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Colorado Springs City Councilman 1993-2001
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URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE
ENTITLEMENT COORDINATION | CONTRACT

Licensed Landscape Architects (PLA)

American Society of Landscape Architects (ASLA)

American Planning Association (APA)

SCAN FOR WEBSITE



EL PASO COUNTY

LETTER OF INTENT FOR: JUDGE ORR ROAD COMMERCIAL REZONE PLAN; CS - COMMERCIAL SERVICES

☐ **OWNER/APPLICANT, AND PLANNING CONSULTANT:**

Owner:

Phil's Boys Falcon, LLC
c/o Teddy McDonald
3607 N. El Paso Street
Colorado Springs, CO 80907
(719) 210-9460

Applicant/Planner:

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El Paso County Planner:

Ryan Howser, Senior Planner
El Paso County Development Services
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6049

Property Address:

13630 Judge Orr Road, Peyton, CO 80831

TSN:

4200000249

Current Zoning:

PUD – Planned Unit Development

Proposed Zoning:

CS - Commercial Services

Property Acreage: 29.94 acres (of 40.15ac total parcel)

There is an *Avigation Overlay District* on the property for Meadow Lake Airport. An Avigation Easement is provided on the Rezone Map submitted with this application.

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The property included within this **Judge Orr Road Commercial Park (CS) – Commercial Services Rezone Plan** application is in El Paso County in Peyton, CO, approximately 20 miles east of downtown Colorado Springs, situated on Judge Orr Road east of Colorado State Highway 24 at the southeast intersection of Judge Orr Road. The site extends approximately from Hwy 24 east along Judge Orr Road east about 1,873' and north along Hwy 24 for about 1,577'. The property has direct frontage onto both Judge Orr Road and Colorado State Highway 24.

The **2021 Your El Paso County Master Plan** identifies the Placetype of this development as “*Rural Center*” and is located within the **New Development Areas of Change**. The primary land use in this Placetype is Multifamily, Restaurant, Commercial Retail, Commercial Service, and Entertainment and Arts. Single Family Attached, Mixed Use, Office, and Institutional are also included as Supporting Land Uses. The Judge Orr Road Commercial Rezone Plan proposes for commercial lots of 2-1/2 acre size and larger, which is the minimum size requirement for wells and on-site septic.

Colorado State Highway 24 is a major roadway that connects the northeastern part of the County to Colorado Springs. Significant growth is expected along the corridor between Falcon and Peyton not only to connect existing subdivisions, but also to capitalize on proximity to the Highway and the Falcon Regional Center.

DEVELOPMENT REQUEST

The CS Rezone Plan approval of a 29.94 acre portion of this 40.15-acre site is being sought without any waiver or deviation requests. The zoning would be changed from the current PUD – Planned Unit Development to CS. In accordance with County standards, the minimum lot sizes proposed within the CS Rezone Plan portion of the property will not be less than 2.5 acres each for any commercial development requiring on-site septic.

Infrastructure to serve the CS Rezone Plan, including roadways, driveways, drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations, and criteria in effect at the time of this application.

Surrounding properties are largely rural. Land use within these properties has traditionally been ranchland with some farming. Existing zone districts adjacent to the subject property are PUD, M, A-5, A-35, R-4 and R-5. The owner of the Judge Orr Road Commercial property also owns the adjoining 40-Ac on Judge Orr Road to the east, which is zoned and has been developed as RVP –

Recreational Vehicle Park. Both the Judge Orr Road Commercial site and RVP site will share a common street (e.g., Range Flower Way) and their primary point of access.

JUSTIFICATION FOR REQUEST

This CS Rezone Plan request is consistent with the purposes of the **2021 Your El Paso Master Plan**. The CS Rezone Plan is recognized as a Commercial Service *supporting land use* that is compatible with the Rural Center Placetype design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development, particularly the existing 816-acre *Saddlehorn Ranch* (e.g., 218 lots zoned RR-2.5) at Judge Orr Road and Curtis Road immediately west of and adjacent to the subject property, the proposed 398.91-acre *Jane Davis Ranch* (e.g., pending application in progress to be zoned RR-2.5 and RR-5.0 immediately northwest of the subject property, and the proposed 86.78-acre *Pikes Peak Board of Cooperative Educational Services (PPBOCES)* immediately north of the subject property, and the 493-acre *Esteban Rodriguez* subdivision.

CHAPTER 5: YOUR EL PASO COUNTY MASTER PLAN - COMMERCIAL PRIORITY AREAS

Highway 24

A new Rural Center is identified along Highway 24 north of Falcon. This area is expected to experience significant residential growth over the next 20-30 years. Commercial development in this area is smaller scale to build off and support Falcon's Regional Center to the south.

EXISTING AND PROPOSED IMPROVEMENTS

The Judge Orr Road Commercial property is vacant, and no improvements have been made to it. The owner intends to be the developer of the site and will be responsible for construction of new internal roads, drainage structures, utilities, and other infrastructure as required by the county.

Electric and telecommunication service points-of-connection will be extended from the roadway to all new lots. Extension of natural gas services will be sought from Colorado Springs Utilities. Water will be provided via individual on-site wells and individual septic systems will be provided per lot in accordance with El Paso County Department of Health policy guidelines. Both are acceptable by the county for lot sizes 2-1/2 acres and larger.

Incorporating Water-saving Actions in Land Use & Development Planning in El Paso County
Discourage individual wells for new subdivisions with average lot sizes smaller than 2.5 acres when there is a reasonable opportunity to connect to an existing central system or construct a new central water supply system when the economies of scale to do so can be achieved, especially in the Laramie-Foxhills, Lower Arapahoe, Denver and Lower Dawson aquifers.

ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The **2021 Your El Paso Master Plan** (the “Master Plan”) addresses issues directly related to the Judge Orr Road Commercial property. Policies specifically related to this Rezone Plan request include:

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

The CS Rezone Plan proposed for new Commercial Services lots will serve as a supporting land use with the other larger existing and proposed developments in the Judge Orr Road corridor. New commercial lots to be developed within this proposed CS zone district will have paved roads and will be compatible with the types of roadways in nearby adjacent neighborhoods.

Goal 1.3 – *Encourage a range of development types to support a variety of land uses*

As previously mentioned, a new Rural center has already been identified for development along Highway 24 north of Falcon. This area is expected to experience significant residential growth over the next 20-30 years. Commercial development in this area is small scale to build off of and support Falcon’s Regional Center to the south of the proposed Judge Orr Road Commercial subdivision.

Goal 1.4 – *Continue to encourage policies that ensure “development pays for itself.”*

The Judge Orr Road Commercial property proposed CS Rezone Plan is proposed as a development with individual lots of 2-1/2 acres and larger, intended for sale to individual businesses seeking to build standalone commercial structures that are allowed per the Primary Land Use and Supporting Land Use categories. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc., will be constructed as part of this development.

The Rural Center placetype supports the County’s established agricultural and rural identity.

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

The subdivision design of this 29.94-acre portion of this 40.15-acre site with CS zoning is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are zoned R-4, R-5, A-35, M, PUD, A-5, and RVP. Per the El Paso County Land Development Code (LDC) the Commercial Services (CS) zoning district is intended to

accommodate standalone retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods. While specific business establishments have not yet been determined, possible uses are under consideration.

Transportation & Mobility, Core Principle: *Connect all areas of the County with a safe and efficient multimodal transportation system.*

Goal 4.1- *Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.*

The design of the Judge Orr Road Commercial CS Rezone Plan will locate new commercial lot driveways and parking lots with direct access onto proposed interior streets. No direct driveway access for any new lot within the CS rezone Plan will be from Colorado State Highway 24 or Judge Orr Road to minimize any increased traffic load from new lots onto these existing arterials.

Community Facilities & Infrastructure, Core Principle: *Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.*

Goal 5.3 – *Ensure adequate provision of utilities to manage growth and development.*

Future Final Plat submittals of the CS Rezone Plan portion of the Judge Orr Road Commercial subdivision will seek commitment letters for delivery of electrical service and natural gas from established utility providers in the vicinity. On-site wells will provide water for new lots to be developed within the CS Rezone Plan and wastewater will be accommodated by individual on-site wastewater treatment systems which are acceptable to the County Health Services for lots 2-1/2-acre size and larger. Based upon evaluation by environmental and geotechnical engineers for this application, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

Environment & Natural Resources, Core Principle: *Prioritize and protect the County's natural environment.*

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The area surrounding the proposed CS Rezone Plan has sufficient carrying capacity to support the proposed development's roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services will be sought and provided to the County.

The Judge Orr Road Commercial CS Rezone Plan ensures that the development of this site will remain compatible and contiguous with existing larger lot low-density residential areas within the nearby community.

GAS SERVICE

The applicant will seek natural gas service by utility service providers already established in the vicinity at future levels of Final Platting.

WATER SERVICE

The following information is provided by request of El Paso County per the *El Paso County Water Master Plan, Chapter 7, Implementation*:

Water Quality, Quantity and Dependability:

A Water Resources Report and Water Supply Information Summary will be provided to the County with the Preliminary Plan application.

TRANSPORTATION

The Judge Orr Road Commercial CS Rezone Plan provides for two initial points-of-access from Range Flower Way (e.g. with connectivity to Judge Orr Road). A future point of access may be provided from the north portion of Range Flower Way from adjacent development, with possible connectivity to Colorado State Highway 24, as determined by CDOT. No lots adjacent to Judge Orr Road and Hwy 24 are proposed to have direct access/egress onto either roadway.

Providing multiple points of access to a subdivision also improves efficiency in emergency response times and allows for better pedestrian and bicycle access across neighborhoods. Better access can be the difference between a resident or visitor choosing to walk over drive to their destination. Increased access especially with multimodal options for walking and biking could reduce vehicular travel and ultimately congestion and stress on roadway infrastructure.

TRANSPORTATION IMPACT STUDY GUIDELINES

A Transportation Impact Study (TIS) is submitted with the Judge Orr Road Commercial Park Rezone (CS) Plan based upon the El Paso County Engineering Criteria Manual (ECM).

ROAD IMPACT FEES

Per resolution 19-471 Road Impact Fees are applicable and due for this project.

CHAPTER 7 AND CHAPTER 8 OF THE LAND DEVELOPMENT CODE CRITERIA FOR APPROVAL

In approving this CS Rezone Plan, the county will find that:

The proposed subdivision is in general conformance with the goals, objectives, and policies of the **2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN**.

The proposed CS Rezone Plan is in conformance with the requirements of this Code; no waivers or deviations from the Code are requested or proposed.

The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Judge Orr Road Commercial community; as previously described, the CS Rezone Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development. The CS Rezone Plan is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are also zoned RR-5, RR-2.5, A-35, A-5, R-4, R-5, M, and RVP.

Services are or will be available to meet the needs of the subdivision including roads, police and fire protection, schools, recreation facilities, and utility service facilities.

The CS Rezone Plan portion of the subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§ 34-1-302(1), et seq.]. No known commercial mining operations exist on the site.

The proposed methods for fire protection are adequate to serve the CC Rezone Plan; the Falcon Fire Protection District will extend service within the Judge Orr Road Commercial subdivision. A Letter of Intent to Serve this subdivision will be provided with the Preliminary Plan application by the Falcon Fire Protection District.

The subdivision is appropriate, and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints; there are no known environmental or other constraints that would preclude development of this site as proposed in the CS Rezone Plan. Topography, soil types and geologic hazards and other environmental resources are not compromised by the development of this site.

The entire Judge Orr Road Commercial CS Rezone Plan property is located within an airport overlay zone. *The Rezone Plan includes a Notice of Avigation Easement to the CS Rezone Plan and will advise potential developers of the site's proximity to an airport and restrictions that may apply.*

END