suburban) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plat and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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 12th day of December 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

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W. COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N05°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING; THENCE THE FOLLOWING THREE (3) COURSES:

1. S28°05'30"W A DISTANCE OF 114.82 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°50'45" AND AN ARC LENGTH OF 417.87 FEET, TO A POINT OF TANGENT;
3. S00°45'15"E A DISTANCE OF 62.27 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON SAID SOUTH LINE, S89°14'45"W A DISTANCE OF 2,388.20 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°15'57"W A DISTANCE OF 70.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOURTEEN (14) COURSES;

1. N89°15'16"E A DISTANCE OF 361.98 FEET;
2. N89°10'22"E A DISTANCE OF 216.65 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF NON-TANGENT;
4. N59°19'04"E A DISTANCE OF 106.07 FEET, TO A POINT OF NON-TANGENT CURVE;
5. THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N39°01'39"W, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 08°20'44" AND AN ARC LENGTH OF 78.66 FEET, TO A POINT OF TANGENT;
6. N42°37'37"E A DISTANCE OF 437.98 FEET;
7. N42°33'04"E A DISTANCE OF 50.00 FEET;
8. N42°28'32"E A DISTANCE OF 25.03 FEET, TO A POINT OF NON-TANGENT CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S52°24'29"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
10. N89°18'36"E A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
11. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S02°05'24"E, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.98 FEET, TO A POINT OF NON-TANGENT;
12. S61°54'30"E A DISTANCE OF 32.69 FEET;
13. S67°31'17"E A DISTANCE OF 51.12 FEET;
14. S61°54'30"E A DISTANCE OF 123.21 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,002,006 SQUARE FEET OR 23.0029 ACRES.

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO

APPROVAL OF A MAP AMENDMENT (REZONING)
SCHMIDT RM-12 REZONE (P248)

WHEREAS, Turkey Canon Quarry Inc., 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 a property located within the unincorporated area of the County, more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the RM-12 (Residential, Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 21, 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 December 12, 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 Turkey Canon Quarry Inc., to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the RM-12 (Residential, Multi-Dwelling) 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 RS-5000 (Residential Suburban) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plat and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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 12th day of December 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

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N05°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING; THENCE THE FOLLOWING FOURTEEN (14) COURSES:

1. N61°54'30"W A DISTANCE OF 123.21 FEET;
2. N67°31'17"W A DISTANCE OF 51.12 FEET;
3. N61°54'30"W A DISTANCE OF 32.69 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S24°10'45"W, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.98 FEET, TO A POINT OF NON-TANGENT;
5. S89°18'36"W A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
6. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S01°07'23"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
7. S42°28'32"W A DISTANCE OF 25.03 FEET;
8. S42°33'04"W A DISTANCE OF 50.00 FEET;
9. S42°37'37"W A DISTANCE OF 437.98 FEET, TO A POINT OF CURVE;
10. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 08°20'44" AND AN ARC LENGTH OF 78.66 FEET, TO A POINT OF NON-TANGENT;
11. S59°19'04"W A DISTANCE OF 106.07 FEET, TO A POINT ON NON-TANGENT CURVE;
12. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N27°42'52"W, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF TANGENT;
13. S89°10'22"W A DISTANCE OF 216.65 FEET;
14. S89°15'16"W A DISTANCE OF 361.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°11'44"W A DISTANCE OF 61.02 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE QUITCLAIM DEED RECORDED IN BOOK 3859 AT PAGE 151 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON THE BOUNDARY OF SAID PROPERTY, THE FOLLOWING THREE (3) COURSES:

1. N42°23'21"E A DISTANCE OF 657.49 FEET;
2. N01°53'26"W A DISTANCE OF 403.35 FEET;
3. N87°33'35"W A DISTANCE OF 365.82 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 82.22 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. N89°18'51"E A DISTANCE OF 2,582.55 FEET;
2. S00°41'24"E A DISTANCE OF 204.78 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF;
4. S28°05'30"W A DISTANCE OF 94.93 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,524,025 SQUARE FEET OR 34.9868 ACRES.

