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**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

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SUMMARY MEMORANDUM

**TO:** El Paso County Board of Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 4/6/2023  
**RE:** P-22-020, Kelnhofer Rezoning, Steve Kelnhofer

Project Description

A request by Steve Kelnhofer for approval of a map amendment rezoning 36.05 acres from RR-5 (Residential Rural) to A-35 (Agricultural). The property is located approximately 0.60 miles northeast of the intersection Corral Valley Road and Highway 94. If the rezone request is approved, the applicant will be unable to subdivide the property unless a subsequent request for rezone is submitted and approved.

Notation

Please see the attached PC Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Bailey moved / Patterson seconded for approval, for a map amendment (rezone), Kelnhofer Rezone, utilizing the resolution attached to the staff report, with two (2) conditions and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-0)**. The item was heard as a consent agenda item.

Discussion

This item did not have discussion at the Planning Commission hearing and was unanimously recommended for approval. No responses were received regarding the application from the adjacent properties.

Attachments

1. Draft PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Draft BOCC Resolution.

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## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, April 6, 2023  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** BRIAN RISLEY, TOM BAILEY, TIM TROWBRIDGE, BECKY FULLER, ERIC MORAES, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY

**PC MEMBERS VIRTUAL AND VOTING:** JAY CARLSON

**PC MEMBERS PRESENT AND NOT VOTING:** KARA OFFNER

**PC MEMBERS ABSENT:** SARAH BRITTAIN JACK, BRANDY MERRIAM

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, MINDY MADDEN, LUPE PACKMAN, JEFF RICE, MARCELLA MAES, AND EL PASO COUNTY ATTORNEY LORI SEAGO

**OTHERS PRESENT AND SPEAKING:** ANTHONY HICKS, GARY BEIRLE, LORI YODER, WAYNE SMITH, RACHONNE SMITH, MIKE ROKES, AND TYLER CHRISTIAN.

#### **1. REPORT ITEMS**

**A. Planning Department. Next PC Hearing is Thursday, April 20, 2023, at 9:00 A.M.**

#### **DISCUSSION**

**MR. RISLEY** called the meeting to order and introduced the new Planning Commission member Kara Offner as a regular member.

**MS. HERINGTON** - We do not have any reports this morning.

**MS. HERINGTON** - Congratulated Mr. Risley on his new successful City Council seat. We will be working to transition a new Chairman potentially in May.

**MS. HERINGTON** - We have three Non-Action items on the agenda today. We have discussed these items before. The items are potential future code amendments. We would like to get the Planning Commission input. After we have our regular items today staff will make brief presentations to the planning commission.

**B. Call for public comment for items not on hearing agenda.**

**MR. RISLEY** asked if there were any comments. There were none.

**MR. RISLEY** acknowledged what members were present and who would be voting.

**2. CONSENT ITEMS**

**A. Adoption of Minutes of meeting held March 16, 2023.**

**PC ACTION: MINUTES APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. Sunshine Law Statement**

**MR. TROWBRIDGE** made a motion to the Planning Commission to comply with the open meetings law also known as the Sunshine Law.

**MR. TROWBRIDGE** read the Sunshine Law.

**MR. RISLEY** asked if there was a second motion.

**MR. MORAES** seconded the motion.

**PC ACTION: APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**C. P2220**

**HOWSER**

**MAP AMENDMENT (REZONE)  
KELNHOFER REZONE**

A request by Steve Kelnhofer for approval of a map amendment rezoning 36.05 acres from RR-5 (Residential Rural) to A-35 (Agricultural). The property is located approximately 0.60 miles northeast of

the intersection Corral Valley Road and Highway 94. (Parcel No.44000-00-466) (Commissioner District No. 2).

**MR. RISLEY** asked the Planning members if anybody wanted this pulled and heard as a regular item.

**MR. RISLEY** asked the members of the audience if anybody wanted this item pulled and heard as a regular item.

**There were no questions. The chair entertained the motion in regards for agenda item 2C.**

**PC ACTION: MR. BAILEY MOVED / MR. PATTERSON SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P2220 FOR MAP AMENDMENT (REZONE), KELNHOFER REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**IN FAVOR:** MR. RISLEY, MR. BAILEY, MS. FULLER, MR. MORAES, MR. PATTERSON, MR. SCHUETTPELZ, MR. TROWBRIDGE, MR. WHITNEY

**IN OPPOSITION:** NONE

**COMMENT:** NONE

### **3. CALLED-UP CONSENT ITEMS**

### **4. REGULAR ITEMS**

#### **A. SKP-225**

**PARSONS**

#### **SKETCH PLAN JAYNES SKETCH PLAN**

A request by Classic Communities, for approval of a sketch plan consisting of a maximum of 450 single-family residential lots (101 acres), approximately 4.5 acres of commercial, 13.7 acres of future right-of-way, and approximately 22.9 acres of open space. The 142.1-acre property is zoned RR-5 (Residential Rural), and is located at the southwest corner of Vollmer Road and Poco Road. There is opposition to the requested Plan which includes: increased density and traffic to area, water supply, and loss of habitat. (Parcel Nos. 52280-00-024 and 52280-00-025) (Commissioner District No. 2).

### **STAFF PRESENTATION**

**MS. PARSONS** presented Jaynes Property Sketch Plan

**MR. RISLEY** asked if there was anybody in the audience that would like to speak. Please sign in for the record.

**MR. TROWBRIDGE** asked immediately East of Vollmer and North of Briargate Parkway, isn't there a development that has been approved?

**MS. PARSONS** - Yes, it is the Homestead North Filing No. 1 through 3 within the Sterling Ranch Sketch plan area. Those are approved. Currently, the applicants, which are the same applicants before you today are beginning the infrastructure.

**MS. PARSONS** - Went back to the presentation.

**MS. FULLER** - Does your slide need to be updated? It shows no access to Poco Road.

**MS. PARSONS** - Yes it does. There is no urban density or commercial access to Poco Road. The six approximately 2.5 acre properties will have 6 individual driveways access Poco Road. I will make sure it is updated prior to the BoCC hearing.

**There were no questions after Ms. Parsons completed her presentation.**

## **APPLICANT PRESENTATION**

**MS. BARLOW with NES representing the applicant** presented Janes Property Sketch Plan.

**MR. MORAES** - You said the 2.5 acre lots would be serviced by Central Water and Sewer.

**MS. BARLOW** - The 2.5 acre lots would be on well and septic. The remainder of the development will be serviced by Central Water and Sewer.

**MR. MORAES** - You said the houses on the west will still be 75 feet from the road. In the previous meeting there was a 50 foot buffer and a 35 foot setback.

**MS. BARLOW** - Correct, it would be 85 feet.

**MR. MORAES** - Now it is only 75 feet. What about the 10 feet that had to go away?

**MS. BARLOW** - Nothing really there was just a 75 feet setback that seemed appropriate from the boundary. It is a very large setback where you would usually have 20 to 25 feet.

**MR. MORAES** - If this gets approved by the BoCC and comes back to rezone. How do plan to rezone the .75 acre lots.

**MS. BARLOW** - We have a couple of options. We can do individual straight zonings to accommodate these different density ranges. For example, we can do a 2.5 acres zoning on the North parcel which we probably will. On the .7 acres we can do a 1/2-acre zoning. We are doing something similar on Sterling Ranch where it was noted on the South boundary there is a ½ acre buffer. We are coming in with a preliminary plan which includes the entire area. We are zoning that southern area RR-0.5 and the remainder will be RS-5000. The other option would be to do a PUD.

**MR. RISLEY** asked if there were any more questions. There were no questions.

**MR. RISLEY** asked if Staff wanted to add anything at this point? There were none.

**MR. RISLEY** asked for a show of hands as to who was going to speak. Asked for anybody online. There was one.

**MR. RISLEY** asked if there was anybody in favor of this item. There were none.

### **Planning Commission went to Public Comment.**

#### **PUBLIC COMMENT**

**TYLER CHRISTIAN** - I live on Poco. I want to address one thing. We were promised that there would be no access to Poco Road. We now have homes coming onto our dirt road. It will significantly impact on the amount of traffic that we experience. We have seen what is happening to the East side of Vollmer. We ask that they just stick to the original promise to not have any access to the new development onto Poco Road.

**MIKE ROKES** - I wanted to offer clarification about providing a letter that supported their proposal. I said we were thankful that the sketch plan conforms more to having a better transition from existing properties. That hardly sounds like a ringing endorsement of what they propose. I did appreciate that they had made some changes. I'm hardly jumping in to say let's go for it. I want to thank Classic Homes for listening to our concerns and increasing lot sizes along Poco Road to 2.5 acres. It is not the 5-acre lot we were hoping for. It is an improvement from the original sketch plan. I would like to seek more of the .7 acre lots along the western border. The eastern edge of our 10-acre homestead is immediately adjacent to the western border of the proposal. The .7 acre lots are 14 times denser than the property we have lived on for the past 24 years. My other concern is once they get their foot in the door they will come back for more. We have seen in the last two days one mile down the road the county approved zoning change for property that was originally zoned for about 130 individual homes. The changes are now allowing about 700 apartment units. My concern is that something similar progressing like that after this plan is approved. It seems the county wants to put the trees in a tree museum. The county is headed towards paving and putting up parking lots. El Paso County will not know what they have till it is gone. People like this area because it has a rural character. I am asking the developer to not increase the density of the current plan and to increase the lot sizes along the western border. I am also asking the developer to exercise the community concerns as they did when they changed their plan along the north border to 2.5 lots.

**ANTHONY HICKS** - I live in Highland Park. I own two lots adjacent to Jaynes property. I am speaking as one owner of one 5-acre lot or as two owners of two 2.5 acre lots. In December, the Black Forest Land Use Committee recommended that the Poco Road lots be 2.5 acre lots. They also stated in addition, the lots on the western boundary would provide a better transition if they were 1-acre lots. I just wanted to point out that is their recommendation. It makes sense if you are going to approve this development. Stepping down from 5 to 2.5 acre lots you can call it a step down of 50%. When stepping down from 2.5 to .7 acre that is a 72% drop. For me it is going from 5 acre down so that is an 86% drop it is a cliff not a transition. If this goes through Classic Homes should put up a 6-foot wall to separate us. There are 160 families or so in the Highlands Park area. Classic Homes is going to profit from this. I am asking that they just be kind to the people because they are going to negatively impact our life.

**RACHONNE SMITH** – My husband and I live on the 5-acre inset on Poco Road. We are thankful to be here to express our thoughts and continued objections to this proposal. We want to thank Loren Morland for listening to our concern at previous meetings. After our last discussion about the half-acre lots behind our house. Loren did adjust those lots and made them  $\frac{3}{4}$  acres. This is a huge one for us, but we feel it is still not adequate. There is zero transition for the corners of our property that are still planned for 3 to 5 units per acre. That means there is still potential for several houses all in a tiny corner adjacent to our property. The transition percentage goes down to six percent at the corners of our property. The reason we are so upset is that this parcel is zoned RR-5. According to the Master Plan onus falls on the developer to adequately transition from existing adjacent properties. We understand that development is a natural part of the city growing. We understand why people want to live in our neck of the woods. We purchased our house assuming we would have 5-acre neighbors. When we first moved here across the street was a 12-acre parcel. The owner sold 5-acres to the Valoans who built a house and garage. The original 7- acre house was sold also. We received a notice but did not feel we had to show up. We had zero issues of a new house going up on five acres.

Classic Homes built a neighborhood across Vollmer called Timberridge. The lots along Vollmer are 2.5 acres. The lots behind them are quite large lots. It does not go into the high-density houses as is being proposed here. We feel that Classic Homes could do this with Poco Road as well. We are disappointed that we lost a 50-foot buffer and setbacks along our property line. Everyone is worried about traffic, crime and the loss of the pronghorn antelope that likes to lay in our back yard. The bluff that runs through our back yard. Will we be able to keep our part of it? Removing it will put Colorado Springs directly into our neighbor's view. We worked very hard to afford our dream property. We are devastated that the city is coming to our property lines. I reached out to Ted Tuner to purchase the Jaynes parcel to run his buffalo for his local restaurant as a Hail Mary effort to keep us from a high-density neighborhood. The sketch has been much improved since last year when we first saw it. We still feel there is room for improvement. It is disappointing that the larger lots will have access to Poco Road. I ask that the board listen to our concerns and that Classic will go back to their drawing board one more time. For a more reasonable plan along the south of our property and our corners with more density further south is what is currently there.

**GARY BERIERLE** – I am requesting 3 more minutes to speak for my mother Emila Snyder who is in attendance.

**MR. RISLEY** – asked if she was a resident in this area.

**GARY BERIERLE** – Yes, she is.

Mr. Berierle started with a slide presentation. Our 12-acre homesite adjoins at the northeast corner. We have lived here for over 45 years. Originally, we had 3 neighbors with open fields. He showed a vicinity map from 20 years ago. There was no Sterling Ranch, no Timber Ridge. Highland Park was purposing 2.5 acre lots. We were certain that nothing less than 5-acre sites would surround us. Mr. Berierle presented a picture of the Vollmer Road and Poco Road showing the Jaynes property with the bluff. He stated October 6, 2022, there was a community meeting with Classic Homes at Grace Church. I wanted to keep the urban density on the other side of the bluff. Everyone from the Poco Group supported 5 acre lots at a minimum along Poco. Classic heard us loud and clear. They proposed 1 acre lots to us. They revised that to 2.5 acre lots. That allows Classic to renege their responsibility to allow access in their development to those lots. That places burden on the road and

the adjoining neighbors. Mr. Berierle presented many slides showing the bluff from many angles. He was told that they would remove some dirt and trees. The elevation from his house is about the same as the top of the bluff. This proposal intends to minimize and wipe out the bluff creating a single slope from Poco to the South. It is a critical natural feature.

*Code 841G states that the primary importance of the preservation and enhancement of the natural landscape and the vegetation shall be considered. Unique or distinctive topographical features, aesthetic features, alteration of features shall be kept to a minimum.*

How do I show that this bluff is an undeniable natural feature that serves a critical function protecting our properties. It protects us from noise, light and commotion from the future highway.

*Code 842B2 addresses minimizing the impacts of noise to the residents.*

*Code 721DC states that developments are to be compatible with the existing land uses.*

The 200-foot-wide strip that separates 12-acre home sites from urban density is not compatible or acceptable. The 45 years that we have owned this property there has never been a culvert crossing Poco on our south line. Water runs down to the easement ditch culvert crossing Poco just west of the McCalls driveway. On the Jaynes property sketch plan it shows dotted lines is this a Storm Sewer and why?

Three and a half years ago we fought hard to keep 5-acre parcels at Timber Ridge. We lost that battle. We were able to get 2.5 lots at Vollmer to Sand Creek. Lots 20 through 26 on our East line have a 100-foot setback. There is 1000 feet from Vollmer over to Sand Creek, all the lots are 2.5-acre. Poco to Wildflower, Vollmer to the creek is the about the same size area of the bluff. How can the same developer who promptly purchased Timber Ridge as soon as it was approved and finalized not provide a similar transition here? Visualize the vast stark difference of 2.5 acre lots verses hundreds of houses in this area. We have been given this natural defining transition line between rural and urban. This ridge and north face cries out to remain rural for the integrity and distinctions and esthetics of the area and our rural neighborhood. The 200-foot strip on our south line must be addressed. The developer stated at the Planning Commission that it would be about a decade that the Briargate Parkway will service this parcel. There is no need to approve a sketch plan that needs considerable revisions to accommodate a more workable transition, especially for those that have lived here over a half a century and the area itself.

**MR. RISLEY** – are there any questions? Is there anyone online?

**MS. MAES** – Yes there is one. Angelika Bush went to voicemail.

**MR. MORAES** – There is a letter from Angelika Bush in our packet.

**MR. RISLEY** closed the public testimony portion of the hearing.

**MR. RISLEY** called for a break.

**MR. RISLEY** We will go back to Public Comment to speak with the two callers. We will get them on the record.



**ANGELIKA BUSH** – Called in – Her audio was not working well. She did send in an email stating her concerns.

**JANELL ROKES** – I wanted to say I did grow up here. I just moved back. I purchased my grandfather's house. Growing up here I am not anti-development. It is like the fact of life. I am excited about the little commercial space. I have a friend that has a lot of cool restaurants in downtown Colorado Springs. I suggested he should try to get some space in the area. This area needs it. People are moving here and do love the area. The main thing I want to reiterate is there is a need for a better buffer on the West border. I think that every photo showed that. This has been such an established neighborhood. The transition does not seem fair. It doesn't seem fair for my parent's land having those ten acres granted RR-5 (5 acre lots) and having that go straight to the .7 acre. It was brought up before going from the 85 feet buffer to the 75 feet. I think it is great theoretically that this part of the County is getting developed. I do think that the transition there is stark and doesn't seem fair or aligning with the greater plan to try and keep that gradual. That is all I had to say. Thank you.

**MR. RISLEY** - Nobody else online, I will close the Public Hearing, We will move on to the applicant closing comments rebuttals statements or any else they would like to add.

**MR. MORELAND** - I am the Vice President of Classic Homes and kind of managing this area that we are looking at. To include The Jaynes, Sterling Ranch, Timber Ridge and the Ranch. Doug Stimple went in front of the BOCC to request to come back today. Based on new information I saw a lot of questions online and was wondering what they were talking about.

I had a few residents from the last Planning Committee hearing that pulled me aside. They were residents of Poco Road. They stated you had additional meetings and included people. I included Rick Christian in detail. We had numerous amounts of emails, lunch, and on-site meetings. What we had been discussing was not relayed back to them. They were disappointed. It doesn't seem very productive if you must keep going back to the big groups. You consolidate to meet with the members that are adjacent to the property. When I did have the smaller meeting, I did include Wayne and Rachonne Smith they are highly impacted on three sides. Mr. Christian said he was the one setting up the web page and he is the voice of Poco. He will get this information back to my neighbors. Rick was wonderful to communicate with.

We were involved with 2 members from the Highland Park HOA board. The reason for that is there was no community involvement directly adjacent west of the Jaynes property. All the homes are under construction or just starting to close. We involved Ken S. who is the president of the Highland Park HOA and the secretary. He wanted one more member to be present. We wanted a smaller group to discuss the adjustments we were making. The buffers, additional setbacks, the half-acre lots. When we brought that plan to the last Planning Commission, I felt very good about it. When we walked in that day, I was a little taken back by the opposition we were receiving. If you would like to clarify with Wayne and Rachonne they were there that day.

The reps for the HOA stated WOW we were not sure a developer that is your size would be willing to make any concessions. We appreciate the willingness to sit down and discuss this. The buffer, the 2.5 acre lots they realized they development is coming that way. We felt good. Mr. Christian's biggest statement was they do not want traffic coming into Poco.

**MS. BARLOW** - If I could get back to my presentation because I want to reference a couple of plans but first of all I would like to talk about the promises of access, no access onto Poco that was that was made at the original neighborhood meeting where we had a very different plan. We had a plan that was all over in density with buffers, and it made total sense for us not to put access onto Poco because that would have actually required improvements to Poco bringing it up to urban standards and it is a very much a rural road right now. So, we could have committed to that with the revisions as well because with the one acre lots they could still be serviced by the water authority for water wastewater. They could also be accessed from the internal roads but once we start getting into creating a buffer of two and a half acre lots on the Poco boundary these are going to be rural lots. They're going to have a very different character from the rest of the development, so they are going to be as an indicated accessed off Poco. So, as I indicated previously, we're proposing six lots throughout Poco and as I noted here that's really only adding five additional homes from the existing Jayne's property and the Smith properties for five additional homes.

That's really going to be very minimal traffic to the point where it would not require the road to change characteristic. It would still be able to function as a as a row rural Rd. We have our traffic consultant here and we were just discussing he said he's going to be looking at about 5 vehicle trips in the peak hour. Additional vehicle trips as a result of these terms so it's not going to be significant change in the character or all the traffic in the area so I just wanted to indicate that you know in been pushing for these and pushing forward the rural residential buffer which we've provided that the trade off with that is that they're going to be accessing direct Poco with the rest of the development entirely accessing internally off Briargate and all so the other so I'm going to go through this one by one because there weren't that many that ordinary.

I'm going down to my last slide because I just want to talk about the comments by Mr. Rogers and then Mr. Rhodes's property is here when it comes down to this portion here. So this is their concern about having the slides zoomed in on instead. This sketch plan approval criteria in a little bit but you're talking you're five now we have what we need OK. So, this is Mr. Roker's property here is boundary is here. So, this is the area they're concerned about with the western boundary buffering. But I'll point out though that the home right here is their home, so their home is going to be adjacent to the 2 1/2 acre lots. This is the other property that is owned by the Rhodes and again that's it further away and it is it is going to be aligned with the 2 1/2-acre lot. So, I feel that the buffering of their actual maybe not their entire property but there to where they live and what their view corridor is that they will be having a transition of the 2 1/2 acre lots.

The next comment was by Mr. Hicks, and he was referencing the Black Forest land use committee's comments and the Black Forest land use committee. I'm not even sure why they're still making comments to partners because their role was to enforce. I suppose if we want to go back to work the Black Forest preservation plan which is a small area plan that is no longer in force. So, it's been superseded by the master plan. But to that point in the context of some of the comments which were made about Timber Ridge having the 2 1/2 acre lots to the north of Poco, I would say that that that Sterling Ranch and Timber Ridge were approved under the Black Forest preservation plan that was in place at the time and that plan very clearly says that within roughly quarter of a mile of the

Briargate Stapleton road is where you will have the higher densities the commercial uses along the main thoroughfare, but within that quarter mile which pretty much goes more or less to where we have our two and I have it really more or less up to POCO so really that that area was always seen as being the higher density area. Even within the Black Forest preservation plan and then north of POCO once he started getting further away they there was a requirement for that transition to rural density and buffering and rural density transitions to the Black Forest are which pretty much is north of Aurora.

That's where that transition takes place so that's the reason they were they were pushed to be 2 & 1/2 acres because of conformance with that plan at the time. Obviously, we have a new Master Plan now which is something completely different this area and see anticipates it all being pretty much suburban residential with supporting services. I would also point out as well that prior to development Sterling Ranch was also five as well. So the fact that the property is zoned RR-5 doesn't mean that it's always going to stay RR-5. The reference was made to the Schmidt property which was approved by Planning Commission last month approved by Board of County Commissioners that is served our five but is in a very much an area that's surrounded by higher density development. So this means some discussion about the bridge by Mr. Bailey and we will say that the richest likely to go the Ridge is probably going to be created out as to accommodate this development.

Per my slide on the natural resources we have this reviewed not only by our own expert consultants but also by multiple state agencies and nobody is expressing any concern about the loss of this Ridge it's not considered to be unique for further code requirements or other significant character so there is no need of containing it and it is likely to be removed as part of this development. When we have said that from the outside we don't know until we get into the detailed design of the project. In terms of what that specific grading will look like but it's certainly part of it at least will be.

The other concern was about traffic just generally in the area increasing. Yes, it is, I mean there's no denying that traffic in this area or the development that's planned and anticipated is going to increase that is why we are proposing we broke connections east and West Briargate and Marshall. We are proposing as part of Sterling Ranch are implementing the widening of Vollmer to have fought for lane urban arterial process going from a two lane rural Rd. layout to a four lane urban arterial. So yes, traffic is increasing but the parameter of the areas changing the roads are being improved to accommodate that traffic. And I think they were the main points I wanted to make add you want to just go back to Richard Smith's comments I discussed this with Lauren in between what we have to break and we are regarding concerns about the corners so we all we putting some purpose in that but we would just extend the .75 designation to just go beyond their comments to provide some kind of wraps around a little bit more on provide a little bit more protection for that for that corner of the property. And to the point that Commissioner Moraes made we will we'll happy to commit to the 85 feet rather than 75 feet on the West boundary to replicate the previous buffer and set back if those changes are of assistance to you. I think with that I covered most of the points. Any questions?

**MR. RISLEY** – Any other questions for the staff or any discussion?

**MS. FULLER** – Yeah. For staff. I want to understand, I realize it's only five houses on Poco. It seems like it creates a lot of consternation. How many trips does five houses create?

**MR. RICE** – So, basically we assume roughly 10 trips per house so with those five houses out at 50 trips to Poco Rd. daily trips.

**MS. FULLER** – So, like the in the conditions that it specifically talks about Vollmer and Briargate would it be helpful if we added Poco Road and then that way the neighbors get assurance that we think that is something to be looked at? I don't actually think anything will have to change but from what everyone's saying but I don't know who's who would answer that one.

**MR. RICE** – If something needs to be done, they could add that road as a condition to specifically identify that a formal request that you'd like to add that.

**MR. RISLEY** – I think I'd like us to discuss it before we discuss it would the applicant like to comment on that?

**MR. ROCHA** – I'll see where traffic and transportation consultants located here in Colorado Springs just as kind of a follow-up question though to the contribution to Poco. Mr. Rice's assessment of vehicle trips added per day is correct and when it relates to what Ms. Barlow had mentioned as it relates to peak hour volumes it's very minor and our traffic industry opinion about 5 vehicles during the peak hour and that's two and from Walmart on Poco. So, the funny question would be when you talk about what would be the extent of improvements envisioned along Poco. This would develop as this as these properties platted, we would meet all county requirements for frontage improvements that would be associated with the vision of Poco Road as designated as a rural roadway. So, it would be at the time of platting that those improvements would be identified. Then agreed to through the development but we're not expecting anything to go beyond the level of Vollmer or Briargate. The intent is to keep Poco and its rural field.

**MR. BAILEY** – Mr. Chair I just looking at the looking at the condition that's already that already exists is that the developer would participate in a fair and equitable manner for any improvements required including but not limited to Vollmer and Briargate. So, it's already implied in there that if there were improvements to Poco that were required those five additional lots would participate with everybody else along Poco to make any improvements that were necessary down the road.

**MR. ROCHA** – Let's say in general that that's a fair assessment statement. Again these are details that are that are looked at through the platting process and the actual site development plan will coordinate closely with county staff.

**MR. BAILEY** – I'd suggest that that language already includes possible improvements to Poco. So, I don't know what we need to call out Poco with since it does have, including but not limited to, there may be other roads that have that same kind of impact that we don't anticipate right now the conditions written.

**MS. FULLER** – I agree that does include it. It would make neighbors less consternated about this to specifically have that road called out that is it. It's an emotional thing, it's not necessarily logical, but it's like we do represent all the neighbors. And if it's already covered it's not really adding anything more it's just making it very clear to them that something that's being looked at. I can still be talked

out of it my personal opinion. I think that how it's being stated now covers it because we're in the sketch plan portion and the rezoning portion of it it's intended to be kind of vague because we don't know a lot of the details.

**MR. ROCHA** – So, in my opinion, I don't think you need to go any further than what's stated because as we go further into the development application and the later applications we have to go through all of the detail reviews that county staff and county engineering will provide to us. During that time it's like whatever some issues are identified. Whatever problems might be identified whether it's drainage or whatever those get flushed out at that time and then proper improvements or you know if we need to get into that that gets defined.

**MR. TROWBRIDGE** – I have a question for engineering. Mr. Rice there was a question about the drainage and I believe the applicant had already previously stated that they were maintaining the drainage ways that already exist or intended to maintain as much as they could, but there was a specific question about the northeast corner from one of the neighbors. Could you address culverts and other drainage that's happening in that northeast corner there of the property?

**MR. RICE** – I believe there was a potential culvert shown on the plan from this ponding area across to the South. But I'm not sure there's these dashed lines. I think that must be some kind of easement. It could be a drainage easement during utility easement or something.

**MR. TROWBRIDGE** – OK. Good. For standard procedure any drainage that comes across Poco Road would have to already be controlled and the property to the South receiving would have to accommodate that and incorporate that into whatever they're doing, correct?

**MR. RICE** - Yes

**MR. WHITNEY** – I'm thinking out loud. I apologize. If Mr. Rice hasn't gotten away yet. I'm just interested so we've heard five and we've heard fifty. So, we've heard five houses 10 trips and 50 trips but only five in rush hour. How do we arrive at that the well during rush hour the 50 trips is like during the whole day. There could be people going in and out and deliveries and things like that? During the whole day the peak hours then there could be traffic stacking up to make turns on to intersections and things like that. So really good that is kind of the worst case. So that's sort of a wag right. If there were 50 because that changed the character of Poco when I realized a lot of this would be the details which would be looking at later down the road. But look at those to those fifty trips impact the character I think the way we look at it is the proportion so if there's currently 50 trips and then they're adding fifty trips there would be doubling the amount of traffic.

**MR. RICE** – If there's 200 trips and they're adding fifty it's less than an impact so that's where that gets looked at. If there's potential development that could be added somewhere else along that road then we start looking at what does this need to be paved. These are too many trips for a gravel road and things like that.

**MR. WHITNEY** – So, just need to be widened. So, when you hear fifty additional trips that doesn't cost you at the at the moment, right? I mean we look that kind of as a minor small subdivision would produce five, produce that kind of traffic, so it's on that portion of the development it's not a big issue for.

**MR. RICE** – Ok.

**MR. MORAES** – It's just some expectation management. You know this slide kind of looks at we talked you talked about pushing out that .75 lots out to your shoulder. The expectations right now you're saying it would be 2.75 acre lots.

**MS. BARLOW** – I think the intent would still be two lots would be slightly bigger expectations.

**MR. KILGORE** – Mr. Chair I just wanted to make members aware that a traffic study would also be required in the rezoning stage if that helps.

**MR. RISLEY** – I think the commissioners have sort of couched their questions with the statement that we understand this is, maybe a little premature, because this is just a sketch plan but I think we're just trying to flesh out what the what the overall issues might be in the future so knowing that. Mr. Carlson had several comments when this was brought before us previously. I just want to give Mr. Carlson a chance if you have any comments questions at this time.

**MR. CARLSON** – I don't have any questions. I'll go ahead with the comment. I guess given the opportunity I'm very happy with what the developers done to try and accommodate the interests of the other property owners. Also, with the their willingness today to expand some of those buffers and so forth, so I, you know I'm very much in favor of approving this. There's always more to be done to make people happy, but I think we've come a long way to try and accommodate everyone on this on this project. So, I appreciate the efforts on both sides.

**MR. PATTERSON** – Mr. Chair I would echo Mr. Carlson and that this seems to be a very honestly, in my opinion, a generous effort by the developer to take in some feedback from the neighbors. And I think that in the global perspective that does say quite a bit about their integrity and the project. The reality is that we are here, as Ms. Fuller said to represent the community. But personally my principle is that private property rights are a big deal and so ultimately I look at the look at the applicant, I look at the owner of the property before I'm going to necessarily look at the neighboring property rights. And unfortunately, this is one of those situations where expectations are they're very difficult to manage at this stage of the process. And so I do want to say that I that I understand that things are changing and that's hard to accept at times, but this seems to be like an application that is. I would approve of this of this, yes, I'll second, third whatever.

**MR. TROWBRIDGE** – I also appreciate the developers willingness to make these changes. I made a comment last time that I thought the buffering could have been better and I think they've done that. I think they've improved the layout sufficiently for this and I followed them for that installer.

**MS. FULLER** – It's just more of a I don't know if this happens or not so when this goes to county commission says the sketch plan get revised just a little bit to show that change in those two lots. I guess that's my final question. Are we doing final we kind of are in that mode and following our normal procedure?

**MR. RISLEY** – So if there are other questions we of course can entertain those before, but I got the impression that there were no other specific questions.

**MS. FULLER** – I don't have any other questions I also would like to applaud the developer for this is a much nicer revision. And so I think it's more respectful to the neighbors and I also echo that the private property rights of being able to develop and the extra effort that you made to really discuss that Ridge and is it really a natural factor because that is one of our approval criteria so removing that question for us is very helpful. I'm going to be in favor of this it's not perfect, but it's it's certainly much better than what we saw before and it's actually quite reasonable.

**MR. SCHUETTEL** – Yeah it's off, but I guess I am jumping on the bandwagon about the northbound area as far as the two and a half acre lots. Much improved and I know the neighbors still complain about access to the road but it's a give and take you know. If you didn't like the one acre lots access from the neighborhood you got the bigger lots but then you got to give a little bit and get that access on the road and I think the 2 & 1/2 acre access on Poco makes sense rather than coming in through a neighborhood like that because that 2 & 1/2 acre is is a different demographic, different kind of setup one area though that. I still think is short the West side boundaries. I know on paper the lots got bigger but in practicality they didn't because you took away that 75 foot buffer and just added it to the lot so it was already there. That size was already there from the westbound lots to the front of the lot. You just added that 75 foot buffer into the lot size to make it the .7. And I still think a .7 acre lot next to five acre and 2 & 1/2 acres is still a little small example that the applicant put up there I saw on I think it was the Ranch development they had some stuff on the west side I think it was they had one to 2 & 1/2 acres with a 300 foot setback so not only did you have bigger lots there plus the 300 foot setback where you know this is is .7. I just I've still got that westbound transition so to speak is still for me just not quite there you know. If it was up to an acre, acre and a half I'd maybe be able to feel a little bit better but really no changes there from the last presentation. Just off they got rid of the 75 foot back and added it to the lot.

**MR. BAILEY** – Most of what I wanna say has been said. I'll focus on a couple of things about the western boundary. To me it looks like we're talking about maybe six lots that are impacted by this boundary in this direct transition. Two of the character of those lots is going to change fundamentally because Briargate Parkway is going to go right through them. So now we're talking down to three or four more lots that are directly affected by this thing. As I tried to express the last time when I was in favor of this, to me, the transition issue begins not from north of Poco Rd. going down or anywhere else; it begins right at the heart of the intersection of Vollmer and Briargate and what happens from there out is where the transition begins for me. And so this plan goes even further than the initial one we saw a couple weeks ago. In trying to make that transition compatible to the neighbors to a handful of neighbors to 5,6,7 maybe eight different direct lots that are impacted. The developer did a good job I think of trying to accommodate those things. My concern, frankly, is that those neighbors who are trying to be accommodated are trying to move the goal posts. Because now that wasn't good enough, now we want more, you know, we want 2 & 1/2 acres. But oh, now they can't come on to our Poco Road. It was very clear from the presentation last time that the only way the internal connection to those lots could have worked was with the smaller lots. I've got to draw the line somewhere and I certainly appreciate the fact that there is a 45 years looking at the same view is you know is one thing but that view has been changing quite a bit during that period of time. Holding on to 45 years ago with this county was you know half of us wouldn't even live here at this point. Our houses wouldn't exist where we are does not happen so the fact that things have you've enjoyed that view for a very long time. Good for you. Good for you. If you wanted to preserve it you could buy that piece of ground across there and not have to worry about it. Could have done that 45 years ago. We're all faced with that we all have things happening in our backyards that we don't that we don't necessarily like there. Final thought there was a very nice contrast in the

views expressed by the neighbors in within the Rokes family there's a the older generational view that I guess I'm part of is we like this open space we're here for this reason. This is why we like it then the younger Rokes, Janelle comes in and says you know what I really like a restaurant right there on that intersection. So, I don't have to drive quite so far away and that different view of what El Paso County is and has become is for me a microcosm of what we're talking about here. This development will connect and complete a significant connection that we've needed for a long time. This development is not a surprise and shouldn't be a surprise to anybody because it's been the writing's on the wall for a long time and I just I appreciate the efforts on both sides to come together and compromise on this. I think this is a good plan.

**MR. WHITNEY** – Mr. chair I'll join the others in saying that I think the developers did a good job. I've gotten after this developer once or twice before so I'm grateful for the effort, and in my mind, to Mr. Bailey's point this is a matter of balance. Nobody's going to get 100% of what they want so the question, is what works and what's fair and what's balanced in the overall picture. And in my view this is very good.

**MR. RISLEY** – Ms. Offner, not to put you on the spot, but any comments that you have?

**MS. OFFNER** – No comments.

**MR. RISLEY** – Ok, fair enough. If there is nothing else, who would like to entertain a motion?

**MR. TROWBRIDGE** - Motioned

**MR. PATTERSON** – Seconded

**MR. CARLSON** – Do we need to add the extra items that we discussed to any of the notations? That they widened three quarter acre lots and the additional setback on the West.

**MR. RISLEY** – Thank you for that reminder yes that's maybe a question for Ms. Seago or the developer agreed to it so I don't know if it needs to be memorialized in the motion, but I think there were two minor adjustments that the developer was offering.

**MS. SEAGO** – Give me just a moment please. OK Thank you Mr. Chair, Lori Seago Senior Assistant County Attorney. I think an appropriate condition would be that the applicant amend the sketch plan and any supporting documents to reflect those two changes before they go to the Board of County Commissioners so that it's captured within the documents themselves OK and I'm assuming that the applicant is amenable to that.

**MR. RISLEY** – Very good so Mr. Trowbridge and Mr. Patterson would you be willing to modify your motion and 2nd to include a couple of minor adjustments?

**MR. TROWBRIDGE** – For sure I will amend the motion to include the applicant updating the sketch plan materials as they've agreed to during the meeting very good and just to be clear those two amendments or adjustments included small extension of the three-quarter acre lots adjacent to the Smith corners and going from a 75 foot to an 85 foot W buffer slash setback.



**MR RISLEY.** - Very good because we have a motion and 2nd and a correction any final discussion. Not seeing any, the Chair will call a vote. Mr. Bailey "Aye", Ms. Fuller "Aye", Mr. Patterson "Aye", Mr. Schuettpelz "Nay", Mr. Trowbridge "Aye", Mr. Whitney "Aye", and Mr. Carlson "Aye". Thank you Sir, and the Chair will also vote aye so this item is recommended by a vote of eight to one for approval to be forwarded to the Board of County Commissioners in keeping with our custom Mr. Schuettpelz do you have any additional comments that you'd like to forward with your no vote

**MR. SCHUETTPELZ** – Just what I said already that the transition just still seems small going from 5 acres to the .7.

**MR. RISLEY** – Very good. OK thank you, Sir. For those in the audience today of course just another reminder that you are more than welcome to attend the Board of County Commissioners hearing where this item will be brought before them. Please consider sharing your comments directly to them as well. At that time uh would staff like to move on to our free non action items.

**MS. HERINGTON** – Yes, Mr. Chairman. So, a couple of things; these are not time sensitive and are not subject to all of the typical posting requirements as our quasi-judicial items. So with that, Ms. Mindy who was going to present carports and greenhouses had another commitment. And so she has left. We will reschedule those two items for another Planning Commission meeting. This item this morning maybe took a little bit longer than we had anticipated and I wanted to ensure that Mindy could get to her other commitment so and I also want to be respectful with the Planning Commission's time. Mr. Ryan Howser is here and he can present some sign code changes which will probably take 20 minutes. Mr. Howser say, 20 minutes, or we can postpone these items if the Planning Commission members have to get on with their day and so I would just ask the Commission what you prefer?

**MR. RISLEY** - I'm hearing one postpone and I'm hearing a couple of other add the another commitment.

**MR. TROWBRIDGE** - I need to look for so I won't be able to stay but whether you press ahead or not is just either way. So I thank you

**MR. RISLEY** - OK I think we'll just maybe postpone that one as well if that's OK with staff and then when we've got a little bit more time yes absolutely.

**MS. HERINGTON** – I think we'll have well plenty of time and obviously that was not the case. What we'll do is we'll take a look at the meeting on the 20th and then the first meeting in May and determine when we have a lighter agenda for you. Then put these items back on again they're just in for informational nothing time sensitive and we'll find the appropriate meeting to do that so thank you for your time this morning.

**MR. BAILEY** - I think we should pile as much on to Mr. Risley's last meeting as we can so just a thought.

**PC ACTION: MR. TROWBRIDGE MOVED / MR. PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, SKP225 FOR SKETCH PLAN, JAYNES SKETCH PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT**

**THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-1).**

**IN FAVOR:** MR. RISLEY, MR. BAILEY, MR. CARLSON, MS. FULLER, MR. MORAES, MR. PATTERSON, MR. TROWBRIDGE, MR. WHITNEY

**IN OPPOSITION:** SCHUETTPELZ

**COMMENT:**

**MEETING ADJOURNED at [11:11 AM].**

**Minutes Prepared By:** Marcella Maes

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-020

KELNHOFER REZONE

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

WHEREAS, a public hearing was held by this Commission on April 6, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

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

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are

not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

#### NOTATIONS

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

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

PATTENSON seconded the adoption of the foregoing Resolution.

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

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	aye / no / abstain / <u>absent</u>
Eric Moraes	<u>aye</u> / no / abstain / absent

Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Kara Offner	aye / no / abstain / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 6<sup>th</sup> day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian K  
4/6/23, Chair

DATED: April 6, 2023

EXHIBIT A

PARCEL X

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE S 00°00'07" W ALONG THE WEST LINE OF SAID SECTION 7, 287.82 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 2862 AT PAGE 872; THENCE S 89°42'00" E PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 7, 671.21 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE N 00°00'06" W PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 818.09 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 2422 AT PAGE 493; THENCE N 89°42'00" W ALONG THE NORTH LINE OF SAID 2422 AT PAGE 493 BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 671.18 FEET TO THE INTERSECTION OF THE EAST LINE OF CORRAL VALLEY ROAD AND THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7; THENCE ALONG THE EAST LINE OF CORRAL VALLEY ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 881.68 FEET THROUGH A CENTRAL ANGLE OF 14°58'22", THE CHORD OF WHICH BEARS N 07°29'34" E, AN ARC LENGTH OF 230.88 FEET TO A POINT 30.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7; THENCE N 00°00'06" W PARALLEL WITH SAID WEST LINE, 287.83 FEET TO THE SOUTH LINE OF A TRACT DESCRIBED IN BOOK 3500 AT PAGE 703; THENCE S 89°39'59" E ALONG SAID SOUTH LINE BEING PARALLEL WITH AND 252.71 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 7, 1571.11 FEET; THENCE S 00°27'14" W PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SECTION 7, 1332.35 FEET TO A POINT 287.82 FEET SOUTH OF THE EAST-WEST CENTERLINE OF SECTION 7; THENCE N 89°42'00" W PARALLEL WITH SAID EAST-WEST CENTERLINE, 919.31 FEET TO THE POINT OF BEGINNING. CONTAINING 35.892 ACRES THEREIN.

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

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**LONGINOS GONZALEZ, JR.**

**PLANNING & COMMUNITY DEVELOPMENT**

**TO: El Paso County Planning Commission**  
**Brian Risley, Chair**

**FROM: Ryan Howser, AICP, Planner III**  
**Lupe Packman, IE Engineer I**  
**Meggan Herington, AICP, Executive Director**

**RE: Project File #: P-22-020**  
**Project Name: Kelnhofer Rezone**  
**Parcel No.: 44000-00-466**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Steve Kelnhofer 1165 Corral Valley Rd Colorado Springs, CO 80929	Steve Kelnhofer 1165 Corral Valley Rd Colorado Springs, CO 80929

**Commissioner District: 2**

Planning Commission Hearing Date:	4/6/2023
Board of County Commissioners Hearing Date:	5/2/2023

**EXECUTIVE SUMMARY**

A request by Steve Kelnhofer for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to A-35 (Agricultural). The 36.05-acre property is located approximately 0.60 miles northeast of the intersection Corral Valley Road and Highway 94. If the request for map amendment is approved, the applicant will be unable to subdivide the property without a subsequent application for map amendment.

**A. WAIVERS/DEVIATIONS/AUTHORIZATION**





**Waiver(s)/Deviation(s):** There are no waivers/deviations associated with this application.

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

**B. 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 (2022):

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

**C. LOCATION**

North:	City of Colorado Springs	Vacant
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

**D. BACKGROUND**

The applicant is proposing to rezone the subject property from the RR-5 (Residential Rural) zoning district to the A-35 (Agricultural) zoning district. The subject property consists of one (1) unplatted parcel, containing 36.05 acres. Because the parcel is greater than 35 acres, it is not subject to the subdivision regulations and is therefore considered a legal division of land.



The property was zoned A-4 (Agricultural) on April 13, 1983, when zoning was first initiated for this portion of the County. Due to changes in the nomenclature of the Code, the A-4 zoning district was renamed as the RR-5 (Residential Rural). The property has not been rezoned since zoning was initiated.

According to the applicant's letter of intent the request to rezone to A-35 (Agricultural) in order to build a second dwelling on the property for an aging parent as well as to continue ranching.

## **E. ANALYSIS**

### **1. Land Development Code Analysis**

The applicant is requesting approval of a map amendment (rezoning) of 36.05 acres to the A-35 (Agricultural) zoning district. Section 3.2 of the Code states the following as the intent of the A-35 zoning district:

*The A-35 zoning district is a 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.*

If the map amendment request is approved, the applicant intends to use the property for rural residential and agricultural purposes, which would be consistent with the intent of the A-35 zoning district.

### **2. Zoning Compliance**

The density and dimensional standards for the A-35 (Agricultural) zoning district are as follows:

- Minimum lot size: 35 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: 25 feet for front, rear, and side yard <sup>3, 4, 5</sup>
- Maximum lot coverage: None
- Maximum height: 30 feet <sup>6</sup>

<sup>3</sup> Agricultural stands shall be setback a minimum of 35 feet from all property lines.

<sup>4</sup> Sawmills shall be setback a minimum of 300 feet from all property lines.



<sup>5</sup> Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.

<sup>6</sup> One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.

The property is surrounded on three sides by properties zoned RR-5. Setbacks in the RR-5 and A-35 zoning districts are the same, and the permitted principal uses outlined in Table 5-1 of the Land Development Code are similar for the two zoning districts. Therefore, a rezone from RR-5 to A-35 for the subject property may be compatible with surrounding properties.

El Paso County is a “right-to-farm” county, pursuant to Colorado Revised Statutes, and while the proposed rezone request may not be completely consistent with all of the components of the Your El Paso Master Plan (2021) as outlined below, the Master Plan and the Land Development Code recognize the importance of preserving agricultural land in the County.

## **F. MASTER PLAN ANALYSIS**

### **1. Your El Paso Master Plan**

#### **a. Placetype: Suburban Residential**

##### **Placetype Character:**

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



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

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

**Recommended Land Uses:**

*Primary*

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

*Supporting*

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



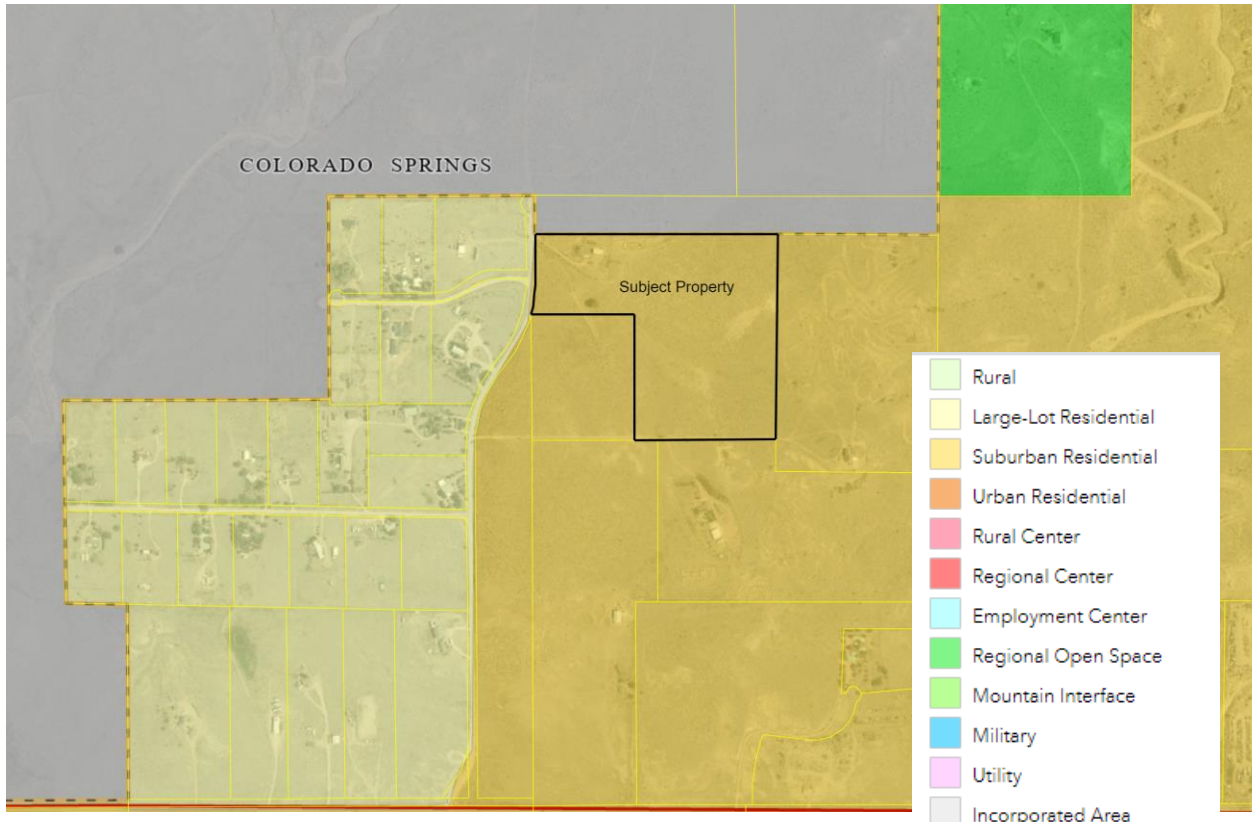


Figure F.1: Placetype Map

**Analysis:**

The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections.

The subject property is adjacent to the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods.

Relevant goals and objectives are as follows:

**Goal HC2** – *Preserve the character of rural and environmentally sensitive areas.*

**Objective HC2-1** – *While large expanses of undeveloped land exist throughout the County, particularly in the Rural placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods.*



**Objective HC2-6** – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

The proposed rezone is not consistent with the Suburban Residential placetype as designated in the Your El Paso County Master Plan; however, it is consistent with the characteristic of the adjacent Large-Lot Residential placetype. Large-Lot Residential placetype’s primary recommended land use is Single-family Detached Residential (typically 2.5-acre lots or larger) and supports Agriculture. The proposed rezone to A-35 (Agricultural) could potentially preserve the rural aesthetic of the area.

**b. Area of Change Designation: New Development**

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



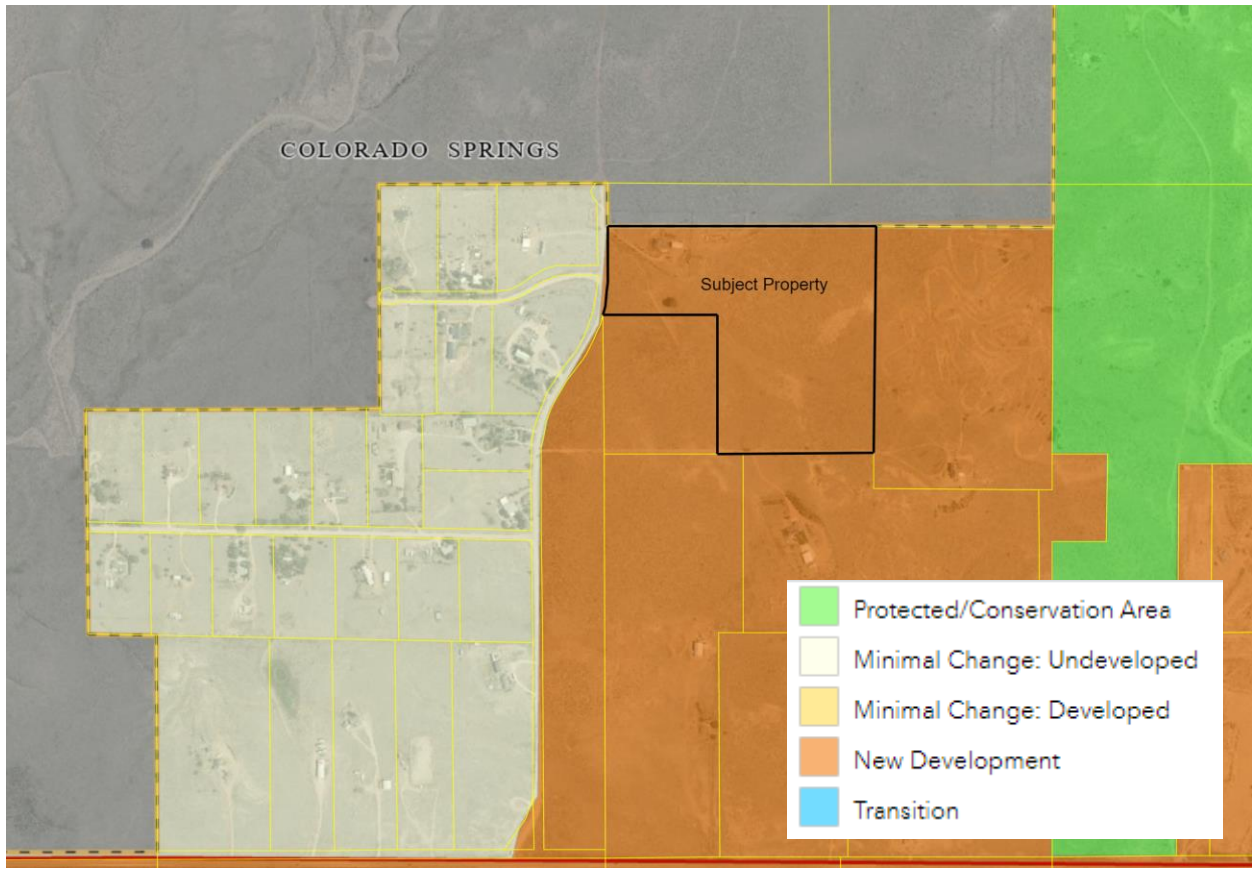


Figure F.2: Area of Change Map

**Analysis:**

The New Development placetype encourages underutilized lots and agricultural lands to be transformed as new development takes place. While the proposed rezone does not meet the intent of designated area of change as noted in the Master Plan it is adjacent to the Minimal Change: Undeveloped Area of Change. The Minimal Change: Undeveloped Area of Change encourages no change to the rural and natural environment. The rezone to A-35 (Agricultural) would preserve the rural character in this part of the County.

**c. Key Area Influences: Areas Likely to be Annexed**

A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of

unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

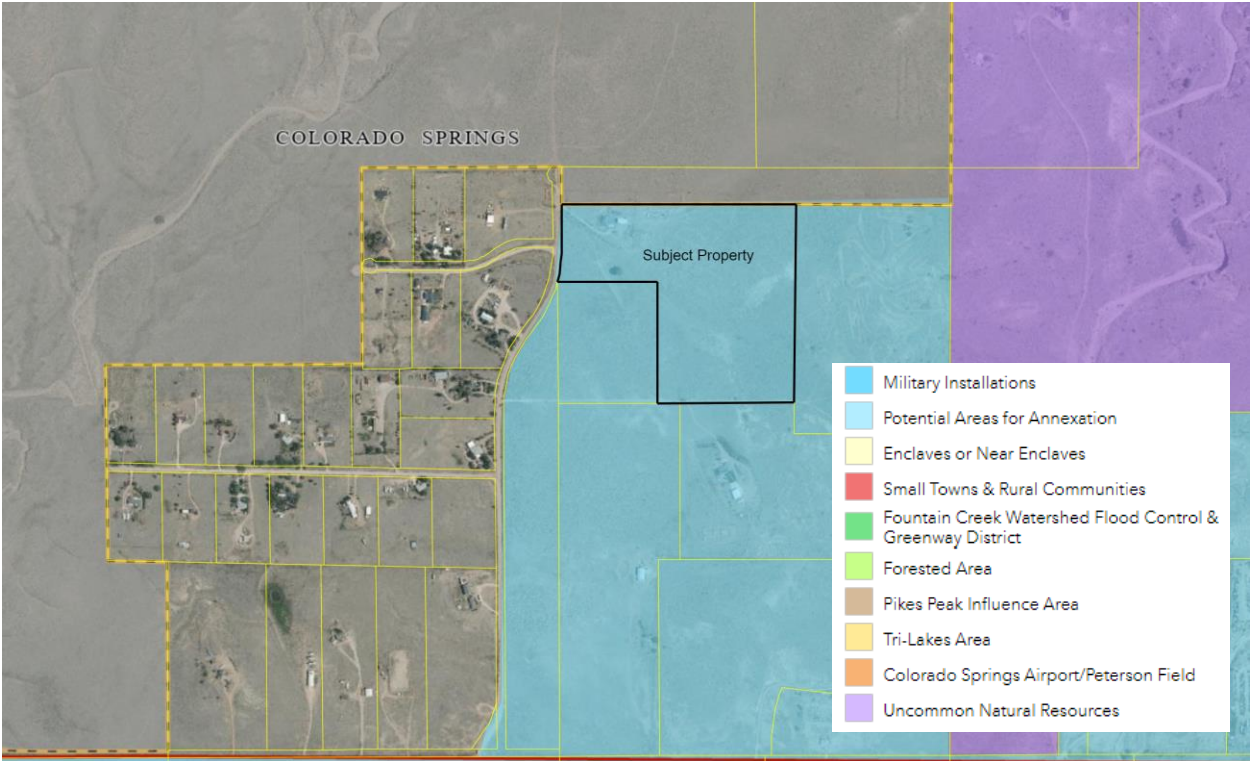


Figure F.3: Key Area Influences Map

**d. Other Implications (Priority Development, Housing, etc.):** Priority Development Area



El Paso County is expecting significant growth over the next 20 years. While large expanses of undeveloped land exist throughout the County, particularly in the Rural Placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods. This framework identifies specific locations throughout the County that should be prioritized first for new residential development to help accommodate growth. While some priority development areas may be made up of a mix of placetypes, each area is driven by a predominant placetype that defines most of the area. The map shows some gaps between priority development areas and municipal boundaries. These areas are largely developed already and will continue to develop as necessary. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

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

**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.*

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

The property is located within Region 8 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 8 to be 299 acre-feet per year (AFY) (Figure 5.1) with a current supply of 299 AFY (Figure 5.2). The projected demand in 2040 is at 396 AFY (Figure 5.1) with a projected supply in 2040 of 299 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 484 AFY (Figure 5.1) with a projected



supply in 2060 of 299 AFY (Figure 5.2). This means that by 2060 a deficit of 185 AFY is anticipated for Region 8.

A finding of water sufficiency is not required with a map amendment (rezone).

#### **4. Other Master Plan Elements**

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

The Master Plan for Mineral Extraction (1996) does not identify potential minerals 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 during the review of the rezone

#### **2. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0780G indicates the subject property is not within a FEMA regulatory floodplain.

#### **3. Drainage and Erosion**

The site of the proposed map amendment is located within the Jimmy Camp Creek drainage basin which is an unstudied basin and a part of the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with rezone requests.

#### **4. Transportation**

The site is located east of Corral Valley Road, which is a gravel road owned and maintained by the El Paso County. A traffic study was not required for this rezone application since less traffic will be generated with the rezone change. The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not show any improvements in the immediate vicinity of the site. The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).



## **H. SERVICES**

### **1. Water**

Water is provided by an existing well.

### **2. Sanitation**

Wastewater is provided by an existing onsite wastewater treatment system.

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no objections to the rezone request.

### **4. Utilities**

Mountain View Electric Association (MVEA) will provide electrical service. MVEA was sent a referral for the rezone; MVEA has no outstanding comments.

### **5. Metropolitan Districts**

The property is located within the Ellicott Town Center Metropolitan District Service Area. The District was sent a referral and has not responded.

### **6. Parks/Trails**

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

### **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 resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no major issues at this time.

## **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 (2022), 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 A-35 (Agricultural) 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 thirteen adjoining property owners on February 20, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.



## **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Rezone Map

Planning Commission Resolution



# El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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



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EL PASO COUNTY

LETTER OF INTENT FOR: 36 ACRE 1165 CORRAL VALLEY RD  
REZONE FROM RR5 TO A-35  
MARCH 17, 2022

Owner/ Applicant: Steve Kelnhofer  
1165 Corral Valley Rd  
Colorado Springs, CO 80929  
(719) 440-3599  
steve@7thfloorvapes.com

El Paso county Planner: Kylie Bagley  
Planning and Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910  
(719) 520-6300

PROJECT LOCATION/DESCRIPTION:

Legal Description: TR IN W2 SEC 7-14-64 DES AS FOLS: COM AT W4 COR OF SD SEC 7, TH S 00<00'07" W ALG W LN OF SD SEC 7 267.82 FT, S 89<42'00" E 871.21 FT FOR POB, TH N 00<00'06" W 819.09 FT, TH N 89<42'00" W 671.18 FT TO INTERSEC THE E LN OF CORRAL VALLEY RD & W LN OF NW4 OF SD SEC 7, TH ALG E LN OF CORRAL VALLEY RD ON A CUR TO L HAVING A RAD OF 861.68 FT A C/A OF 14<59'22" WHICH CHORD BEARS N 07<29'34" E 230.86 FT, TH N 00<00'06" W 287.83 FT, S 89<39'59" E ALG S LN BEING PARA WITH & 252.71 FT S OF THE N LN OF THE S2NW4 OF SEC 7 1571.11 FT, S 00<27'14" W PARA WITH THE N/S C/L OF SEC 7 1332.35 FT, TH N 89<42'00" W PARA WITH SD E/W C/L 919.31 FT TO POB

The property is located at the northern terminus of Corral Valley Road and is directly adjacent to City boundary to the north. The applicant requests rezone from RR-5 (Rural Residential 5-acre) to A-35 (Agricultural 36-acre). Property address is 1165 Corral Valley Rd, Colorado Springs, CO 80929.

The Applicant proposes to develop the site with an additional single-family detached residential dwelling unit that recognizes and respects the character of the rural surrounding community. The total square foot, of the proposed development is approximately 1500 Sq Ft.

DEVELOPMENT REQUEST

The Owner/ Applicant requests a zone change from RR-5 to A-35 to allow for the development of rural residential single family home, of 1500 Sq Ft. The Owner/Applicant makes this request for an "Accessory Use" project.

Water and Sewer will be provided by the main well on the property, with a new Septic leach. The main/same driveway, on the property, will be all proposed access locations.

### JUSTIFICATION FOR REQUEST

The re-zoning request is due to a parent retiring, goat ranching already existing. In order to complete these projects, on applicant's property, change in zone classification is needed. The main reason for rezoning is to build another home and keep agriculture alive.

### EXISTING AND PROPOSED IMPROVEMENTS

Residential home and goat ranching exists on the property.

### Rezoning Meeting Master Plan

After research, I feel my project works very well for what my long-term goals are, as well as the master plan for El Paso county. I will try to explain why I feel what I am doing is in the interest of both parties.

First I would like to address the water issues. With me having one well, and direct relationship with the person in my home, the use of water will be minimal. I will not allow any type of grass, I currently have none and will never have or allow it. The water we have is little and very valuable. The issue is the master plan would want me to actually cut my property into more sections and have more homes. While I would like another home, I would not like that many more. There is a reason to be out where we are. If I were to fully go with the master plan, it would be harder on our water system.

Next I would like to think that with fewer homes, the wild habitat would be less affected. As I am right next to Corral Valley Bluffs which is now an open space, I think this is the best for the overall scope with the least impact on nature.

As I would like to keep ranching goats I feel this is also the best for rezoning. I have had plans and just not followed through since I purchased this land.

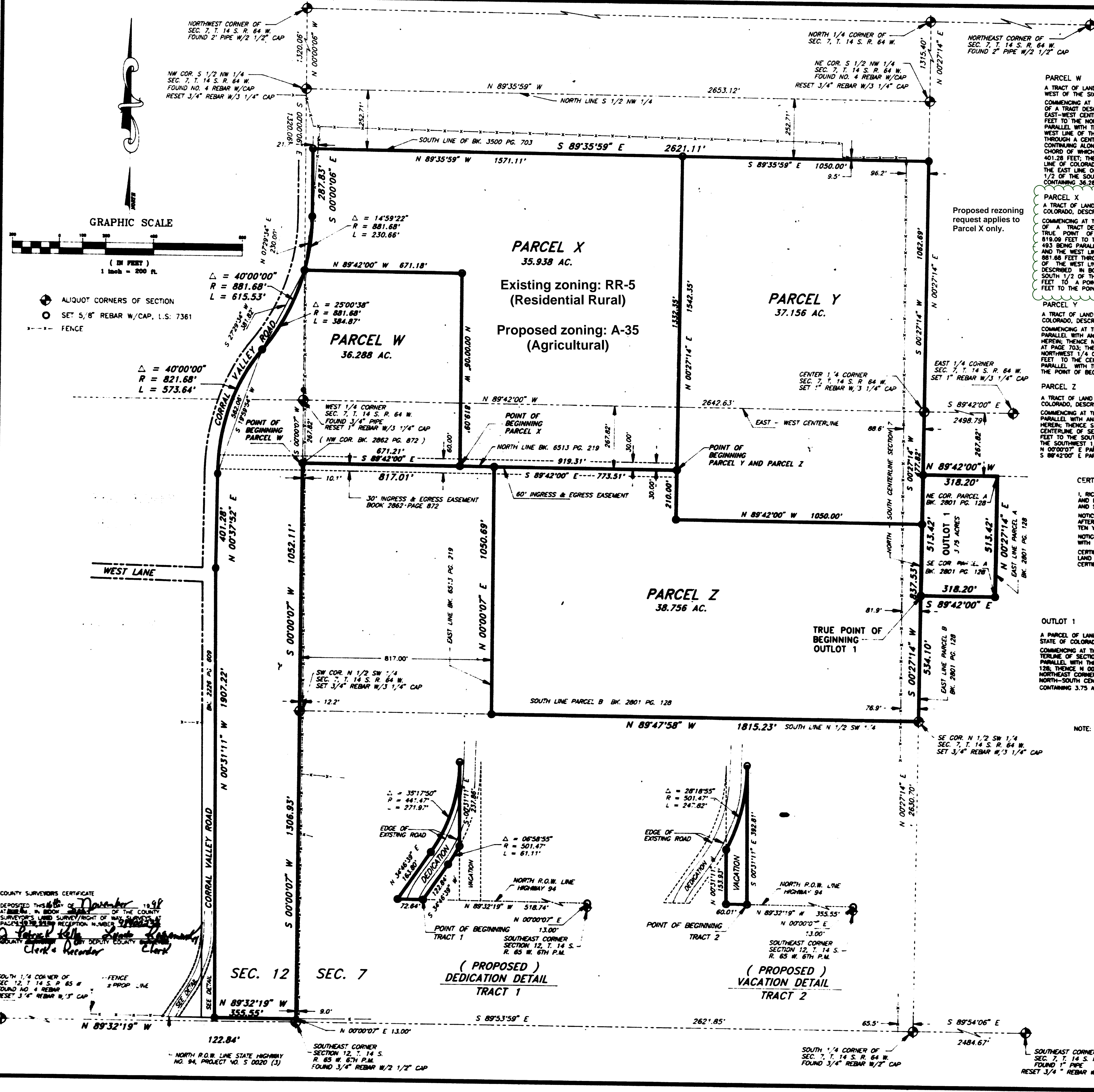
Allowing this also allows me to move my mother out by me, freeing her house up for rental. I know one day that my mother will leave us, so this also allows me to potentially put a random person, or an employee in the home legally.

Anticipated schedule of development is As soon As possible. Once rezoning is approved and complete, I will start with development.



WEST 1/2 SEC 7 TOWNSHIP 14 SOUTH RANGE 64 WEST 6TH P.M. & EAST 1/2 SEC 12 TOWNSHIP 14 SOUTH RANGE 65 WEST 6TH P.M.

THE BEARINGS IN THESE DESCRIPTIONS ARE BASED UPON THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12 BEING N 00°00'00" E. ( SAID LINE ALSO BEING THE WEST LINE OF THE SW 1/4 OF SAID SECTION 7. )



PARCEL W A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST AND IN THE EAST 1/2 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN...

PARCEL X A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

PARCEL Y A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

PARCEL Z A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

CERTIFICATION I, RICHARD A. GOSSETT, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO GEORGE L. BEARDSLEY AND LAND TITLE GUARANTEE COMPANY THAT ON JULY 3, 1997, AND AGAIN ON OCTOBER 15, 1998, THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND STAKED UNDER MY SUPERVISION AS SHOWN ON THIS PLAN, AND THAT THE DIMENSIONS ACCURATELY REPRESENT SAID SURVEY...

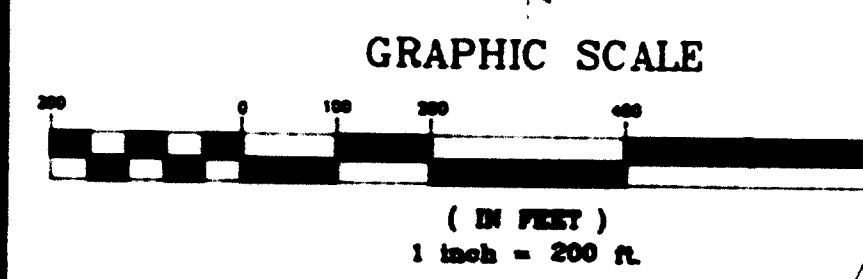
Richard A. Gossett L.S. 7361

OUTLOT 1 A PARCEL OF LAND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO...

NOTE: BOUNDARY LINES AND DESCRIPTIONS SET FORTH HEREIN ARE BASED UPON A SECTION BREAKDOWN OF SECTIONS 7 AND 12 BY THE UNDERSIGNED ACCORDING TO THE MANUAL OF INSTRUCTIONS TO PROPORTIONAL DISTANCES. THE UNDERSIGNED BELIEVES A RE-SURVEY RECORDED IN PLAT BOOK H2 AT PAGE 10 OF THE EL PASO COUNTY RECORDS IS NULL & VOID BECAUSE IT WAS IMPROPERLY PROPORTIONED TO THE ORIGINAL G.O. SURVEY OF 1886 AND 1887.

TRACT 1 (PROPOSED DEDICATION FOR ROADWAY PURPOSES - CORRAL VALLEY ROAD) A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

TRACT 2 (CORRAL VALLEY ROAD PROPOSED VACATION) A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...



ALLOT CORNERS OF SECTION SET 5/8" REBAR W/CAP, L.S. 7361 FENCE

COUNTY SURVEYORS CERTIFICATE DEPOSED THIS 16th day of November 1998...

SOUTH 1/4 CORNER OF SEC. 12, T. 14 S. R. 65 W. FOUND NO. 4 REBAR W/CAP RESET 3/4" REBAR W/3" CAP



MONUMENTED LAND SURVEY ORDERED BY: KIRK BEARDSLEY 2 INVERNESS DRIVE EAST ENGLEWOOD, CO. 80112 DRAWN BY: ACCD SCALE: 1" = 200' DATE: 10/16/98 DRAWING NO.: 9810-110

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-020

KELNHOFER REZONE

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

WHEREAS, a public hearing was held by this Commission on April 6, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

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

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are

not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

- 2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent

Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Kara Offner	aye / no / abstain / absent

The Resolution was adopted by a vote of \_\_\_to\_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 6<sup>th</sup> day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

DATED: April 6, 2023

EXHIBIT A

PARCEL X

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE S 00°00'07" W ALONG THE WEST LINE OF SAID SECTION 7, 267.82 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 2862 AT PAGE 872; THENCE S 89°42'00" E PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 7, 671.21 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE N 00°00'06" W PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 819.09 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 2422 AT PAGE 493; THENCE N 89°42'00" W ALONG THE NORTH LINE OF SAID 2422 AT PAGE 493 BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 671.18 FEET TO THE INTERSECTION OF THE EAST LINE OF CORRAL VALLEY ROAD AND THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7; THENCE ALONG THE EAST LINE OF CORRAL VALLEY ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 881.68 FEET THROUGH A CENTRAL ANGLE OF 14°58'22", THE CHORD OF WHICH BEARS N 07°29'34" E, AN ARC LENGTH OF 230.66 FEET TO A POINT 30.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7; THENCE N 00°00'06" W PARALLEL WITH SAID WEST LINE, 287.83 FEET TO THE SOUTH LINE OF A TRACT DESCRIBED IN BOOK 3500 AT PAGE 703; THENCE S 89°39'59" E ALONG SAID SOUTH LINE BEING PARALLEL WITH AND 252.71 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 7, 1571.11 FEET; THENCE S 00°27'14" W PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SECTION 7, 1332.35 FEET TO A POINT 267.82 FEET SOUTH OF THE EAST-WEST CENTERLINE OF SECTION 7; THENCE N 89°42'00" W PARALLEL WITH SAID EAST-WEST CENTERLINE, 919.31 FEET TO THE POINT OF BEGINNING. CONTAINING 35.892 ACRES THEREIN.

RESOLUTION NO. P-22-020

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

APPROVAL OF MAP AMENDMENT (REZONE)  
KELNHOFER REZONE (P- 22-020)

WHEREAS Steve Kelnhofer 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 RR-5 (Residential Rural) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 6, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 2, 2023; and

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

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and

issues were submitted and reviewed, and that all interested persons were heard at those hearings.

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

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

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



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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Steve Kelnhofer to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the A-35 (Agricultural) zoning district;

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

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) 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 2<sup>nd</sup> day of May, 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

PARCEL X

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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