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El Paso County, CO

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RESOLUTION NO. 22-312

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

**APPROVAL OF THE MEADOW LAKE COMMERCIAL PARK MAP
AMENDMENT (REZONING) (CS-22-001).**

WHEREAS Meadowlake Development, 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 PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 18, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on September 6, 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 Meadowlake Development, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district ;

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

CONDITIONS OF APPROVAL

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 density and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. Any future or subsequent development and/or use of the property shall be in accordance with the use standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code, except as otherwise limited in the applicant's letter of intent, incorporated herein as Exhibit B.

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 6th day of September, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:



By:

Alan G. VanderWal
Chair

EXHIBIT A

A tract of land in the East Half of Section 9, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at the Southeast Corner of the Southeast Quarter of said Section 9; thence

S 89°32'02" W 1435.15 feet along the South Line of the Southeast Quarter of said Section 9; thence

N 00°11'42" W 646.45 feet; thence

N 89°04'41" E 811.16 feet; thence

N 00°29'26" E 660.20 feet; thence

N 89°17'36" E 622.94 feet to the East Line of said Section 9; thence

S 00°06'00" W 1315.68 feet to the point of beginning, containing 31.0 acres.

MEADOW LAKE COMMERCIAL PARK CS MAP AMENDMENT (REZONING)

LETTER OF INTENT

MAY 2022, REVISED JUNE 2022

OWNER:

O'NEIL GROUP
KEVIN O'NEIL
P.O. BOX 1385
COLORADO SPRINGS, CO 80901-1385

APPLICANT:

O'NEIL GROUP
KEVIN O'NEIL
P.O. BOX 1385
COLORADO SPRINGS, CO 80901-1385

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
abarlow@nescolorado.com

ACREAGE: 31 AC

CURRENT ZONING: PUD ZONING AND CONCEPTUAL PLAN

CURRENT USE: VACANT LAND

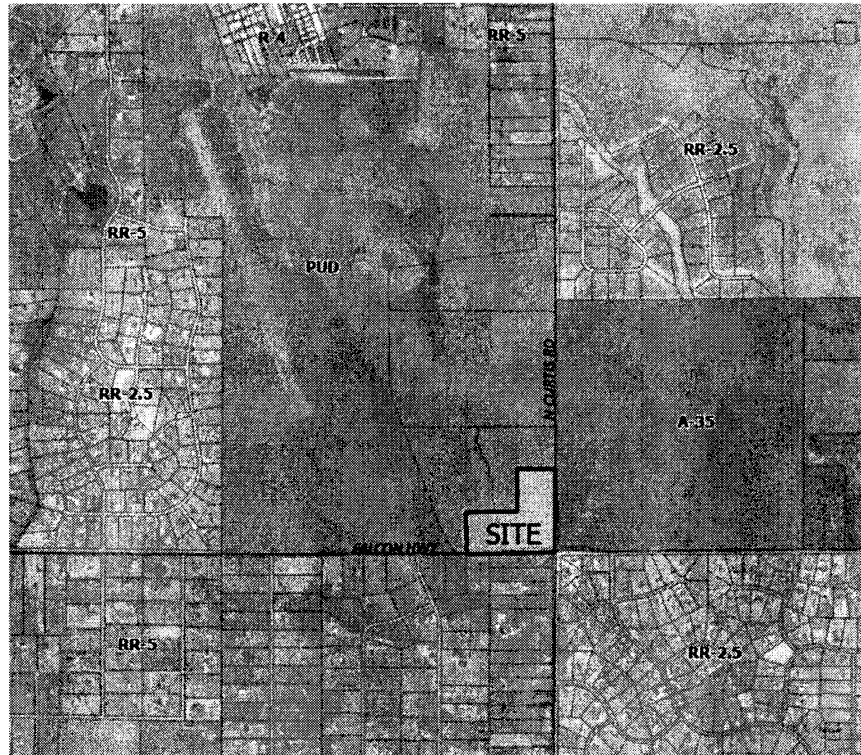
TSN: 4300000548, 4300000551

REQUEST

N.E.S. Inc. on behalf of the O'Neil Group requests approval of a Map Amendment (Rezoning) from PUD (Planned Unit Development), pursuant to the Meadow Lake Industrial Park Zoning and Conceptual Plan (ZCP), to CS (Commercial Service) on approximately 31 acres of the overall Meadow Lake Industrial and Commercial Park.

LOCATION

The site is located in eastern El Paso County, Colorado, situated approximately 10 miles east of Colorado Springs and northeast of the Falcon town site. The site is located at the northwestern corner of the Curtis Road and Falcon Highway intersection. The 31-acre site is currently vacant and is located east and south of Meadow Lake Airport, along the west side of Curtis Road, and along the north side of Falcon Highway. The overall Meadow Lake Industrial and Commercial Park site area is comprised of 254.7 acres.



CONTEXT/PROJECT DESCRIPTION

Project Description

The site was approved by the Board of County Commissioners in 2008 as a Planned Unit Development (PUD). The approved uses included 190 acres of commercial/industrial uses and 37 acres of open space/no-build areas. The PUD expired as a result of development inactivity.

The site was later approved by the Board of County Commissioners in 2014 for a Zoning and Conceptual Plan (ZCP). The conceptual uses approved in the ZCP included the following: 3.2 acres of commercial, 71.5 of mixed commercial and industrial, 117 acres of industrial, and 62.8 acres of open space, rights-of-way, and dedication of future right-of-way.

Both the 2008 PUD and the 2014 ZCP have since expired. Condition of Approval No. 6 of the ZCP stated: "Approval of the Meadow Lake Industrial Park PUD ZCP shall be limited to a period of five (5) years, after which, if no PUD development plan has been approved and recorded to implement an approved PUD development plan, the Board of County Commissioners authorizes the Development Services Department to process a request to revert the zoning of the property away from the PUD district back to the RR-5 (Residential Rural) district or other appropriate zone district as determined by the Board."

The ZCP PUD approval, therefore, has expired, however, no subsequent request has been initiated by the County to “revert the zoning of the property away from the PUD district.” The proposed CS rezoning request, along with the other concurrently reviewed rezoning requests to the I-2 and I-3 zoning districts, would effectively accomplish the intent of the prior condition of approval of the ZCP.

Concurrent applications have also been submitted for map amendments (rezonings) for 172.4 acres from PUD to I-3 (Heavy Industrial), 51.3 acres from PUD to I-2 (Limited Industrial), along with the subject map amendment (rezoning) application for the identified 31 acres from PUD to CS (Commercial Service). ***Please note that this Letter of Intent is only intended to specifically address the proposed rezoning of 31 acres to CS (Commercial Service).***

The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. Below is the proposed list of permitted uses for this CS zone and a list of the uses that are proposed to be conditionally excluded.

Principal Uses Included/Allowed - Uses to be Retained with CS Zoning

- Amusement Center, Indoor
- Auction Facility
- Automobile and Boat Storage Yard
- Automobile and Trailer Sales
- Bakery, Retail
- Bakery, Wholesale
- Bar
- Barber/Beauty Shop
- Batch Plant, Temporary (temporary use)
- Billiard Parlor
- Business Event Center
- Car Wash
- Carnival or Circus (temporary use)
- Child Care Center
- Christmas Tree Sales (temporary use)
- CMRS Facility, Freestanding (special use)
- CMRS Facility, Small Cell
- CMRS Facility, Stealth
- Commercial or Retail as Part of Overall Shopping Center
- Community Building
- Construction Equipment Storage and Field Office, Temporary (temporary use)
- Contractor’s Equipment Yard (special use)
- Convenience Store
- Copy Shop
- Education Institution, Private (special use)
- Education Institution, Public
- Emergency Facility, Private
- Emergency Facility, Public
- Financial Institution
- Firewood Sales

- Fireworks Sales (temporary use)
- Food Processing
- Gas Station
- Health Club
- Heavy Equipment Rental, Sales, and Storage (special use)
- Hospital, Veterinary (special use)
- Inert Material Disposal Site - Minor
- Institution, Philanthropic
- Laboratory (special use)
- Laundromat
- Library
- Light Industry (special use)
- Light Manufacturing (special use)
- Liquor Store
- Lumber Yard (special use)
- Medical Clinic
- Mini-Warehouse
- Museum
- Nightclub (special use)
- Nursery, Retail
- Nursery, Wholesale
- Office, General
- Off-Premise Sign (special use)
- Over the Air Reception Devices
- Parking Lot
- Peddler Sales (temporary use)
- Proprietary School
- Public Building, Way or Space
- Public Park and Open Space
- Publishing Companies (special use)
- Recreational Vehicle and Boat Storage
- Religious Institution
- Rental Services
- Repair Shop
- Restaurant
- Retail Sales, General
- Seasonal Produce Sales (temporary use)
- Shopping Center
- Store
- Studio
- Theater
- Theater, Outdoor (special use)
- Truck and Recreational Vehicle Repair Garage
- Vehicle Repair Garage, Commercial
- Warehouse
- Wholesale Business

- Wood Sales (Firewood) (special use)
- Yard Sales (temporary use)

Principal Uses - Proposed for Conditional Exclusion from the CS Zoning

- Amusement Center, Outdoor (special use)
- Boarding House
- Bottling Works
- Club
- Flea Market (special use)
- Freight Terminal (special use)
- Funeral Home
- Garbage Service Facility
- Home Improvement Center
- Hospital (special use)
- Hospital, Convalescent (special use)
- Hotel
- Human Service Shelter
- Inert Material Disposal Site (special use)
- Kennel, Major
- Kennel, Minor
- Marijuana Land Use, Medical
- Meat Processing, Custom
- Mineral and Natural Resource Extraction Operations, Commercial (special use)
- Mining, Construction-Related (temporary use)
- Mixed Use Residential Units
- Parking Garage
- Prison, Private (special use)
- Rehabilitation Facility
- Sexually Oriented Business
- Tower, Commercial (non-CMRS)
- Truck Stop (special use)

Accessory Uses Included/Allowed - Uses to be Retained with CS Zoning

- Auction (temporary use)
- Caretaker's Quarters
- CMRS Facility, Building Roof Mounted
- CMRS Facility, Building Wall Mounted
- CMRS Facility, Pole Mounted
- CMRS Facility, Small Cell
- Commercial and Industrial Accessory Structures and Uses
- Construction Equipment Storage and Field Offices, Accessory
- Fuel Storage
- Garden Supplies and Nursery Stock
- Kennel, Major
- Kennel, Minor
- Light Manufacturing, Accessory (special use)

- Outdoor Sales and Display, Accessory
- Outside Storage
- Over the Air Reception Devices
- Parking, Storage, and Repair of Vehicles and Machines, Personal
- Recycling Collection Center
- Restaurant, Outdoor
- Shipping Container
- Shipping Container, Temporary
- Solar Energy System
- Tower, Private
- Wind Power Generator

Accessory Uses - Proposed for Conditional Exclusion from the CS Zoning

- (None)

These uses are proposed to be restricted either because they do not comply with the primary or secondary uses recommended for the Employment Centers Placetype within Your El Paso Master Plan (2021), or because they would not be compatible with adjacent land uses, or are anticipated to have high traffic generation or water use demand. For example, a hotel is an allowed use in the CS zoning district, but tourism commercial does not align with the Employment Center placetype as a primary or supporting land use. Further, mixed use residential is allowed with approval of a special use in the CS zoning district. Mixed use residential is not a compatible use with the adjacent Meadow Lake Airport. Furthermore, mixed use residential is not a primary or supporting land use in the Employment Center Placetype.

Traffic: A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for Meadow Lake Industrial Park (*Meadowlake Industrial Park Traffic Impact Study, May 17 2022*). This analyses the proposed traffic for all concurrent zone changes. The preliminary recommendations of the Traffic Report are summarized below:

- Curtis Road should be improved to a two-lane, Principal Arterial, with required right-of-way dedication and preservation of additional right-of-way for future expansion to a four-lane Principal Arterial. The improvement would be from Falcon Highway north to connect to the segment of Curtis planned for upgrade as part of the Saddlehorn development to the north
- Falcon Highway should be improved to a two-lane, Rural Minor Arterial, with required right-of-way dedication and preservation of additional right-of-way for future expansion to a four-lane Minor Arterial.
- Auxiliary turn-lane improvements are identified at the anticipated site access points of Curtis Road and Falcon Highway. These access points will be further defined and analysed at the Preliminary Plan stage.
- The intersections of Curtis Road/Falcon Highway and Curtis Road/Judge Orr Road will need to be improved in the future to operate at acceptable levels of service. This applicant will be responsible for their proportional share of the cost of these improvements. Auxiliary turn lane

recommendations are included as an intermediate traffic condition.

Utilities: The site is within the service area of Mountain View Electric Association, Inc. MVEA will supply electricity service and Colorado Springs Utilities will supply natural gas. Confirmation of the availability of these services is include with this submittal. Connection to a centralized water and wastewater treatment provider is anticipated. If construction of a new water and wastewater system is necessary, it would likely require creation of a Title 32 Special District, issuance of a 1041 Permit from El Paso County, and permitting by the Colorado Department of Public Health and Environment (CDPHE).

Floodplain: A portion of the proposed CS zoned site is mapped within Zone A of the FEMA Floodplain Map No. 080059C0566G and 080059C0558G, dated December 7, 2018. The remainder of the area is within Zone X, which is determined to be outside the 500-year floodplain.

Wetlands: The unnamed tributary on the site crosses the proposed CS zone area and includes some potential wetland areas and herbaceous riparian areas. There is a small pond in the northern portion of the site. These areas are within the floodplain which will be avoided when developed. A wetland analysis and natural features report will be included with subsequent applications for development of the site.

Wildlife: Potential for several species of mammals, rodents, fish, and vegetation exists on the site, primarily in the floodplain/wetland areas, which will be avoided when development occurs.

Wildfire: The primary wildland fuel type is grassland. The Colorado State Forest Service has determined a moderate wildfire hazard potential.

Districts/Utilities Serving the Property:

- Falcon Fire Protection District
- Mountain View Electric Association
- City of Colorado Springs Utilities – Natural Gas Service
- Upper Black Squirrel Creek Ground Water Management District
- Central Colorado Conservation District

COMMUNITY OUTREACH

Representatives of the O'Neil Group met with representatives from Meadow Lake Airport on May 11, 2022 to discuss the proposed rezonings. A meeting was held on June 29, 2022 with representatives from the Saddlehorn Estates residential development to the east to discuss their concerns. A public open house was held on the evening of June 29. Notification was sent to 169 properties (72 individual owners) within ½ mile of the site. Approximately 40 people attended the meeting, with 20 people entering details on the sign-in sheet. This included display boards of the proposed zoning areas, the proposed permitted uses, relevant extracts from Your El Paso Master Plan and the previously approved PUD Zoning & Concept Plan for the site. Balloons were also placed on the site to conceptually represent the height of the tallest anticipated structure within the I-3 zoning district area. The general feedback

from the meeting was an acknowledgement that development of the site was likely, general support for the I-2 and CS zonings, but concern regarding some of the potential heavier industrial uses associated with the I-3 zone in terms of compatibility with adjacent residential. Concerns were also expressed regarding traffic and water use.

PROJECT JUSTIFICATION

The request is consistent with the criteria in Section 5.2.5.B for a Map Amendment (Rezoning) as follows:

- 1. THE APPLICATION IS IN GENERAL CONFORMANCE WITH THE EL PASO COUNTY MASTER PLAN INCLUDING APPLICABLE SMALL AREA PLANS OR THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAND WAS LAST ZONED;**

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

YOUR EL PASO MASTER PLAN

The new County Master Plan denotes the site being within the Employment Center placetype (see page 36 of the Master Plan). Objective LU3-1 indicates that development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines. The primary uses within Employment Centers include light industrial/business park, heavy industrial uses, and office, with supporting commercial retail, commercial services, and restaurants. The proposed CS zoning would allow for uses that support the employment center primary uses (industrial) to develop on the site. These uses include commercial services, retail, and restaurants, all of which support the primary Employment Center uses and help meet the day-to-day needs of the residents and workers in this part of the County.

The Master Plan specifically identifies that proximity to transportation hubs, such as Meadow Lake Airport, is appropriate for the Employment Center placetype. The Master Plan also identifies the subject property as being included within the Meadow Lake Airport Employment Priority Development Area (see page 71 of the Master Plan). The adjacent Meadow Lake Airport is the largest privately owned airport in Colorado and is an important economic driver for the County. The Airport has expanded significantly with more than a dozen industrial and manufacturing businesses on the property and Goal ED1 indicates that “the County should consider prioritizing the Airport for new employment uses to capitalize on the existing distribution network... Light and heavy industrial should be the primary businesses in this area, while supporting uses such as commercial or restaurants should be coordinated with the Meadow Lake Airport Association.”

The proposed CS rezoning is consistent with the objectives for supporting and expanding Meadow Lake Airport as an Employment Priority Development Area. The concurrent I-3 and I-2 rezoning requests for 88% of the property address the objective of light and heavy industrial being the primary businesses in this area. The proposed rezone to CS of only 12% of the property will serve to

help support the proposed industrial uses on the site, the existing and expanding operations and employment base at the adjacent Meadow Lake Airport, as well as providing commercial retail and service for residents in the surrounding area.

The Master Plan identifies that the “Function of Supporting Land Uses” within the Employment Center placetype should be to “support the daily needs of employees with restaurants, convenience stores, groceries, banks, and pharmacies. Buildings can be standalone, clustered together, or in a small strip center.” The CS rezoning request would help support this policy and would likely result in clustered commercial uses or a small strip center at the northwest corner of the Falcon Highway and Curtis Road intersection.

This site is also denoted as a “new development area” on the Areas of Change map (see page 20 of the Master Plan). New development areas take place on land largely undeveloped, adjacent to built out areas. These areas are to be designed to integrate with and complement adjacent development. The proposed CS rezoning would provide an opportunity for services to be introduced to the area which would complement the adjacent airport use and the proposed industrial uses on the property.

Relevant Goals, Objectives, and Strategies

Land Use

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

- *Goal 1.3 - Encourage a range of development types to support a variety of land uses.*
- *Objective LU3-1: Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*
- *Objective LU4-3: Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.*

Economic Development

Core Principle: Strengthen the economy with a skilled workforce and targeted investment.

- *Objective ED3-1: Continue promoting commercial development to serve increasing residential neighborhoods in the Falcon area.*
- *Objective ED3-6: Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*
- *Goal 3.1: Recruit new businesses and spur the development of growing sectors.*

Implementation

- *Goal ED1 strategies:*
 - *Consider prioritizing Meadow Lake Airport for new employment uses to capitalize on the existing distribution network.*
 - *Light and heavy industrial should be the primary businesses in the Meadow Lake Airport area, while supporting uses such as commercial or restaurants should be coordinated with the Meadow Lake Airport Association.*

EL PASO COUNTY WATER MASTER PLAN

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 goals and policies are as follows:

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 6.0 – Require adequate water availability for proposed development.*
- *Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*
- *Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.*

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the project demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year and the projected demand is 8,307-acre feet.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN

Curtis Road and Falcon Highway are both currently 2-lane unimproved County roads with a 60-foot right-of-way (ROW). The 2040 Functional Classification map shows Curtis Road being improved to a 2-lane rural principal arterial and Falcon Highway being improved to a 2-lane rural minor arterial. The 2060 Corridor Preservation Plan shows Curtis Road being expanded to a 4-lane rural principal arterial and Falcon Highway being expanded to a 4-lane rural minor arterial. Curtis Road is also anticipated to become a secondary truck route connecting Highway 24 to Highway 94 and I-25.

EL PASO COUNTY PARKS MASTER PLAN

The El Paso County Parks Master Plan identifies proposed bike routes on Curtis Road and Falcon Highway, which can provide access to the site by alternative transportation modes. A proposed secondary regional trail is identified along the alignment of the drainageway that crosses the property from north to south. This secondary trail also continues through the adjacent airport property, which brings into question the practicality of this proposed trail route.

2. THE REZONING IS IN COMPLIANCE WITH ALL APPLICABLE STATUTORY PROVISIONS, INCLUDING BUT NOT LIMITED TO C.R.S. §30-28-111 §30-28-113, AND §30-28-116;

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

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

The Master Plan specifically encourages commercial retail and services as supporting land uses in the Employment Center placetype as a supporting use to the primary industrial uses and to economically strengthen the adjacent airport. In addition, the lower intensity commercial service uses will provide a transitional use and physical buffer from the airport activities and the prosed heavy and light industrial uses on the property to the rural residential and agricultural areas to the east and south.

The Employment Center placetype, as identified in the Master Plan, indicates that transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby areas. As noted above, concurrent submittals have been made for I-3 and I-2 zones on the western and northern portions of the property respectively.

Compatibility with adjacent A-35 and rural residential zoning has already been evaluated with the currently approved PUD zoning and associated PUD Zoning and Conceptual Plan, which shows Commercial/Industrial Uses on the east side of the property adjacent to Curtis Road with Commercial use along Curtis Road and Falcon Highway. The designation of the site as an Employment Center within the Master Plan also assumes an acknowledgment of the appropriateness of this location for the industrial and commercial uses identified as primary and secondary uses in this placetype. Compatible means "to be able to exist or occur together without conflict." As the permitted uses in the proposed CS zone are broad, this request conditionally excludes certain uses to enhance compatibility with these less intense adjacent land uses. The I-2 and CS zoning designations will provide transitional uses and a physical buffer and separation between the heavier industrial uses allowed in the proposed I-3 zoning district on the west side of the property and the rural residential and agriculturally zoned properties located to the east and south. Appropriate landscape buffers will be included with subsequent site development plans.

4. THE SITE IS SUITABLE FOR THE INTENDED USE, INCLUDING THE ABILITY TO MEET THE STANDARDS AS DESCRIBED IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE, FOR THE INTENDED ZONE DISTRICT.

Future development of this portion of the property will meet the use and dimensional standards for the CS zoning district as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed commercial uses and provides a transition between Meadow Lake Airport and the surrounding rural land uses. The site will have adequate access to Curtis Road and Falcon Highway and has access to the provision of adequate utilities.

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