

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
 O: 719-520-6300
 KevinMastin@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, J., District 4
 Cami Bremer, District 5

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

FROM: Kyle Bagley, Planner II
Daniel Torres, PE Engineer II
Kevin Mastin, Interim Executive Director

RE: Project File #: P-21-008
Project Name: Citizen on Constitution
Parcel No.: 4050-00-051 5332404001

OWNER:	REPRESENTATIVE:
Feathergrass Investments, LLC 4715 North Chestnut Street Colorado Springs, CO 80907	The Garrett Companies 1051 Greenwood Springs Boulevard Greenwood, IN 46143

Commissioner District: 2

Planning Commission Hearing Date:	5/5/2022
Board of County Commissioners Hearing Date:	6/7/2022

EXECUTIVE SUMMARY

A request by Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.54 acres from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay). The parcel is located at the southwestern corner of the Constitution Avenue and Marksheffel Road intersection, and are within Section 5, Township 14 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION



Request: A request by Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.54 acres from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay).

Waiver(s)/Deviation(s): There are no waivers associated with the map amendment (rezone) request.

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

B. Planning Commission Summary

Request Heard: As a Consent item on May 5, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9-0

Vote Rationale: N/A

Summary of Hearing: The May 5, 2022 PC Finalized Minutes are attached.

Legal Notice: Published in the Shopper’s Press on April 27, 2022.

C. APPROVAL CRITERIA

In 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 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

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

D. LOCATION

North:	CS (Commercial Service)	Vacant
South:	M (Industrial)	Vacant
East:	CR (Commercial Regional)	Commercial

West: CS (Commercial Service)

Vacant

E. BACKGROUND

The 10.54- acre property was zoned A-2 (Agricultural) at the time of initial zoning for this portion of El Paso County on September 21, 1965. It was then subsequently rezoned to M-1 (Industrial) in 1975. Due to changes in the nomenclature of the Land Development Code, the M-1 zoning district is now known as the CS (Commercial Services) zoning district. The property was platted as Tract N of Urban Collection at Palmer Village on October 8, 2021 (Plat no. 14832).

F. ANALYSIS

1. Land Development Code Analysis

The subject property is adjacent to existing commercial and industrially zoned properties. Specifically, the parcels located directly west and north of the subject property are zoned CS. The parcel located south of the subject property is zoned M and is developed with a Waste Connection storage facility. In the context of the surrounding neighborhood, the subject property is located near higher-density residential development. Specifically, immediately to the west is the Urban Collection at Palmer Village development which includes lots as small as 2,000 square feet in size. The Cherokee Park Townhomes as well as the Northcrest development is located approximately one-fourth of a mile west of the subject property and is developed with multi-family residential development within the RM-30 zoning district.

The proposed map amendment (rezone) is consistent with the current densities and scale of development in the immediate neighborhood surrounding the subject property. The proposed multi-family zoning will be supported by the existing commercial shopping center located east of the property at the intersection of Marksheffel Road and Constitution Avenue, which contains a large grocery store, restaurants, convenience store, and offices.

Should the request for a map amendment (rezone) be approved, the applicant will need to complete a site development plan prior to initiation of any multi-family use on the subject parcel. The site development plan will need to demonstrate compliance with the dimensional standards of the RM-30 zoning district as well as the development standards included in Chapter 6 of the Land Development Code.

2. Zoning Compliance

The applicant is requesting to rezone 15.39 acres to the RM-30 (Residential Multi-Dwelling) zoning district. The RM-30 (Residential Multi-Dwelling) zoning district is intended to accommodate high density multi-family residential developments. The density and dimensional standards for the RM-30 (Residential Multi-Dwelling) zoning district are as follows:

- Minimum lot size: 5000 square feet* **
- Minimum width at the front setback line: 75 feet
- Minimum setback requirement: front 25 feet, side 15 feet, rear 15 feet ***
- Maximum lot coverage: 60 percent
- Maximum Height: 40 feet

*The minimum lot area of 5,000 square feet applies to single-family detached dwellings, two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required for each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.

**If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of the 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. 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.

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

The area included in the map amendment (rezone) request is comprised of 10.54 acres, which exceeds the 5,000 square-foot minimum lot size requirement of the RM-30 zoning district. A site development plan will be required prior to initiation of any multi-family use prior to building permit authorization to ensure that the development complies with the dimensional standards of the RM-30 zoning district as well as the General Development Standards in Chapter 6 of the Code and the requirements of the Engineering Criteria Manual.

3. Water Master Plan Analysis

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

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

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Policy 6.0.4 – *Encourage development that incentivizes and incorporates water efficient landscaping principles.*

Policy 6.1.3.3 – *Encourage sustainable landscaping that is tailored to the variations of climate zones across the County.*

The subject parcel is in Region 5 of the El Paso County Water Master Plan and is within the Cherokee Metropolitan District service area. Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396 -acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected demand is 6,468-acre feet. The 2060 water supply is projected to be 10,131-acre feet per year, whereas the demand is anticipated to be 9,608-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. The property is currently platted as a Tract and cannot be developed for multi-family use. A sufficiency of water finding is required with subsequent plat application(s). The proposed map amendment (rezone) is proposed to be served by the Cherokee Metropolitan District. Should the request be approved, a site development plan application will be required to initiate any multi-family use on the property.

4. Other Master Plan Elements

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Wildlife

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

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0756G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezoning) requests but will be due at the time of final plat recordation. A grading and erosion control plan as well as a final drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development has been submitted with the final plat application and is currently under review.

5. Transportation

The property is located at the southwest corner of the Constitution Avenue and Marksheffel Road intersection. There is a current effort by El Paso County to transfer ownership and maintenance of Constitution Avenue and Marksheffel Road to the City of Colorado Springs. If the roadways are transferred before this site develops, the City will have authority over any proposed or required improvements along these roadways due to the site's development. The City of Colorado Springs Public Works Department has provided an outside agency review on this project. They have indicated on EDARP that all public improvements shall be built to full City standards if the site is chosen for pre-annexation.

The traffic study submitted with the map amendment (rezone) application identifies that access to the site will be provided off the new south leg of Akers Drive at the Constitution Avenue intersection. One full-movement access is proposed along Akers Drive as well as a right-out only access along Marksheffel Road. Improvements consisting of auxiliary lanes at the intersection of Akers

Drive and Constitution Avenue are recommended in the traffic study. Further staff analysis of the proposed access points and improvements will be performed with review of the construction documents associated with the final plat application.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development. The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Central water service is provided by Cherokee Metropolitan District.

2. Sanitation

Central wastewater service is provided by Cherokee Metropolitan District

3. Emergency Services

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

4. Utilities

Natural Gas service will be provided by Colorado Springs Utilities and electrical service will be provided by Mountain View Electric Association.

5. Metropolitan Districts

The subject parcel is included within the boundaries of Cherokee Metropolitan District. The Cherokee Metropolitan District provides centralized water and sanitation services to residents of the District. Additionally, the subject property is part of the Constitution Heights Metropolitan District, which was formed in 2004 (PCD File No. ID04005).

6. Parks/Trails

The 2013 El Paso County Parks Master Plan shows the proposed Marksheffel Road Bicycle Route along the east side of the subject property. The bicycle route will be located within Marksheffel Road right of way and would not be impacted by the anticipated development of the property. Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning).

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven (7) adjoining property owners on April 20, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

PC Draft Minutes

PC Resolution

BoCC Resolution

PARCEL	NAME
5405000051	FEATHERGRASS INVESTMENTS LLC

El Paso County Parcel Information

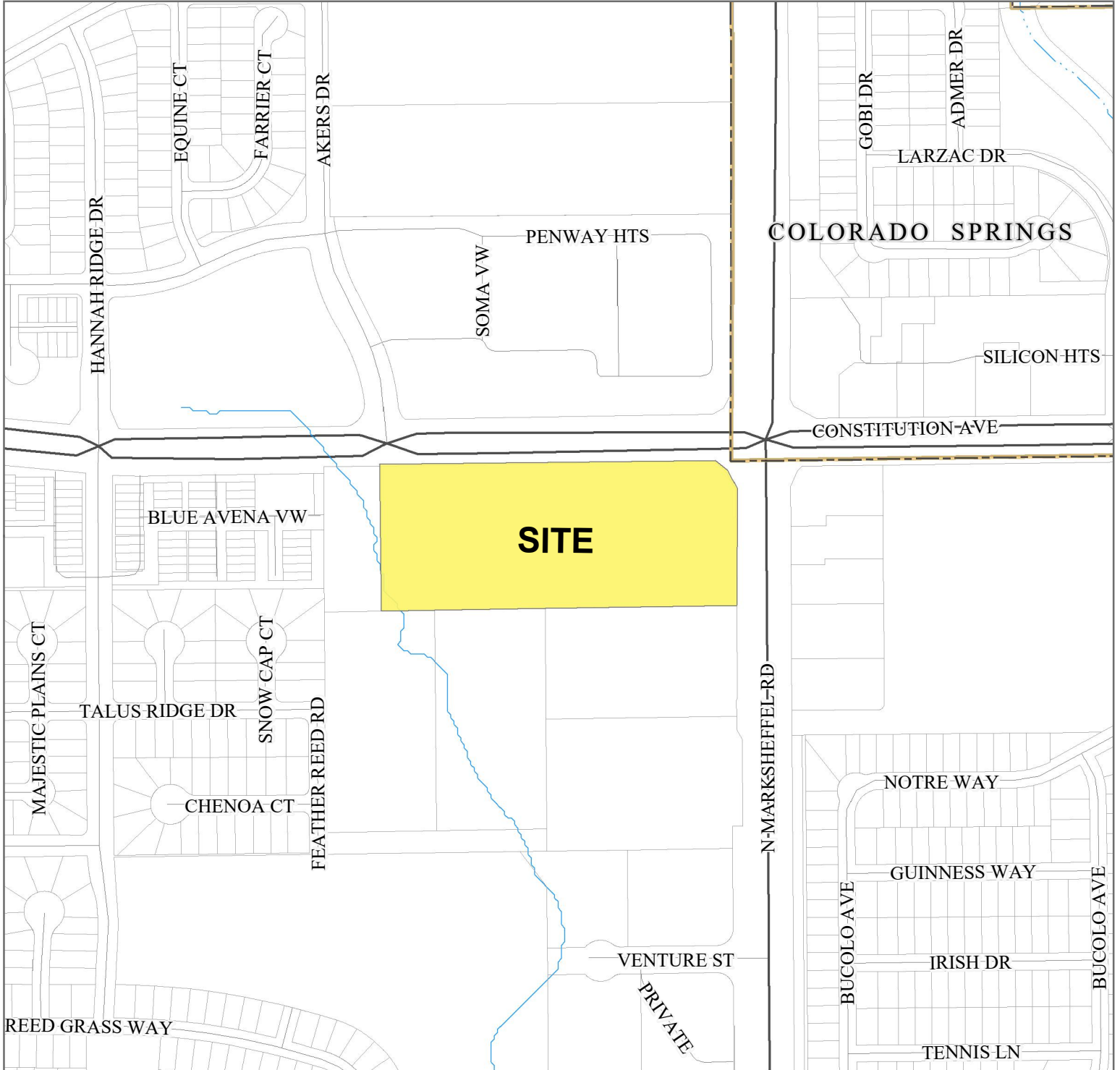
ADDRESS	CITY	STATE
4715 N CHESTNUT ST	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80907	5531

File Name:

Zone Map No.:

Date:



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



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



March 17, 2022

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

FEATHERGRASS INVESTMENTS, LLC
4715 N. CHESTNUT ST
COLORADO SPRINGS, CO 80907
90 S. CASCADE AVENUE, SUITE 1500
COLORADO SPRINGS, CO 80903

APPLICANT

THE GARRETT COMPANIES, INC.
ATTN: RACHEL HARMON
1051 GREENWOOD SPRINGS BLVD, SUITE 101
GREENWOOD, IN 46143

PLANNING/ TRANSPORTATION ENGINEERING

KIMLEY-HORN & ASSOCIATES
4582 SOUTH ULSTER STREET, SUITE 1500
DENVER, CO 80237

SURVEYING

BARRON LAND SURVEYING
2790 N. ACADEMY BLVD., SUITE 311
COLORADO SPRINGS, CO 80917

REQUEST

The Garrett Companies (Applicant), on behalf Feathergrass Investments, LLC (Owner), requests the rezoning of Parcel No. 5405000035 (± 1.72 AC) and Parcel No. 5405000051 (± 10.54 AC) from the CS CAD-O (Commercial Service District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) CAD-O District. The parcels are located at the southwest corner of the intersection of Constitution Avenue and Marksheffel Road. (See vicinity map for location).

The Applicant intends to develop 226 multifamily units in two (2) buildings on the 12.26 AC site with a maximum density of 18.43 DU/AC in the proposed RM-30 zone. The planned community includes: two (2) mid-rise, three (3) story multifamily unit buildings, office, club house, swimming pool, landscaping, and open spaces. Parking will be provided with a combination of tuck under (garage) parking below select second level units, detached garages, and uncovered surface parking. Final community and site plan details are currently being refined for site development plan submittal.

REVIEW CRITERIA & JUSTIFICATION

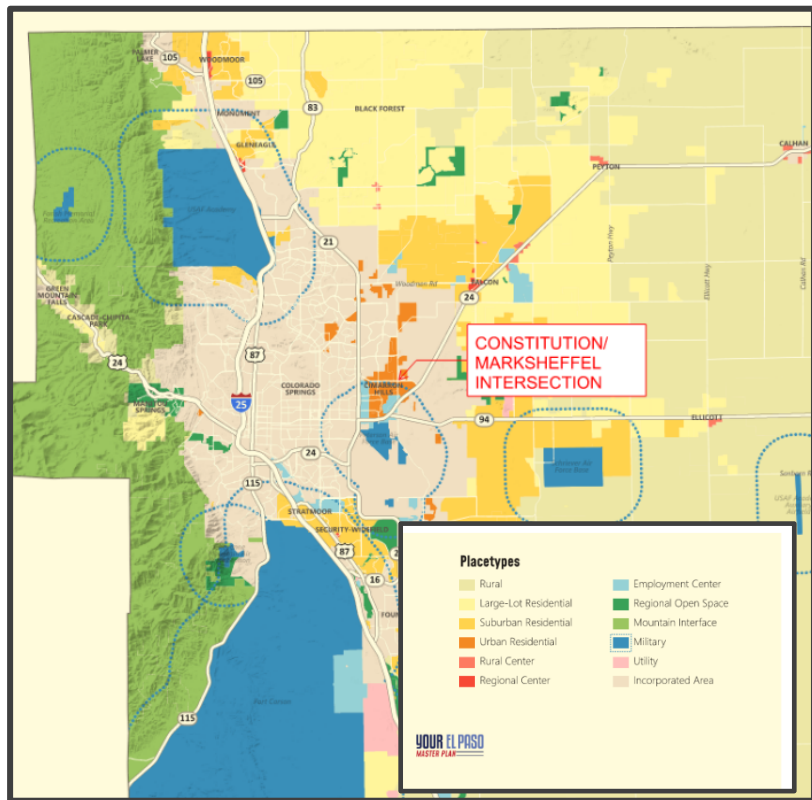
The Applicant requests approval of the rezoning based on findings of consistency and general conformance with the following map amendment (rezoning) review criteria. Master Plan conformity will be discussed in terms of general conformity with the Your El Paso Master Plan (Master Plan) and El Paso County Water Master Plan (WMP).

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

The proposed rezone is in general conformance with the EL Paso County Master Plan as discussed in detail below. There has also been a substantial ongoing change in the character of the area’s development and land use patterns creating a mixed land use character that incorporates commercial, industrial, single & multifamily densities centered at Marksheffel/Constitution intersection and adjacent corridor segments. This development pattern is consistent with the location and primary and supporting land uses of the Urban Residential Placetype shown on the Placetypes Map in the Master Plan.

Since the properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use of commercial retail uses supporting a growing single-family residential market base.

The proposed RM-30 zoning and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.



Master Plan Conformity (Land Use & Housing)

Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

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

Land Use

The Your El Paso Master Plan locates this property within an urban residential placetype where higher density and multifamily residential uses are identified as a primary land use in this area designation.

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

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

The proposed multifamily uses and densities are compatible with the existing and approved residential, commercial, and industrial land use patterns and densities along the Constitution Avenue corridor in both easterly and westerly directions as well as the Marksheffel Rd Corridor in both northerly and southerly directions. Many of the Regional and Employment Center Placetype land uses are located adjacent to or in proximity to the planned development which include commercial retail, restaurant, commercial service, and light industrial in the surrounding CR

(Commercial Retail), CS (Commercial Service), M (Industrial), I-3 (Heavy Industrial), and City of Colorado Springs PBC (Planned Business Center) zone districts.

Infrastructure Capacity (Utilities and Urban Services)

Necessary urban services to meet the multifamily demands are available and currently serving adjacent and nearby residential, commercial, industrial land uses and densities. Specific services include water/wastewater, fire protection, emergency ambulatory/medical service (EMS), police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and associated infrastructure. Akers Drive will be extended southerly from Constitution Avenue to provide public access to the planned development as well as a secondary emergency access for the Urban Collection at Hannah Ridge residential development.

Public services and utilities are, or will be, provided by the following

- Water & Wastewater Services: Cherokee Metropolitan District (CMD)
- Natural Gas: Colorado Springs Utilities
- Electric Service: Mountain View Electric Association
- Fire Protection: Falcon Fire Protection District
- Public Schools: Colorado Springs District #11
- Library Services: Pikes Peak Library District:
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff's Department
- Special District Services: Constitution Heights Metro District
- Parks, Trails, Open Spaces: El Paso County, City of Colorado Springs, CMD

Utility and fire protection commitments and use specific service demands and delivery requirements will be provided at future subdivision phases for the multifamily project. The subsequent subdivision and site development plan submittal and review will include detailed reports and analysis of system or service deficiencies. Impacted service providers will outline respective infrastructure and/or operational needs in order to meet projected demands.

Infrastructure Capacity (Transportation and Access – Summarized from TIS)

The project is expected to generate approximately 1,230 weekday daily trips, with 76 of these trips occurring during the morning peak hour and 97 of these trips occurring during the afternoon peak hour.

Regional access to the project will be provided by US Highway 24 (US-24), Powers Boulevard (SH-21), and State Highway 94 (SH-94). Primary access will be provided by Constitution Avenue and Marksheffel Road. Direct access will be provided by a full movement access from the extension of Akers Drive southerly from Constitution Avenue. Constitution Avenue extends eastbound and westbound with two through lanes in each direction with a posted speed limit of 50 miles per hour. Marksheffel Road extends in the north-south direction with two through lanes in each direction and has a posted speed limit of 50 miles per hour.

Deviations Required

The following deviations will be provided at the subdivision stage (i.e. preliminary plan/final plat) for the ECM administrators consideration:

- A deviation will be provided to request full movement access from a future south leg of Akers Drive at Constitution Avenue. The future south leg of Akers Drive along Constitution Avenue will be located approximately 1,050 feet west of Marksheffel Road (measured edge line to center), and approximately 825 feet east of Hannah Ridge Drive. According to the El Paso Engineering Criteria Manual (ECM) section 2.2.5.B, spacing of roads accessing an urban principal arterial that will result in a full movement intersection shall be planned at one-half mile. However, as stated in the ECM, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems. The intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that a south leg of Akers Drive at Constitution Avenue should be granted to allow for one full movement access to the existing lot.
- A deviation will be provided in support of allowing a right-out only access along Marksheffel Road. The proposed right-out access along Marksheffel Road will be located approximately 400 feet south of Constitution Avenue (measured edge line to center). The proposed right-out only access along Marksheffel Road is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that this access should be granted to only allow right-turn exiting movements.
- The access along the new south leg of Akers Drive will be approximately 300 feet south of Constitution Avenue (measured edge line to center). According to the El Paso County Engineering Criteria Manual section 2.2.5.D, spacing of intersections along urban collector roadways from an arterial roadway should be 330 feet from the right-of-way line of the arterial to the centerline of the access roadway. Therefore, the proposed access along the new south leg of Akers Drive does not meet ECM standards. The access along Akers Drive is expected to meet operational, vehicle queue, and sight distance standards. A deviation will need to be provided to request for this proposed access to remain at the proposed location.

The project access intersections are anticipated to have all movements operating with acceptable LOS C or better during the peak hours in both the buildout year 2023 and the 2045 long term horizons. It should be noted that the access along Akers Drive will not have any conflicting movements in the short-term; therefore, vehicle delays are not reported at this access intersection.

Goal 1.3 - *Encourage a range of development types to support a variety of land uses. (Addressed together with core principle and goals below)*

Core Principle 2: Preserve and develop neighborhoods with a mix of housing types.

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

Goal 2.3 - *Locate attainable housing that provides convenient access to goods, services, and*

employment.

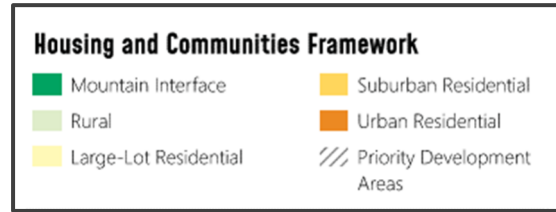
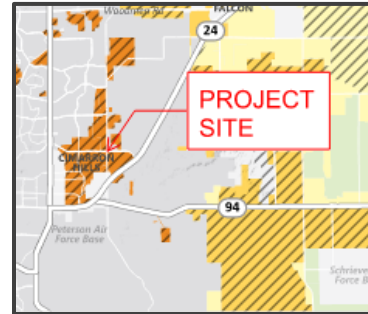
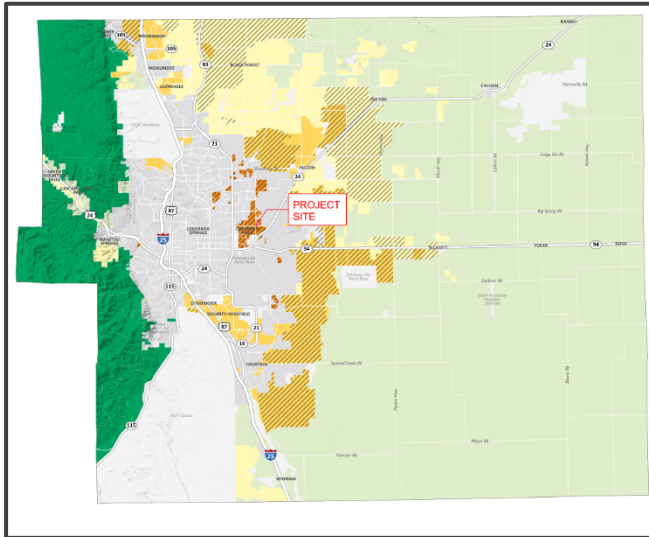
The housing type in the area is characterized by higher urban residential densities including but not limited to single family detached & attached, townhome, and apartment densities and supporting commercial retail uses surrounding the Marksheffel/Constitution intersection. (e.g., Claremont Ranch 9, The Sands, Midtown Collection at Hannah Ridge, Urban Collection at Hannah Ridge, various Hannah Ridge Filings, Upland Flats by Watermark).

The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along and adjacent to the Constitution Corridor from Peterson Road to the west to the easternmost terminus of Constitution Avenue to the east at State Highway 24, along the Marksheffel Corridor from North Carefree to the north southerly to the intersection of Marksheffel Road and State Highway 94 to the south (see surrounding land use map exhibit/not vicinity map).

The proposed multifamily housing development will provide an additional 226 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near conveniently located to major transportation thoroughfares (Marksheffel Rd, Constitution Ave, Powers Blvd, SH 24, & SH 94) which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region. The increased residential densities provide additional customer base in support of existing and planned commercial at the Constitution/Marksheffel intersection, Powers Blvd corridor, and at the SH 24/SH 94 commercial node (pending Crossroads North and Crossroads at Meadowbrook developments, See PCD File Nos SP-20-7 & SP-21-29, respectively).

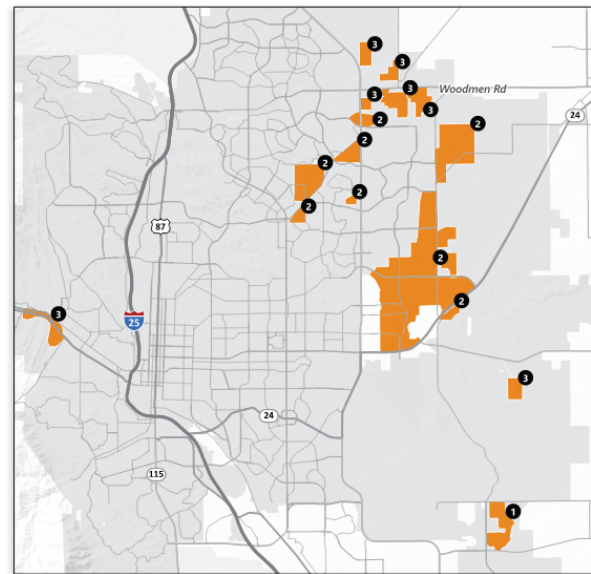
The proposed rezone and development of multi-family housing will provide additional housing choice meet the current regional demand for workforce, affordable, and attainable housing. The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. Rental/leasing prices will be market rate which are comparable to rent rates for similarly aged communities in El Paso County that provide comparable unit and community amenities. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses and workforce housing demands.

According to the Priority Development Areas Map in the Master Plan, the site is located within an Urban Residential Priority Development Area where “new residential development should be prioritized first for new residential development to accommodate growth” in the County.



Urban Residential Priority Development (Areas Larger Enclaves) According to the Your El Paso Master Plan, “Larger enclaves, including Cimarron Hills, currently exhibit the Urban Residential place-types characteristics. They have denser housing clustered together with a wide variety of commercial and employment businesses to create a complete community. However, some have only one or two uses due to their size. All of them have been designated as transition areas within the Areas of Change because all or part of them could be redeveloped to better support the establishment of complete communities.”

“Overall, the County should prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise.”



Urban Residential Priority Development Areas

The proposed multifamily densities are an appropriate transition at the Constitution Ave/Marksheffel Rd intersection which has an existing/approved land use mix of retail and service oriented commercial, light to heavy industrial, light manufacturing, single-family detached, medium to high density multifamily uses.

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

- **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 development area is located in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. CMD has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits.

Water and wastewater services for properties within the rezone area will be provided by Cherokee Metropolitan District Service. Existing distribution and service lines are located adjacent to the site and are adequately sized to deliver water and wastewater to the proposed development

Findings of water sufficiency will be made during the final plat submittal, review, and approval process. Early discussions with the District indicate that adequate water supplies are available to meet the demands of the project. A complete final analysis of projected water demand and to-date District supplies are pending completion of the Development Review process between the District and developer.

A Water Resources Report with supplemental District information will be provided with upcoming final plat application and will provide detailed information regarding multifamily demand and supplies, commitments, facilities, acquisitions, and capital improvements. Coordination is ongoing with the District to establish final water demands to serve the development in terms of number of units, fixture counts, and irrigation and fire suppression needs.

B. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;

The application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.

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

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

Surrounding land uses and zoning include the following:

NORTH (LOCATED ON NORTH SIDE OF CONSTITUTION AVE):

- HANNAH RIDGE AT FEATHERGRASS FILING NOS 1-7 (RESIDENTIAL PUD)
- MIDTOWN COLLECTION AT HANNAH RIDGE (RESIDENTIAL PUD)
- UPLAND FLATS BY WATERMARK (300 UNIT MULTI-FAMILY) (RM-30)
- TR CC HANNAH RIDGE AT FEATHERGRASS FIL NO 1 (VACANT/CS ZONE)

WEST:

- URBAN COLLECTION AT HANNAH RIDGE (RESIDENTIAL PUD)

SOUTH:

- WASTE CONNECTIONS GSC (GARBAGE SERVICE COMPANY) – NO TRANSFER ACTIVITIES ON SITE
- EL PASO COUNTY OWNED PROPERTY (STORMWATER IMPROVEMENTS/ M ZONE)
- WILSHIRE RESIDENTIAL PUD
- LIGHT TO HEAVY INDUSTRIAL USES ON THE WEST SIDE OF MARKSHEFFEL SOUTHERLY ALONG MARKSHEFFEL CORRIDOR

EAST:

- CLAREMONT RANCH FILING 9 –COMMERCIAL RETAIL CENTER (CR ZONE)
- CLAREMONT RANCH (MULTIPLE RESIDENTIAL FILINGS)

NORTHEAST:

- SAND HILL COMMERCIAL (CITY OF COLORADO SPRINGS ZONING PBC AO ZONE)
- SANDS SINGLE-FAMILY RESIDENTIAL (NORTH OF SAND HILL COMMERCIAL ON EAST SIDE OF MARKSHEFFEL) (CITY ZONING R1-6 DF AO)

Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utilities for the multifamily community will be coordinated with the associated districts and providers as required. A minimum 15-foot landscape buffer and setback will be provided against the Waste Management GSC and

storage yard on the southern boundary. Planned uses against the development edge will be surface and garage parking which will provide additional buffer and screening against visual impacts. The apartments will be oriented to maximize views to the west, north, and east; minimizing unit views to the south into the storage yard.

D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the County Code. Planned multifamily uses, which represent a downzoning from the permitted uses under the current CS (CAD-O) retail, wholesale or service commercial oriented zoning.

The site is located adjacent to existing utility infrastructure and service lines. No major utility improvements or upgrades are anticipated in order to adequately serve the site.

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

Suitability of the site for development in terms of geology, service availability, environmental impacts, major land use impacts, aviation overlay impacts, and military adjacency considerations and mitigation of associated impacts will be documented with subsequent subdivision plat and site development plan applications.

The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development and performance criteria, any conditions of approval imposed by the BOCC.

Development will conform to with the zoning requirements of the RM-30 zone, including landscape buffering/screening requirements of the Code summarized below:

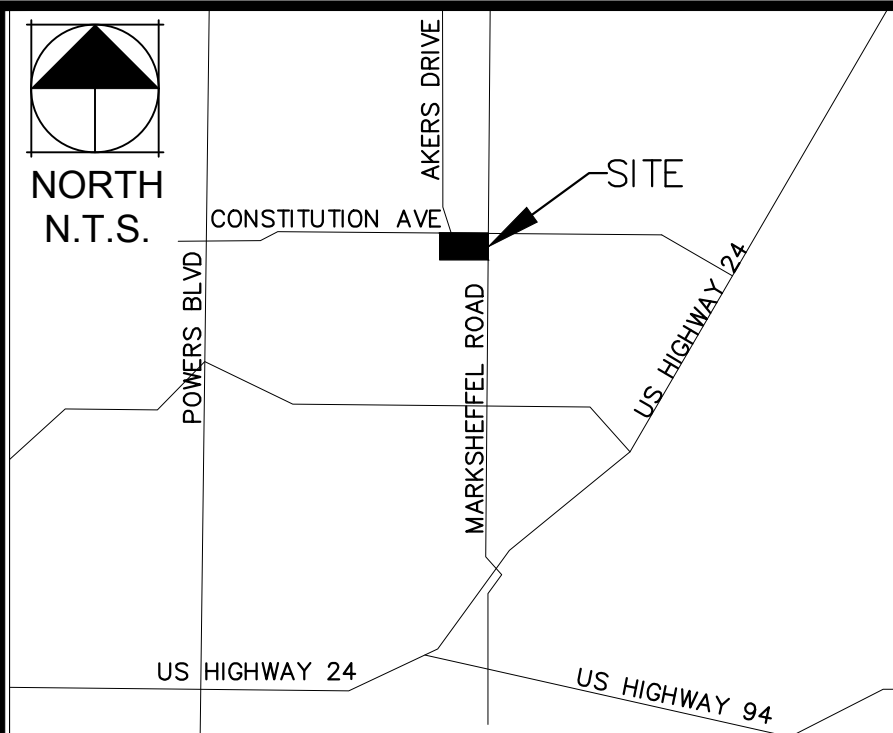
- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
 - Front 25-feet feet
 - Side/Rear: 15-feet
 - The minimum distance between buildings shall be 10 feet.

- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:
 - Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet of Constitution Ave/Marksheffel Rd frontages)
 - Non-Arterial: 10 feet (1 tree/30 feet of Akers Drive frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
 - 15-feet along frontages adjacent to single-family residential uses
 - 15-feet along residential boundary where compatibility is a concern (southern property boundary)
 - 1 tree/25-feet of common property line
 - A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
 - A minimum of 15% of the lot or parcel shall be landscaped.
 - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

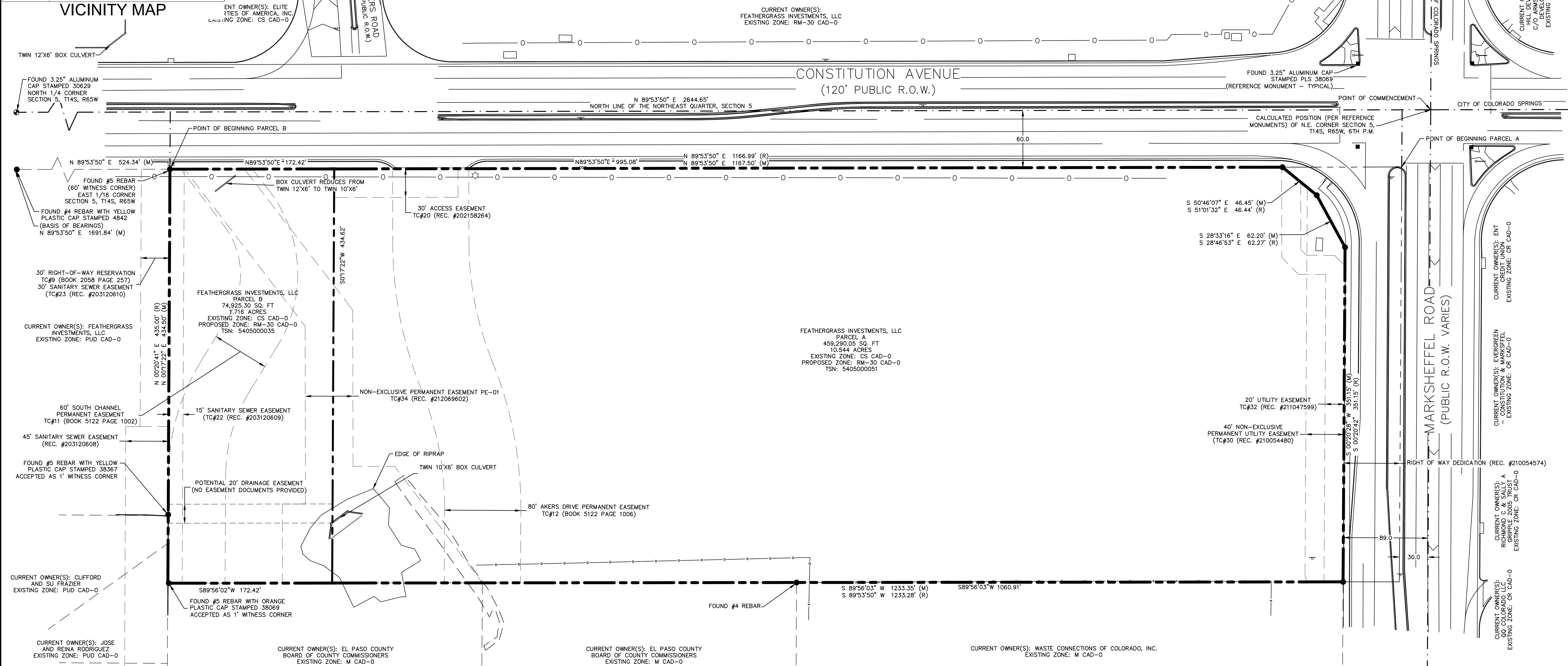
All future rezoning, subdivision, and/or development applications will be subject to the restrictions and limitations of the Commercial Airport District Overlay. The subsequent final plat will clarify zone district boundaries with respect to ROW dedications and improvements, stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks.

CALIBER AT CONSTITUTION ZONE CHANGE EXHIBIT

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO



VICINITY MAP



ZONING INFORMATION

EXISTING ZONING: CS CAD-0
EXISTING LAND USE: VACANT
PROPOSED ZONING: RM-30 CAD-0
PROPOSED LAND USE: MULTIFAMILY RESIDENTIAL (30 DU/AC.)

LEGAL DESCRIPTION

PARCEL A:
A PARCEL OF LAND LOCATED IN SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE SOUTH 89°53'50" WEST, 30.00 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD; THENCE SOUTH 00°20'42" WEST, 60.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED 120.00 FOOT WIDE RIGHT-OF-WAY OF CONSTITUTION AVENUE TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 00°20'42" WEST, 435.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD TO THE SOUTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 2083 AT PAGE 587 OF THE RECORDS OF SAID COUNTY; THENCE SOUTH 89°53'50" WEST, 1292.28 FEET ALONG THE SOUTH LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°20'41" EAST, 435.00 FEET THE WEST LINE OF SAID TRACT TO A POINT ON SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE; THENCE NORTH 89°53'50" EAST 1292.28 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, EL PASO COUNTY, COLORADO.
EXCEPT THAT PORTION DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5,

TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., SITUATE IN EL PASO COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5 THENCE SOUTH 89°53'50" WEST ON THE NORTH LINE THEREOF, 1322.28 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, THENCE SOUTH 00°20'41" WEST ON THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5, 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED 120.00 FOOT RIGHT-OF-WAY OF CONSTITUTION AVENUE AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, THENCE (1) CONTINUE ON THE LAST MENTIONED COURSE 435.00 FEET; (2) NORTH 89°53'50" EAST, 172.42 FEET; (3) NORTH 00°20'41" EAST 435.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE; (4) SOUTH 89°53'50" WEST ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE, 172.42 FEET TO THE POINT OF BEGINNING.
EXCEPT THAT PORTION CONVEYED TO THE BOARD OF COUNTY COMMISSIONER, EL PASO COUNTY, COLORADO IN WARRANTY DEED RECORDED JUNE 9, 2010 UNDER RECEPTION NO. 210054574.
COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B:
THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN COUNTY EL PASO, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5, THENCE SOUTH 89°53'50" WEST ON THE NORTH LINE THEREOF, 1322.28 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, THENCE SOUTH 00°20'41" WEST ON THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5, 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED 120.00 FOOT RIGHT-OF-WAY OF CONSTITUTION AVENUE AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, THENCE (1) CONTINUE ON THE LAST MENTIONED COURSE 435.00 FEET; (2) NORTH 89°53'50" EAST, 172.42 FEET; (3) NORTH 00°20'41" EAST 435.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE; (4) SOUTH 89°53'50" WEST ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE, 172.42 FEET TO A POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.
(PER TITLE COMMITMENT FILE NO. NCS-1074278-INDY AS PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY.)
ADDRESS OF RECORD: NOTHING POSTED OR VISIBLE AT THE TIME OF SURVEY.

NOTES

"MINERAL RIGHTS AS SET FORTH IN DECREE RECORDED MARCH 10, 1994 IN BOOK 6397 AT PAGE 1194. NOTE: QUIT CLAIM DEED IN CONNECTION THEREWITH RECORDED DECEMBER 5, 1995 IN BOOK 6776 AT PAGE 1165. NOTIFICATION OF THE ZONING ACTION HAS BEEN PROVIDED TO THE INTEREST/ESTATE HOLDER (ALMA PATRICK REVOCABLE TRUST)."

"OIL AND GAS LEASE RECORDED FEBRUARY 10, 2011 AT RECEPTION NO. 211015157, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. NOTE: AMENDMENT TO OIL AND GAS LEASE IN CONNECTION THEREWITH RECORDED APRIL 13, 2011 AT RECEPTION NO. 211036999. NOTIFICATION OF THE ZONING ACTION HAS BEEN PROVIDED TO THE INTEREST/ESTATE HOLDER (ALMA PATRICK REVOCABLE TRUST)."

PROJECT TEAM:

OWNER: FEATHERGRASS INVESTMENTS
4715 N. CHESTNUT STREET
COLORADO SPRINGS, CO 80907

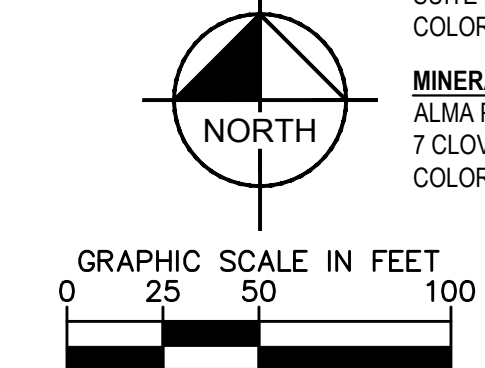
DEVELOPER: THE GARRETT COMPANIES
1051 GREENWOOD SPRINGS BLVD., STE. 101
GREENWOOD, IL 61413

PLANNERS/LANDSCAPE ARCH.: KIMLEY-HORN
2 NORTH NEVADA AVENUE
SUITE 300
COLORADO SPRINGS, CO 80903

SURVEYOR: BARRON LAND
2790 N. ACADEMY BLVD, SUITE 311
COLORADO SPRINGS, CO 80917

MINERAL RIGHTS ESTATE HOLDER (INCLUDING OIL/GAS INTERESTS): ALMA PATRICK REVOCABLE TRUST
7 CLOVER CIRCLE W
COLORADO SPRINGS, CO 80906-5126

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180



Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@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

Planning Commission Meeting
Thursday, May 5, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, BECKY FULLER, SARA BRITTAIN JACK, JAY CARLSON, BRANDY MERRIAM, BRYCE SCHUETTPELZ

PRESENT VIA ELECTRONIC MEANS AND VOTING: TIM TROWBRIDGE, JOAN LUCIA-TREESE

PRESENT AND NOT VOTING:

ABSENT: CHRISTOPHER WHITNEY, ERIC MORAES

STAFF PRESENT: KEVIN MASTIN, NINA RUIZ, KARI PARSONS, JEFF RICE, PETRA RANGEL, TARA YOUNGER, AND EL PASO COUNTY ATTORNEY LORI SEAGO

Sunshine Law Statement was removed.

Ms. Ruiz introduced new Interim Director Mr. Mastin.

OTHERS SPEAKING AT THE HEARING: PHIL STUEPFERT

Report Items

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

- a)** The next scheduled Planning Commission meeting is for **Thursday, May 19, 2022, at 9:00 a.m.**
- b)** **Mr. Mastin** – Introduction – Director of Public Works – Interim – Replacing Mr. Dossey.

Mr. Risley – Welcomed Mr. Mastin.

Ms. Lucia-Treese – Thanked **Mr. Mastin** about Colorado Centre.

Annual Meeting for Election of Officers – **Ms. Jack** nominated **Mr. Risley** as Chair. **Ms. Lucia-Treese** seconded. **Mr. Risley** honored to continue to serve in that capacity. Vice-chair – **Ms. Jack** nominated **Mr. Bailey** as Vice-Chair. Appreciates his leadership. Lucia-Treese seconded. Mr. Bailey accepted.

CONSENT ITEMS

2. A. Approval of the Minutes – April 7, 2022

The minutes were unanimously approved as presented (9-0).

B. SP-20-008

PARSONS

**PRELIMINARY PLAN
HOMESTEAD NORTH PHASE 1 PRELIMINARY PLAN**

A request by SR Land, LLC, for approval of the Homestead North Phase 1 Preliminary Plan to create 147 single-family residential lots. The 77.7-acre development area is zoned RR-5 (Residential Rural), and RS-6000 (Residential Rural) and is generally located at the northeast corner of the Vollmer Road and Briargate Parkway intersection and is within Sections 17, 28, and 33, Township 12 South, Range 65 West of the 6th P.M. (Parcel Nos. 52280-00-030 and 52330-00-017) (Commissioner District No. 2)

PC ACTION: SCHUETTPLEZ MOVED/MERRIAM SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER C FOR AN APPROVAL A PRELIMINARY PLAN FOR HOMESTEAD NORTH PHASE I PRELIMINARY PLAN, UTILIZING RESOLUTION PAGE NO. 3, CITING 22-015, WITH 10 CONDITIONS AND THREE (3) NOTATIONS, WITH A FIND OF SUFFICIENCY FOR WATER, QUALITY, QUANTITY, AND DEPENDABILITY AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. P-21-008

RUIZ

**MAP AMENDMENT (REZONING)
CITIZEN ON CONSTITUTION**

A request by Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.54 acres from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay). The parcel is located at the southwestern corner of the Constitution Avenue and Marksheffel Road intersection, and are within Section 5, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54050-00-051) (Commissioner District No. 2)

Trowbridge: If we could see the zoning map for the adjacent property site. I wasn't able to find it in the package and want to discuss it.

Ruiz: Pulled up the zoning map. North RM-30. South M. Commercial across from the site. PUD surrounding the area.

Risley: Confused about the property kitty corner. Is it in the County.

Ruiz: Yes.

No other questions. Motion:

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER D FOR AN APPROVAL A MAP AMENDMENT (REZONING) FOR CITIZEN ON CONSTITUTION, UTILIZING RESOLUTION PAGE NO. 2, CITING 22-016, WITH 2 CONDITIONS AND TWO (2) NOTATIONS, WITH A FIND OF SUFFICIENCY FOR WATER, QUALITY, QUANTITY, AND DEPENDABILITY AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

REGULAR ITEMS

A. PUDSP-21-011

PARSONS

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN

COTTAGES AT MESA RIDGE

A request by CSJ No. 1, LLC, for approval of a map amendment (rezoning) from the RS-6000 (Residential Suburban) to the Cottages at Mesa Ridge PUD (Planned Unit Development) and approval of a preliminary plan for 122 two-family dwelling units (61 structures). The 10.22-acre property is located on the west side of Powers Boulevard, and west of the intersection of Powers Boulevard and Mesa Ridge Parkway, and is within Sections 28 and 29, Township 15 South, Range 65 West of the 6th P.M. (Tax Schedule No. 55291-00-006) (Commissioner District No. 4)

Ms. Parson – presentation

Applicant Representative: Presentation. HRGreen – Phil Stuepfert

Opposition:

Mr. Carlson -Talking about it being affordable housing. What are the rental rates?

Mr. Morisson – Market driven. 1000 2 bedroom. 2000 currently. Market driven.

Mr. Carlson: Elevation from North to South – Pretty good increase in elevation.

Mr. Stuepfert – You are exactly right. Fair amount of grade. (Went back to slide). Homes sit on top of ridge. It levels down to Powers. 8 to 10 feet per wall. We are meeting the slope. We designed it to step down.

Mr. Carlson - Run off into the storm sewers

Mr. Stuepfert - Yes. Runs into the storm system

Ms. Fuller – You're counting every space in between the houses as open space?

Mr. Stuepfert - Yes. We are counting all between

Ms. Fuller – You are redefining open space. You are misleading. I take offense to that. It is not open space. If you were to remove stuff between houses. It blatantly not true.

Mr. Stuepfert – If remove the open areas between structures, the calculation is 40%.

Ms. Fuller – Recommend you saying that.

Ms. Seago – Open space does not have to be open to the public; it may be private per the definition on the Code..

Ms. Merriam – The corridor from the north to the south, do you have any barriers to stop children and animals from going into the road.

Mr. Stuepfert - Fencing.

Ms. Merriam - It helps if you have a toddler.

Mr. Trowbridge – Challenges the applicant about affordable housing. A typical 1 bedroom is 1000. Highly skeptical about them being affordable. I understand economics is not a part of the approval criteria.

Mr. Stuepfert – We are trying to prepare for the attainable. Attainable. Rent is reasonable. The studio rents under \$1000. Sq Ft 300 – \$900 studio. Affordable and attainable. There are a number

of people looking for that type of housing. I do not want to disregard your comment. We have to be able to rent these apartments at market rates. We are typically under market rates.

Ms. Fuller – It is all in your presentation about it being affordable. What is being said does not match. Trying to Fool us. I don't like that.

Mr. Risley – No more questions from PC.

Ms. Parsons – I did have email communication with Fuller and Risley. Within the RS-6000 – attached single family is an allowed use as long as the attached homes are served by central water/waste water. Two family dwelling vs single family attached definitions discussed. This is why the applicant is proposing PUD zoning. (continues presentation)

Mr. Schuettplez – There are multiple units that are less than 25'.

Ms. Parsons – This is the first two-family dwelling use that has been submitted to the County in years. There is no land use category for this type of home. It will be manufactured off-site. Applicant is proposing a PUD for this reason.

Fuller – It does not meet the manufactured home definition.

Ms. Parsons – Presentation – Gave more information on open space – multi-family; one lot vs. individual lots.

Mr. Rice - filling in for Daniele Torres, PCD Engineering – Presentation.

Ms. Fuller – If this was to stay RS-6000 what are the setback requirements

Ms. Parsons - 25' front, 5' side, 25' rear. No perimeter. No buffer between developments if the zoning is the same. The difference in zoning districts requires a 15' buffer. Applicant is proposing 20' buffer. There are no open space requirements in the RS-5000 or RS-6000

Public Comment

Ms. McCormick – Thank you for the opportunity to address this group regarding this development. I would like to extend to 5-6 minutes instead of the standard 3. I filled out the questionnaire. Environmental impact? Aesthetics? Realistic. I am a paper person. No props. I am referring to suitable for extending uses. Will it be in harmony with the character? With that in mind, consider the aesthetics. I appreciate the color. I live in a neutral neighborhood. The overall pallet is neutral. I appreciate that. I am a conservationist. Asphalt parking lots. Modular homes. Built in Pueblo. Two existing units separated by a wall. I believe it is a mobile park. What is the difference? Cement slab. Realistically it is a mobile home park. Environmental – I read that Colorado Springs has heat islands. How much asphalt is being developed in my area? I have 4 lane road called Powers. Lowes – asphalt. Safeway – asphalt. Multi-apartment – asphalt. A lot of heat islands. Consider all of those things. I ask you to consider them when you make your decision. One last concern. When I was younger, I was told to follow the money. Part of Challenger Homes. Challenger homes owns 46%. venture capitalist groups, hedge funds groups. They do not get into anything that is not going to make money. The developer will not have the final say. What are we going to be left with? Consider all of my concerns.

Ms. Seago – Remind Commissioner members – Aesthetics are not a part of your review criteria.

Mr. Parsh – I know a lot of things that go on. Fountain and Widefield are part of one another. We have to use Fountain PD. You have my letter there. (Photos) There is an alley that goes all the way

through Widefield. Phone lines, gas lines, behind houses. There is an access road right up against the fences. There is an access road that connects to utility lines. There is a big hole there. Look at how close it is to Powers. There is a water shed to farmers in Alamosa. That is what they are going to use for the fire access. When they built Powers they were supposed to put trees and walkways. In Widefield we do not have Police. There are all of these homes that have untagged vehicles. Widefield is a hazard. No one cares about us. Military community. If you look at the top of the vicinity map, that is where I live. The alley way is no longer going to be there. People have been living in the watershed. The water way waters the farms. Gas lines, water lines, sewage lines, man-hole covers, etc. Please take into consideration that. These cottages are going to be 4' apart. Fire trucks will not be able to get there. That dirt road, when these are built, they have to go all the way around to get to the skills. Now the kids will go down that alley way. I am concerned about gangs and drugs.

Mr. Risley – Closed the public hearings.

Mr. Stuepfert Rebuttal – There is a pipe system. It handles irrigation. Our stormwater is handled independently. The access easement to the north side of the site was looked at. The utility companies would not allow access there. No change to the north side of the corridor.

Ms. Fuller – I take issue to what is there and around there. It is much smaller than the other communities in the area. There is a lot of green space there. I think it is really dense. Not a great justification to why it must be made to be super dense. Ms. McCormick brought up good points about the huge paved area.

Mr. Carlson – I am not a big proponent of the small density. I agree about affordable housing. I appreciate that you knew what the rental rates would be. Efficiency of land use. You are just going with market rate. Do not call them affordable if it is market rates.

Mr. Bailey – Master Plan incorporates language regarding different housing types. Push with one hand for change, but then say not to put it here. When the consultants drafted the masterplan, affordability and attainability were included. I see this as consistent with the of Master Plan given the limited parcel size. It matches the objective of the master plan. It gets us to the tension we have with people who have been here 30 years. Homeowners liked their open space. I understand the tension. The applicant designed something that will benefit the new homeowners.

Ms. Merriam – Time and attention – not a huge area of land. The fact that the developers are placing families there safely. If it is a managed subdivision, it could be valuable and increase their properties. The intention is what we are voting on.

Mr. Schuettplez – Manufactured homes 24' and these units are 15' wide. It may have a negative impact with how it is set up. Multi-family apartments are in Fountain. Is it really conforming? The other parcels would not be able to have manufactured homes in Fountain.

Mr. Trowbridge – I do not think it is in harmony. It is interesting idea. It isn't consistent with our standards. Disagree with Bailey. I do not think it is part of the Master Plan.

Ms. Fuller -Thank you to Ms. McCormick. Enjoyed her presentation,

PC ACTION: BAILEY MOVED/CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER A FOR AN APPROVAL A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR COTTAGES AT MESA RIDGE, UTILIZING RESOLUTION PAGE NO. 3, CITING 22-017, WITH 6 CONDITIONS AND FIVE (5) NOTATIONS, WITH A FIND OF SUFFICIENCY FOR WATER, QUALITY, QUANTITY, AND

DEPENDABILITY AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

5. PC Bylaw Amendments

Mr. Trowbridge – Significant changes in the procedures – E and F. Voting and actions. Thanks to Ms. Seago and Mr. Moraes for reviewing this.

Mr. Carlson – Great adjustment. Appreciate time.

Mr. Bailey – Appreciate time. Should review more regularly.

Mr. Trowbridge – These will go to the BOCC for final approval.

Mr. Risley – Thank you Mr. Trowbridge.

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

The name to the right of the title indicates the Planner processing the request.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-21-008
CITIZEN ON CONSTITUTION**

WHEREAS, Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the CS (Commercial Service) zoning district to RM-30 (Residential, Multi-Dwelling) and and is subject to the CAD-O (Commercial Airport District Overlay); and

WHEREAS, a public hearing was held by this Commission on May 5, 2022; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Feathergrass Investments, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the CS (Commercial Service) zoning district to the RM-30 (Residential, Multi-Dwelling) and and is subject to the CAD-O (Commercial Airport District Overlay) zoning districts be approved by the Board of County Commissioners:

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED, that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Carlson seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Lucia-Treese	aye
Commissioner Merriam	aye
Commissioner Schuettpelz	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye

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

Dated: May 5, 2022

Brian Risley, Chair

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

A parcel of land located in Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, described as follows:

Commencing at the Northeast corner of said Section 5; thence South 89°53'50" West, 30.00 feet along the North line of the Northeast Quarter of said Section 5 to a point on the westerly right-of-way line of Marksheffel Road; thence South 00°20'42" West, 60.00 feet along said westerly right-of-way line to a point on the southerly right-of-way line of proposed 120.00 foot wide right-of-way of Constitution Avenue to the point of beginning of the tract of land herein described; thence South 00°20'42" West, 435.00 feet along said westerly right-of-way line of Marksheffel Road to the Southeast corner of the tract of land described in Book 2083 at Page 587 of the Records of said county; thence South 89°53'50" West, 1292.28 feet along the South line of said tract to the Southwest corner thereof; thence North 00°20'41" East, 435.00 feet the West line of said tract to a point on said proposed southerly right-of-way line of Constitution Avenue; thence North 89°53'50" East 1292.28 feet along said southerly right-of-way line to the point of beginning, El Paso County, Colorado.

Except that portion described as follows: that portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M., situate in El Paso County, Colorado, and more particularly described as follows: Commencing at the Northeast corner of said Section 5 thence South 89°53'50" West on the North line thereof, 1322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 00°20'41" West on the West line of said Northeast One-quarter of Section 5, 60.00 feet to a point on the southerly right-of-way line of proposed 120.00 foot right-of-way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on the last mentioned course 435.00 feet; (2) North 89°53'50" East, 172.42 feet; (3) North 00°20'41" East 435.00 feet to a point on said southerly right-of-way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right-of-way line of proposed Constitution Avenue, 172.42 feet to the point of beginning.

Except that portion conveyed to the Board of County Commissioner, El Paso County, Colorado in Warranty Deed recorded June 9, 2010 under Reception No. 210054574.

County of El Paso,
State of Colorado.

Parcel B:

That portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, situate in County El Paso, State of Colorado and more particularly described as follows:

Commencing at the Northeast corner of said Section 5, thence South 89°53'50" West on the North line thereof, 1,322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 0°20'41" West on the West line of said Northeast one-quarter of Section 5, 60.00 feet to a point on the southerly right of way line of proposed 120.00 foot right of way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on last mentioned course, 435.00 feet; (2)

North 89°53'50" East, 172.42 feet; (3) North 0°20'41" East, 435.00 feet to a point on said southerly right of way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right of way line of proposed Constitution Avenue, 172.42 feet to a point of beginning,

County of El Paso,
State of Colorado.

(Per Title Commitment File No. NCS-1074278-INDY as provided by First American Title Insurance Company.)

Address of Record: Nothing posted or visible at the time of survey.

RESOLUTION NO. 22-

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

**APPROVAL OF CITIZEN ON CONSTITUTION MAP AMENDMENT
(REZONING) (P-21-008)**

WHEREAS Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the CS (Commercial Service) zoning district to the RM-30 (Residential, Multi-Dwelling) zoning district and is subject to the CAD-O (Commercial Airport District Overlay); and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 5, 2022, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on June 7, 2022; and

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

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.54 acres from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay). The parcel is located at the southwestern corner of the Constitution Avenue and Marksheffel Road intersection, and are within Section 5, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54051-04-075) (Commissioner District No. 2) and;

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 RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

DONE THIS 7th day of June, 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION

Parcel A:

A parcel of land located in Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, described as follows:

Commencing at the Northeast corner of said Section 5; thence South 89°53'50" West, 30.00 feet along the North line of the Northeast Quarter of said Section 5 to a point on the westerly right-of-way line of Marksheffel Road; thence South 00°20'42" West, 60.00 feet along said westerly right-of-way line to a point on the southerly right-of-way line of proposed 120.00 foot wide right-of-way of Constitution Avenue to the point of beginning of the tract of land herein described; thence South 00°20'42" West, 435.00 feet along said westerly right-of-way line of Marksheffel Road to the Southeast corner of the tract of land described in Book 2083 at Page 587 of the Records of said county; thence South 89°53'50" West, 1292.28 feet along the South line of said tract to the Southwest corner thereof; thence North 00°20'41" East, 435.00 feet the West line of said tract to a point on said proposed southerly right-of-way line of Constitution Avenue; thence North 89°53'50" East 1292.28 feet along said southerly right-of-way line to the point of beginning, El Paso County, Colorado.

Except that portion described as follows: that portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M., situate in El Paso County, Colorado, and more particularly described as follows: Commencing at the Northeast corner of said Section 5 thence South 89°53'50" West on the North line thereof, 1322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 00°20'41" West on the West line of said Northeast One-quarter of Section 5, 60.00 feet to a point on the southerly right-of-way line of proposed 120.00 foot right-of-way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on the last mentioned course 435.00 feet; (2) North 89°53'50" East, 172.42 feet; (3) North 00°20'41" East 435.00 feet to a point on said southerly right-of-way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right-of-way line of proposed Constitution Avenue, 172.42 feet to the point of beginning.

Except that portion conveyed to the Board of County Commissioner, El Paso County, Colorado in Warranty Deed recorded June 9, 2010 under Reception No. 210054574.

County of El Paso,
State of Colorado.

Parcel B:

Resolution No. 22-
Page 5

That portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, situate in County El Paso, State of Colorado and more particularly described as follows:

Commencing at the Northeast corner of said Section 5, thence South 89°53'50" West on the North line thereof, 1,322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 0°20'41" West on the West line of said Northeast one-quarter of Section 5, 60.00 feet to a point on the southerly right of way line of proposed 120.00 foot right of way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on last mentioned course, 435.00 feet; (2) North 89°53'50" East, 172.42 feet; (3) North 0°20'41" East, 435.00 feet to a point on said southerly right of way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right of way line of proposed Constitution Avenue, 172.42 feet to a point of beginning,

County of El Paso,
State of Colorado.

(Per Title Commitment File No. NCS-1074278-INDY as provided by First American Title Insurance Company.)

Address of Record: Nothing posted or visible at the time of survey.

EXHIBIT "B"

RESIDENTIAL PROPERTY [ZONE: RS-5000]

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 13 SOUTH, AND RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202131510 OF THE RECORDS OF SAID COUNTY, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT HE WEST END BY A 3" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17664, AND MONUMENTED AT THE EAST END BY A 2" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE IS ASSUMED TO BEAR N89°08'49"W)

COMMENCING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO.1" AS DESCRIBED IN PLAT BOOK Y-3, PAGE 39 OF THE RECORDS OF SAID COUNTY; SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 13, OF SAID "ARROWHEAD ESTATES FILING NO.1";

THENCE S88°55'09"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 415.41 FEET TO THE POINT OF BEGINNING;

THENCE N16°00'57"W A DISTANCE OF 361.04 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET, A DELTA ANGLE OF 05°30'50", AN ARC LENGTH OF 54.37 FEET, WHOSE LONG CHORD BEARS N78°42'31"E A DISTANCE OF 54.35 FEET;

THENCE N08°32'04"W A DISTANCE OF 26.64 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON THE ARC OF SAID REVERSE CURVE, HAVING A RADIUS OF 700.00 FEET, A DELTA ANGLE OF 15°31'41", AN ARC LENGTH OF 189.71 FEET, WHOSE LONG CHORD BEARS N16°17'54"W A DISTANCE OF 189.13 FEET TO A POINT OF REVERSE CURVE;

THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 500.00 FEET, A DELTA ANGLE OF 24°55'00", AN ARC LENGTH OF 217.44 FEET, WHOSE LONG CHORD BEARS N11°36'14"W A DISTANCE OF 215.73 FEET;

THENCE N00°51'15"E A DISTANCE OF 78.63 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RIO ROAD, A 60 FOOT WIDE RIGHT OF WAY SHOWN ON "FALCON RANCH ESTATES SUBDIVISION" AS RECORDED IN PLAT BOOK T-2 AT PAGE 47 OF SAID RECORDS;

THENCE S89°08'45"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1041.23 FEET:

THENCE S00°13'30"E A DISTANCE OF 856.92 FEET TO THE NORTHERLY LNE OF SAID "ARROWHEAD ESTATES FILING NO.1";
THENCE N88°55'09"W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 899.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 839,151 SQUARE FEET OR 19.265 ACRES, MORE OR LESS.