

EL PASO COUNTY

COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair**

**FROM: John Green, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: P-20-009
 Project Name: Rock Creek Mesa
 Parcel No.: 65303-00-017, 65303-00-022 65304-00-009, 65304-01-001,
 65312-00-007, 75000-00-236**

OWNER:	REPRESENTATIVE:
Colorado Springs Equities, LLC 90 South Cascade Avenue Colorado Springs, CO 80903	Matrix Design Group 2435 Research Parkway Suite 300 Colorado Springs, Colorado 80920

Commissioner District: 3

Planning Commission Hearing Date:	7/15/2021
Board of County Commissioners Hearing Date:	8/10/2021

EXECUTIVE SUMMARY

A request by Colorado Springs Equities, LLC, for approval of a map amendment (rezoning) of 37.26-acres from F-5 (Forestry and Recreation) to RS-5000 (Residential Suburban). The six (6) parcels included in the request are located west of the intersection of Colorado Highway 115 and Pawnee Road, approximately one-half (1/2) mile south of the City of Colorado Springs incorporated boundary and are within Sections 30 and 31, Township 15 South, Range 66 West of the 6th P.M. The property is located within the Southwestern Highway 115 Comprehensive Plan (1990).

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Colorado Springs Equities, LLC, for approval of a map amendment (rezoning) of 37.26-acres from F-5 (Forestry and Recreation) to RS-5000 (Residential Suburban).

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

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

B. Planning Commission Summary

Request Heard: As a Regular item at the July 15, 2021 hearing.

Recommendation: Denial

Waiver Recommendation: N/A

Vote: 3 - 3

Vote Rationale: Ms. Lucia-Treese, Mr. Moraes, and Mr. Trowbridge were the nay votes. The nay votes were due to density and compatibility.

Summary of Hearing: The PC Draft minutes are attached.

Legal Notice: Published in the Shopper’s Press on July 7, 2021.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

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

D. LOCATION

North:	MHP (Mobile Home Park)	Mobile Home Park
South:	F-5 (Forestry and Recreation)	Single-Family Dwelling
East:	A-5 (Agricultural)	Fort Carson
West:	F-5 (Forestry and Recreation)	Vacant

E. BACKGROUND

There are six (6) total parcels included in the request that comprise a total of 37.26-acres (Parcel Nos. 65303-00-017, 65303-00-022, 65304-00-009, 65304-01-001, 65312-00-007, 75000-00-236). Any division of land creating less than 35 acres occurring after July 17, 1972 that was not approved through the El Paso County subdivision approval process is considered an illegal division of land unless an exemption from subdivision has been approved. Parcel No. 65-30-300-017 was created by deed on August 31, 1993 and is considered an illegal division of land. Parcel No. 7500-000-236 was created by deed on March 28, 1997 and is considered an illegal division of land. Parcel No. 6530-300-022 was created by deed on March 26, 1996 and is considered an illegal division of land. Parcel No. 6530-400-009 was created by a subdivision exemption combination agreement on May 13, 2012 and is considered a legal division of land. Parcel No. 6531-200-007 was created by a subdivision exemption combination agreement in 1981 and is considered a legal division of land. Parcel No. 6530-401-001 was platted as Block 11 of the Rock Creek Mesa Subdivision Addition No. 2 in 1959.

All six parcels were zoned F-1 (Forest and Recreation) at the time of initial zoning for this portion of El Paso County on May 10, 1942. Due to changes in the nomenclature of the Land Development Code, the F-1 zoning district was renamed as the F-5 (Forestry and Recreation) zoning district.

F. ANALYSIS

1. Land Development Code Analysis

The subject property is located west of the intersection of Colorado Highway 115 and Cherokee Road and consists of six (6) parcels totaling 37.26 acres. The parcels range in size from 1.45 acres to 10.1 acres. All of the parcels included in the proposed map amendment (rezoning) are currently zoned F-5 (Forestry and Recreation), with the exception of Parcel No. 65303-00-017, which includes a 3.5 acre area of land zoned CC (Community Commercial). The surrounding neighborhood includes parcels zoned RM-30 (Residential Multi-dwelling), F-5 (Forestry and Recreation), and A-5 (Agricultural). The properties zoned A-5 (Agricultural) are located across Colorado State Highway 115, east of the subject parcels, and are included within the Fort Carson Army Base.

As detailed above, the area included in the proposed map amendment (rezoning) is adjacent to and in close proximity to urban density residential development. Urban density is defined in Chapter 1 of the Land Development Code as:

“Land development of higher density and intensity which is characteristically provided with services of an urban nature (i.e. central water and sewer, fire hydrants, paved roads often with curb and gutter, and shorter emergency service response times). This category of development ordinarily includes most commercial, office and industrial uses and residential uses with densities of more than 1 dwelling unit per 2.5 acres.”

A mobile home park is located in the northwestern portion of the neighborhood and borders one of the parcels proposed for rezoning. The mobile home park is 42.3 acres in size and consists of 203 dwelling units, for a total density of 4.8 dwelling units per acre.

The neighborhood surrounding the subject parcels consists of parcels ranging in size from 10,000 square feet to 1.5 acres. The majority of those parcels are developed with single-family detached dwellings and are currently zoned F-5 (Forestry and Recreation). The F-5 (Forestry and Recreation) zoning district has a minimum lot size requirement of five (5) acres. Most of the parcels in the surrounding neighborhood are considered legal non-conforming and were created prior to the initiation of subdivision regulations in the County. The remaining parcels are zoned RM-30 (Residential Multi-dwelling). Specifically, there are 21 parcels zoned RM-30 within the neighborhood. Of those parcels, over 90% of the parcels are currently undeveloped. The parcels were previously platted in 1959 and have been zoned RM-30 (Residential Multi-dwelling) since that time.

The subject parcels are located approximately one-half (1/2) mile south of the incorporated limits of the City of Colorado Springs. Those parcels located within the City are zoned for planned commercial business uses and urban density single-family residential uses. The subject parcels are also located directly west of the Fort Carson Army Base. Located approximately one mile northeast of the subject property are high density housing units associated with base housing.

The proposed map amendment (rezoning) would allow for the development of 5,000 square-foot residential lots. The proposed density of the development meets the definition of urban density and is compatible with the surrounding land

uses. As such, the proposed rezoning appears to be consistent with the density and scale of development in the immediate neighborhood.

Should the request for a map amendment (rezoning) be approved, the applicant will need to complete subsequent subdivision applications (preliminary plan(s) and final plat(s)). The subdivision applications will need to demonstrate compliance with the standards included in Chapters 7 and 8 of the Land Development Code.

2. Zoning Compliance

The applicant is requesting to rezone 37.26 acres to the RS-5000 (Residential Suburban) zoning district. The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family and two-family developments. The density and dimensional standards for the RS-5000 (Residential Suburban) zoning district are as follows:

- Minimum lot size: 5000 square feet ***
- Minimum width at the front setback line: 50 feet
- Minimum setback requirement: front 25 feet, rear 25 feet (5 feet), side 5 feet ***
- Maximum lot coverage: 40%/45% ***
- Maximum Height: 30 feet

* Minimum lot area applies to single-family detached dwellings. For two-family dwellings and all other uses a minimum lot area of 7,000 square feet is required.

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

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

The area included in the map amendment (rezoning) request is comprised of a total of 37.22 acres. Subsequent subdivision applications will be required to ensure that the development complies with the standards in Chapters 7 and 8 of the Land Development Code and the requirements of the Engineering Criteria

Manual. If the rezoning and subsequent plat applications are approved, a site plan for each dwelling will be required for approval prior to construction. The site plans will need to provide a detailed depiction of the proposed residential use and compliance with all development standards for the district.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.3 - *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*

Policy 6.1.11 - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

Policy 6.1.2 - *Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.*

Policy 6.1.6 - *Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*

Policy 6.2.11 - *Encourage compatible physical character, density and scale in existing neighborhoods.*

The proposed map amendment (rezoning) is intended to accommodate future single-family residential development. As discussed in the Land Development Code Analysis section above, the subject parcels are surrounded by similar zoning and high-density single-family residential subdivisions.

The proposed development on the property provides the potential for high density single-family and two-family residential development, which is consistent with goals in the Plan. Specifically, the property is surrounded by an existing neighborhood of similar scale and density (Policy 6.1.3 and Policy 6.2.11). The subject properties are contiguous to an existing single-family residential

neighborhood with lots ranging in size from 10,000 square feet to 1.5 acres in size. A significant portion of the neighborhood is currently zoned RM-30 (Residential Multi-dwelling District and this area could support a much higher density of residential development than what is currently proposed with this map amendment. The proposed map amendment (rezoning) would provide a balance of residential lot sizes within the existing neighborhood and would be consistent with the existing character of the neighborhood (Policy 6.1.1 and Policy 6.1.11)

Pursuant to goals and policies within the Plan, urban density development should be served by centralized services. As part of the proposed development, centralized water and wastewater services are proposed to be extended from Colorado Springs Utilities and operated by the Rock Creek Mesa Water District for the benefit of future residents of the community.

4. Small Area Plan Analysis

The parcels are located within the boundaries of the Southwest Highway 115 Comprehensive Plan (1990) and are more specifically located within the Rock Creek Mesa sub-area. The Plan identifies the subject parcels as appropriate for suburban residential type development on lot sizes of one-half (1/2) acre or less. The Plan also indicates that the Rock Creek Mesa area should include a mix of uses and densities, including residential, business service, and forested land. Relevant goals and objectives are as follows:

Goal E2.D – *The majority of the growth in the area should be located along Highway 115 in discreet nodes of integrated, internally oriented development. A Planned Unit Development (PUD) or similar concept is encouraged in order to cluster development, protect natural resources, and provide significant open space. Approval of such projects should be contingent on legal assurances that designated open space will remain so in perpetuity.*

Goal D1.B – *Encourage conservation and protection of the limited water resources of the planning area.*

Goal B2.A – *Development should be clustered along Highway 115 and utilize existing buffers to avoid creating a continuous front of development along the highway.*

Goal D3.C – *Development proposals in the planning area should be reviewed for wildfire hazards and wildfire mitigation measures*

recommended. A review procedure with the Colorado State Forest Service may be used to accomplish this.

As noted in the Land Development Code Analysis and Policy Plan sections of this report above, the proposed map amendment is consistent with the character of the surrounding neighborhood. The proposed map amendment (rezoning) may be found to be compatible with the existing density of development in the neighborhood (Goal E2.D and Goal B2.A).

The Plan specifically identifies the neighborhood as appropriate for residential lot sizes of less than 0.5 acres and does not specifically limit the recommendation for minimum lot sizes. As such, the proposed zoning of RS-5000 may be found to be in compliance with the overall density goals of the Plan for the surrounding neighborhood. Additionally, the Plan specifically recommends that higher density residential development be clustered around existing nodes of development to limit the visual impact in the planning area and to create visual buffers between areas of higher density development (Goal B2.A).

The applicant's letter of intent indicates that in order to support the proposed residential development on the property, a service agreement between Rock Creek Mesa Water District (the existing service provider) and Colorado Springs Utilities will be entered into to provide centralized water and wastewater services to the neighborhood. The proposed extension of central services from Colorado Springs Utilities will provide a more reliable water source for future residents of the neighborhood and provide increased fire suppression capabilities (Goal D1.B and Goal D3.C). The proposed map amendment (rezoning) is consistent with this portion of the Plan.

5. Water Master Plan Analysis

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

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

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

The subject parcel is in Region 1 of the El Paso County Water Master Plan and is within the Rock Creek Mesa Water District service area. Region 1 has a current water supply of 99,001-acre feet per year and a current demand of 83,622-acre feet per year. The 2040 water supply is projected to be 119,001-acre feet per year and the projected demand is 111,086-acre feet. The 2060 water supply is projected to be 139,001-acre feet per year, whereas the demand is anticipated to be 138,453-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision applications. The property is currently unplatted.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. Colorado Parks and Wildlife was sent a referral and did not provide comments at the time this report was prepared. Comments provided will be included in the hearing for the application at the July 15, 2021 Planning Commission meeting. The El Paso County Community Services Department, Environmental Services Division, was also sent a referral and has no outstanding comments.

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

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Wildlife

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

3. Floodplain

The properties are not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0950G, dated December 7, 2018.

4. Drainage and Erosion

The parcels are located within the Fort Carson (FOFO2200) drainage basin, which is an unstudied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezoning) requests but will be due at the subdivision stage at the time of final plat recordation. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will also be required at the subdivision stage, as well as a grading and erosion control plan.

5. Transportation

The parcels are located west and southwest of the intersection of Highway 115 and Pawnee Road. Highway 115 is a Colorado Department of Transportation (CDOT) state highway that is categorized as an Expressway. Per the submitted traffic study, access to the parcels will be via proposed urban local roadways that will intersect the public roadways, specifically Pawnee Road and Cherokee Road.

Per comments provided by CDOT on April 19, 2021, updated access permits for access to State Highway 115 at the intersections of Pawnee Road and Cherokee Road will be required. The applicant will be required to submit the appropriate access permit applications to CDOT for the proposed development.

Roadway improvements consisting of upgrading Pawnee Road to a collector roadway and Commanche Road to an urban local roadway have been provided in Table 5 of the submitted traffic study. Additionally, intersection and auxiliary turn lane improvements at Highway 115 intersections with Pawnee Road and Cherokee Road have been identified in Table 5. CDOT has authority over any roadway improvements to Highway 115. Further details regarding the recommended improvements to Highway 115 will be addressed during the CDOT access permit process.

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

H. SERVICES

1. Water

Central water service is currently provided by Rock Creek Mesa Water District. The applicant has indicated that future service will be provided by Colorado Springs Utilities through a service agreement with Rock Creek Mesa Water District.

2. Sanitation

The subject parcels are currently undeveloped and are not served by on-site septic systems or a centralized wastewater service. The applicant has indicated that future centralized wastewater service will be provided by Colorado Springs Utilities through a service agreement with Rock Creek Mesa Water District.

3. Emergency Services

The property is within the Southwestern Highway 115 Fire Protection District. The District was sent a referral and has the following comments:

The fire district has several issues with this rezoning. This area of the county has been deemed High Risk for Wild land fire. The area in question is already an issue in the event of a wildfire, the roads from the 60s are narrow and present a real challenge for evacuating residence out and getting fire trucks into a fire right now. This proposed high density development would significantly impact that process with its location between current residence to the west and the highway to the east, this is their only escape route. This fire district is one of the smallest in El Paso county, we do not have the capacity to support a high-density development of this size, it would more than double our current residence count in that area. In order to meet the needs of this size of development and our current legacy residence could collapse this fire district. To have any chance of being able to handle this increased load, the fire district would require significant upgrades to infrastructure and equipment from the developer to maintain our current level of service to ALL residents of our fire district. The new tax base created by this development would then pay for staffing and maintenance. The fire district would be happy to meet to discuss our position and explore options.

4. Utilities

Natural gas service and electrical service will be provided by Colorado Springs Utilities.

5. Metropolitan Districts

The subject parcel is included within the boundaries of Rock Creek Mesa Water District. The Rock Creek Mesa Water District provides centralized water and wastewater services to residents of the District. The district does not collect a mill levy.

6. Parks/Trails

The 2013 El Paso County Parks Master Plan does not show any proposed or existing trails within the area of the subject property. Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application, but they will be required at the subdivision stage of development at the time of recording the subsequent final plats.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application, but they will be required at the subdivision stage of development at the time of recording the subsequent final plats.

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should 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 (2019), 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 RS-5000 (Residential Suburban) 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 79 adjoining property owners on June 29, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Adjacent Property Owner Responses
July 15, 2021 PC Draft Minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

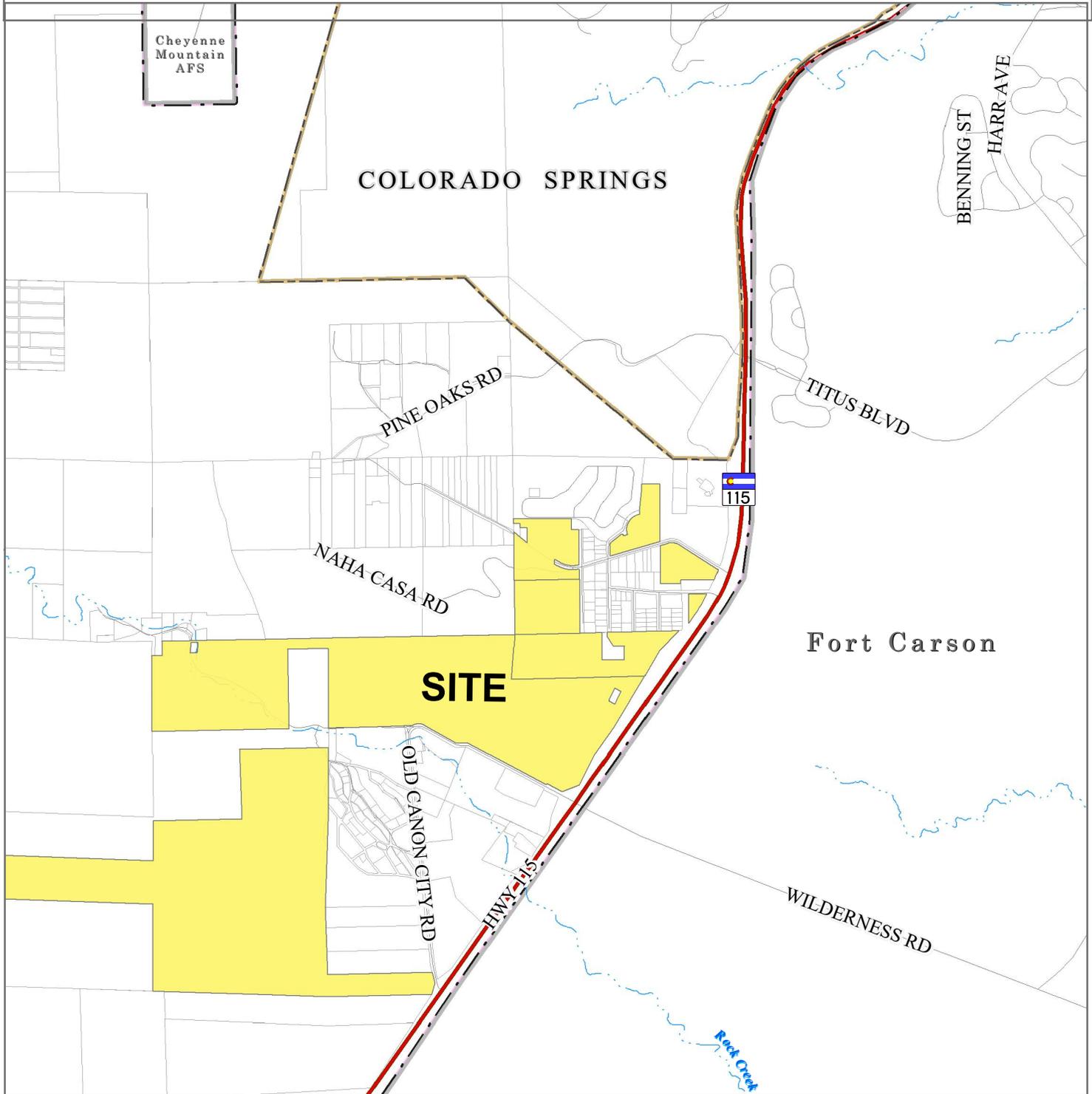
El Paso County Parcel Information

PARCEL	NAME
653040009	NEW DIRECTION IRA INC FBO
6530401001	COLORADO SPRINGS EQUITIES LLC
6531200007	GOLDEN EAGLE RANCH LLC
6530300022	GOLDEN EAGLE RANCH LLC
6530300017	COLORADO SPRINGS EQUITIES LLC
7500000236	GOLDEN EAGLE RANCH LLC
7500000236	GOLDEN EAGLE RANCH LLC
7500000236	GOLDEN EAGLE RANCH LLC

File Name: P-20-009

Zone Map No. --

Date: June 28, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 14 (719) 520-6600



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ROCK CREEK MESA REZONE LETTER OF INTENT



VICINITY MAP

Owner/ Applicant: Colorado Springs Equities LLC
90 S Cascade Ave, Suite 1500
Colorado Springs, CO 80903

Planner/ Civil Engineer: Matrix Design Group
2435 Research Parkway, Suite 300
Colorado Springs, CO 80920

Tax Schedule No: 6530300022 (A Portion Of); 7500000236 (A Portion Of);
6531200007 (A Portion Of); 6530400009; 6530300017;
6530401001

Site Location, History, Size, Zoning:

Matrix Design Group on behalf of Colorado Springs Equities LLC is submitting a request for a rezone for a portion of the subdivision known as Rock Creek Mesa. The site contains numerous parcels as part of the Rock Creek Mesa community in El Paso County. The parcel areas are located off State Highway 115 accessed via Pawnee Road and Cherokee Drive south of Colorado Springs. The proposed parcels are surrounded by a mix of residential uses ranging from a Mobile Home park to large lot, single unit dwellings. The current zoning includes Forestry/ Recreation (F-5) and Commercial Community (CC).

Request & Justification:

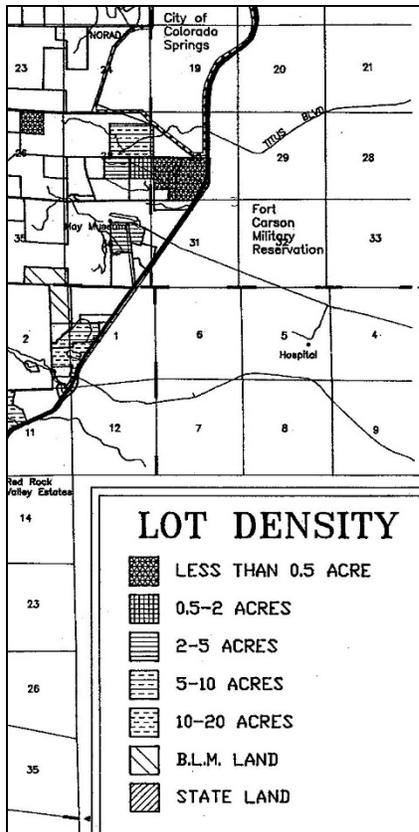
The purpose of this application is to request approval of a Rezone for a portion of the Rock Creek Mesa subdivision. The proposed submittal seeks to rezone 37.262 acres from Forestry and Recreation (F-5)/ Commercial Community (CC) to Residential Suburban (RS-5,000) permitting a minimum size single-family lot of 5,000 square feet. The remaining Rock Creek Mesa area will remain zoned F-5, RM-30. A preliminary concept layout illustrates approximately 162 units. This preliminary concept plan will be the basis for future preliminary plan submittals at which time the number of units and proposed density will be determined. The proposed rezone parcels are part



of the area wide Rock Creek Mesa Master Plan completed in 1971. This Master Plan illustrated 176 acres with 1,542 proposed residential units comprising of single-family detached, townhomes, apartments, a Mobile Home Park in addition to a school site, and commercial acreage.

[El Paso County Approval Criteria, 1998 El Paso County Policy Plan, and Small Area Master Plan](#)

The 1998 El Paso County Policy Plan establishes broad goals and policies intended to serve as a framework for land use applications and development in the County. The County Wide Policy Plan ties the specific small area plans, and other Master Plan elements such as the Water Master Plan, Master Plan for Mineral Extraction, El Paso County Department of Parks and Leisure Services Master Plan and the Major Transportation Corridors Plan. The Policy Plan provides general direction in terms of water use, density, buffers, transitions, and infrastructure where no small area plan exists. The Rock Creek Mesa Rezone meets the requirements of these planning tools as outlined in more detail within the sections below.



The proposed rezone is part of the existing Southwestern/ Highway 115 Comprehensive Plan approved July 24, 1990. This Small Area Plan illustrates a lot density of 0.5 acre or less in the area of the Rock Creek Mesa. This master plan also identified a mix of zone and land uses to include Forest & Recreation, Mobile Home Park, Residential, Planned Business Park and Planned Business Center. The existing Rock Creek Mesa community area includes a 43-acre mobile home park; a mix of residential lots sized 10,000 square feet to over a half acre; vacant land; and a volunteer fire station.

The Southwestern/ Highway 115 Comprehensive Plan emphasizes a land use goal of “a majority of future development will likely be concentrated along Highway 115 where the natural constraints are limited”. The requested Rezone application achieves this goal of future development by concentrating the proposed lots near Highway 115 and providing infill for vacant areas within Rock Creek Mesa. The proposed areas of development avoid areas of steep topography or areas with mature vegetation limiting impact to wildlife supporting the Hwy 115 Comp Plan *Conservation Goal 1D Encourage Awareness and Appreciation of the Unique Character and Policy 2A and 2D clustering housing and design to blend in with the natural environment.* The

areas to be developed are primarily vacant lots surrounded by existing residential uses.

Additionally, the requested Rezone would eliminate the Commercial Community designation to be more harmonious with the existing subdivision and eliminating potentially intense and adverse uses. The Commercial Community area to be revised as residential would be blended with the spacious density of the Forest & Recreation zoning to achieve the proposed residential RS-5000 zoning. The requested Rezone would also balance out the higher density of the adjacent mobile home park’s 236 units on 43 acres by providing single-family residential lots. These intentional design elements support County Policies:

Policy 6.1.5: Support the development of well-planned mixed-use projects and

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses

In addition, the rezone design approach meets the Southwest/ Hwy 115 Comp Plan: *Land Use Goal 1C Encourage integrated, internally oriented developments sensitive to the area and Land Use Policy 2D Majority of growth should occur along Hwy 115 in discreet nodes of integrated, internally oriented development.*

The existing topography of the site is mostly mild grade, draining to the east/ southeast towards Highway 115. Mountain frontage views angle to the south-southwest generally paralleling Highway 115. Another goal of the Comprehensive Plan is to “encourage an awareness and appreciation of the unique character and natural resources of the Planning Area in existing and future residents”. This goal was further stated in the conservation policy “...development should be clustered in nodes along Highway 115 and utilize natural buffers to avoid creating a continuous

front of development along the highway”. The proposed Rezone and Preliminary Concept Plan demonstrate this goal and policy by providing in-fill to the cluster of existing development at Rock Creek Mesa while preserving the open views and natural visual character of the Highway 115 corridor. The proposed rezone will not have a negative impact upon the existing and future development of the area, but rather remove the area zoned for Commercial Community and continue the neighboring feel of residential lots supporting County Policy:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access

There is currently no utilities or drainage infrastructure in place to serve the rezone and future development areas included with this request. As part of future land development applications municipal services for water and wastewater will be extended to serve this development atop Rock Creek Mesa. In addition, all drainage and stormwater impacts will be mitigated as required by both El Paso County and the State of Colorado. Water and wastewater sufficiency will be provided with future preliminary plan submittals. The extension of municipal services supports:

Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses

The Comprehensive Plan identifies the area of Rock Creek Mesa subdivision as having soil constraints for building sites ranging from slight to moderate-severe. The proposed Rezone area would utilize mostly the “slight” soil constraint areas, avoiding steep unstable slopes. Any required preliminary soils investigations or Geological Hazards Studies will be completed as required with future land development applications.

Total Number of Residential Units, Density, and Lot Sizes: Detailed preliminary plan and final plat submittals will finalize lot layout and proposed density. The 162 Single-Family Detached Residential Units on 37.262 acres creates a density of 4.35 DU/ Acre. The minimum lot size shall be 5,000 SF as required under the RS-5000 zoning guidelines.

Types of Proposed Recreational Facilities:

There are no recreational facilities being proposed with this application for rezone. Potential trail corridors within the proposed project limits will be coordinated during the preliminary plan and final plat submittals as part of the detailed lot layout.

Total Number of Industrial or Commercial Sites:

There are no proposed commercial or industrial sites proposed as a part of the plan.

Traffic and Proposed Access Locations:

Primary access to the Rock Creek Mesa subdivision will be via existing Pawnee Drive providing access to several of the proposed parcel areas. Additional connections and access points will be provided via Piute Drive, Comanche Road and Cherokee Drive. All existing roadways are public and will remain public. There is no individual lot access proposed to Highway 115. A Traffic Impact Study completed as part of this submittal assumes conversion of the Cherokee/SH 115 intersection to a right-in/right-out as request by CDOT to help improve safety in the area. The intersection of Pawnee/SH 115 is projected to meet a four-hour traffic signal warrant with the conversion of Cherokee/SH 115 to a right-in/right-out intersection based on site-generated traffic. The potential future development and resulting trip generation of the parcel northwest of SH 115/Pawnee would also likely add turning movements which could result in the future need for

the signal. Due to the potential future need to signalize the intersection of Pawnee/SH 115, and the need to mitigate the intersection spacing of less than one-mile along Highway 115, the future signal would need to be a “directional” signal with the channelized T configuration. The recommended classification for Pawnee is Urban Collector from SH 115 to 1,100 ft west of SH 115 and Urban Local from this point west to Comanche Road as illustrated in the traffic report. West of this point, the recommended roadway classification is for Pawnee to remain a Rural Local roadway. All other existing roadways will remain as existing Rural Local roads. The existing roadways in the community may be improved for the benefit of the existing residents as well as to improve safety to better serve the community.

All proposed roadways as part of new development will be built as urban local residential roadways. Internally designed streets will provide a combination of looped circulation patterns and cul-de-sacs as illustrated in the preliminary concept plan.

The proposed rezone meets the Southwest/ Hwy 115 Transportation *Policy 2B Limit Hwy 115 Access Points and Policy 2C Existing Access Points should be improved in conjunction with Policy 2B.*

Phasing Plan:

There is no phasing plan for this development as it will be developed in one phase.

Areas of Required Landscaping:

The proposed development does not require any landscaping; however, landscape setbacks and buffers will be provided as required with future development plan submittals. All tracts shall be owned and maintained by the Rock Creek Metropolitan District and/ or a Homeowner’s Association.

Approximate Acres and Percent of Land Set Aside for Open Space:

There is no open space required with the Rezone. Any land set aside for open space will be illustrated with future preliminary plan submittals.

Water and Wastewater Services:

Water and Wastewater municipal services will be supplied by Colorado Springs Utilities (CSU) through a service agreement with the Rock Creek Metropolitan District. The Rock Creek Metropolitan District will own and maintain all proposed utility mains and service lines per the service agreement. Any required utility easements to be provided on adjacent properties will be acquired as necessary to allow for proper utility installation. Approval and granting of any required utility easements will be completed as necessary with future land development applications.

El Paso County Water Master Plan:

The Rock Creek Mesa development area as illustrated within the rezone boundaries as part of this application is located within Region 1 (Colorado Springs Area) of the Water Master Plan. Region 1 is comprised almost entirely within the City of Colorado Springs city limits and is only projected to have one significant growth area in the unincorporated part of the County by 2040. This development is Rock Creek, of which this rezone is a part. The Region 1 growth area can be found on the Region 7 Map. The Rock Creek Mesa development is currently located within the potential service area of the Rock Creek Mesa Water District; however, as the Rock Creek Mesa Water District lacks capacity to serve the land subject to this rezone application, the Rock Creek Mesa

development proposed herein will seek to obtain municipal services for water and wastewater supply from Colorado Springs Utilities (CSU). The Rock Creek Metropolitan District is seeking to enter into a service agreement with CSU for these services. The Rock Creek Metropolitan District currently has approval to begin construction of these utilities bringing water, wastewater and fire protection services to the Rock Creek Mesa. While many of the existing homes within the area are on well or cistern provided water supply, there are no proposed wells or individual septic systems within this development. The Rock Creek Mesa development will seek the Colorado State Engineer's sufficiency of water finding for both quantity and quality with future Preliminary Plan permitting administrative review of the final plats.

The Rock Creek Mesa Rezone meets the stated master plan Goals and Policies through integrated master planning of site design, extension of municipal services, and water resource best management practices:

- Goal 1.2 – Integrate water and land use planning
- Goal 4.2 – Support the efficient use of water supplies
- Goal 6.1.2 – Promote water conservation

Master Plan for Mineral Extraction:

The *1996 Master Plan for Mineral Extraction* updates and supersedes the *1975 El Paso County Master Plan for Mineral Extraction of Commercial Mineral Deposits* as amended in 1978 and 1982. This updated plan has two primary purposes, the first is to facilitate continued compliance with the mineral resource protection mandates outlined in the "Preservation of Commercial Mineral Deposits Act" of 1973 and the second is to provide guidance to the EL Paso County Planning Commission and Board of County Commissioners in evaluating land use proposals involving new or expanded mining and mineral resource processing operations. Per the El Paso County Master Plan for Mineral Extraction Aggregate Resource Maps, this site is identified as 'Mesa Gravel' containing sand and gravel with silt and clay deposited by older streams and slope wash on upland mesas which slope gently from the mountains. The proposed project does not contain any mineral deposits of commercial value and does not permit the use of any area containing a commercial mineral deposit which would unreasonably interfere with the present or future extraction of such deposits.

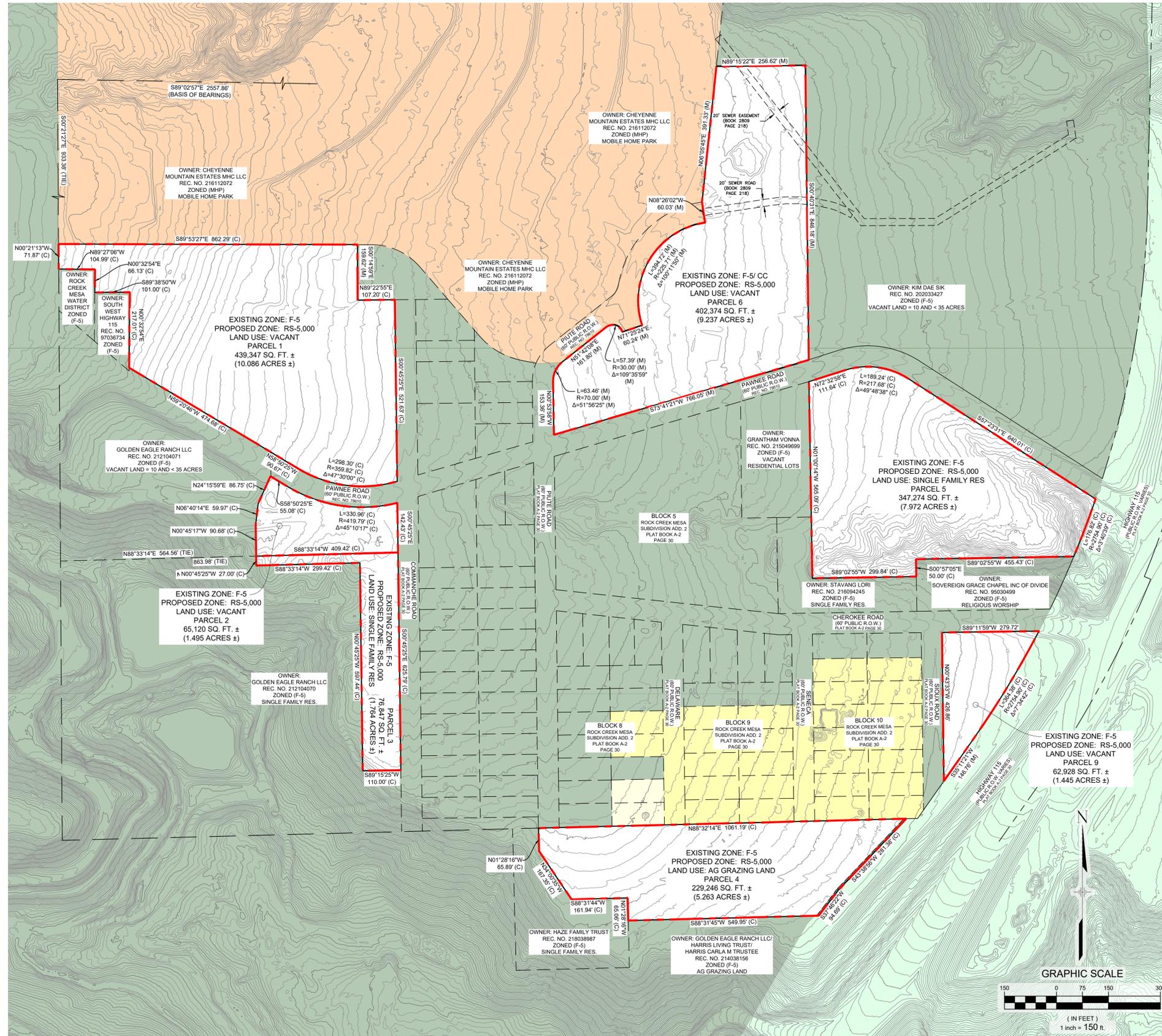
Proposed Services:

- | | |
|-----------------------|-------------------------------------|
| 1. Water: | Colorado Springs Utilities |
| 2. Wastewater: | Colorado Springs Utilities |
| 3. Gas: | Colorado Springs Utilities |
| 4. Electric: | Colorado Springs Utilities |
| 5. Fire: | SW Hwy 115 Fire Protection District |
| 6. Police Protection: | El Paso County Sheriff's Department |
| 7. School: | Fountain Fort Carson #8 |

ROCK CREEK MESA ZONE CHANGE MAP

ZONING LEGEND:

- F-5: Forest & Recreation (5 acres)
- MHP: Mobile Home Park
- RS-6000: Residential Suburban (6,000 sq. ft.)
- A-5: Agricultural (5 acres)
- RM-30: Residential Multi-Dwelling (30 DU/acre)



LEGAL DESCRIPTION:

Parcel 1
A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being more particularly described as follows: COMMENCING at the West Quarter Corner of said Section 30, being monumented by a 2" pipe with a 3/4" brass cap, flush with grade; thence S00°21'27"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet), along the west line of said Section 30, a distance of 933.38 feet, to the northwest corner of said parcel, being the POINT OF BEGINNING; thence S89°53'27"E, along the north line of said parcel described in said Warranty Deed, a distance of 862.29 feet, to the northwest corner of that parcel described in that Quit Claim Deed recorded under reception no. 216112072 in said Official Records; thence S00°14'59"E, along the west line of said parcel, a distance of 159.62 feet, to the southwest corner of said parcel; thence N89°22'55"E, along the south line of said parcel, a distance of 107.20 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, 521.63 feet, to a point on the north right of way line of Pawnee Road; thence along said north right of way line, along the arc of a non-tangent curve to the right, whose center bears N16°20'24"W, having a radius of 359.82 feet, a central angle of 47°30'00", a distance of 298.30 feet; thence N58°50'25"W, continuing along said north right of way line, a distance of 90.67 feet; thence N59°20'46"W, a distance of 474.68 feet, to a point on the east line of that parcel described in document recorded under reception no. 97036734; thence N00°32'54"E, along the east line of said parcel, a distance of 217.01 feet; thence S89°38'50"W, along 101.00 feet, thence N00°32'54"E, a distance of 66.13 feet; thence N89°27'06"W, a distance of 104.99, to a point on the west line of said Section 30; thence N00°21'13"W, along said west line, a distance of 71.87 feet, to the POINT OF BEGINNING. Containing 439,347 Sq. Ft. or 10.086 acres, more or less.

Parcel 2
A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence leaving said south line, N00°45'17"W, a distance of 90.68 feet; thence N06°40'14"E, a distance of 59.97 feet; thence N24°15'59"E, a distance of 86.75 feet, to the south right of way line of Pawnee Road, if extended north westerly; thence S88°50'25"E, along said south right of way line, a distance of 55.08 feet; thence continuing along said south right of way line, along the arc of a curve to the left, having a radius of 419.79 feet, a central angle of 45°10'17", a distance of 330.96 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 142.43 feet, to a point on said south line; thence S88°33'14"W, along said south line, a distance of 409.42 feet, to the POINT OF BEGINNING. Containing 65,120 Sq. Ft. or 1.495 acres, more or less.

Parcel 3
A portion of that parcel as described in that Warranty Deed recorded September 7, 2012 under reception number 212104072 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence continuing along said south line, N88°33'14"E, a distance of 409.42 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 625.79 feet; thence S89°15'25"W, leaving said west right-of-way line, a distance of 110.00 feet; thence N00°45'25"W, a distance of 597.44 feet; thence S88°33'14"W, a distance of 299.42 feet; thence N00°45'25"W, a distance of 27.00 feet, to the POINT OF BEGINNING. Containing 76,847 Sq. Ft. or 1.764 acres, more or less.

Parcel 4
A portion of that parcel as described in that Warranty Deed recorded May 7, 2014 under reception number 214038156, in the Official Records of El Paso County, Colorado, lying within the NW1/4 of Section 31, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N88°32'14"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) along the south line of said Section 30, a distance of 1374.60 feet, to the POINT OF BEGINNING; thence N88°32'14"E, continuing along said south line, a distance of 1061.19 feet, to a point on the west right of way line of Highway 115; thence S43°38'56"W, along said west right of way line, a distance of 281.38 feet; thence S17°46'22"W, continuing along said west right of way line, a distance of 94.69 feet; thence S88°31'45"W, leaving said west right of way line, a distance of 549.95 feet, to a point on the easterly line of that parcel described in that Warranty Deed recorded April 6, 2018 under reception no. 218038987 in the Official Records of El Paso County, Colorado, thence along said easterly line the following four (4) courses; N01°28'16"W, a distance of 65.06 feet; S88°31'44"W, a distance of 161.94 feet; N34°00'35"W, a distance of 167.35 feet; N01°28'16"W, a distance of 65.89 feet, to the POINT OF BEGINNING. Containing 229,246 Sq. Ft. or 5.263 acres, more or less.

Parcel 5
A portion of the land described in that Quit Claim Deed recorded October 17, 2017 under reception number 217125519 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: BEGINNING at the northwest corner of the land described in said Quit Claim Deed, being a point on the south right of way line of Pawnee Road; thence along said south right-of-way line, N72°32'58"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) a distance of 111.64 feet; thence continuing along said south right of way line, along the arc of a non-tangent curve to the right, whose center bears S16°48'21"E, having a radius of 217.08 feet, a central angle of 49°48'38", a distance of 189.24 feet; thence S57°23'31"E, continuing along said south right of way line, a distance of 640.01 feet, to a point on the west right of way line of Highway 115; thence along said west right of way line along the arc of a non-tangent curve to the right, whose center bears N70°59'39"W, having a radius of 2754.90 feet, a central angle of 03°40'39", a distance of 176.83 feet; thence S89°02'55"W, leaving said west right of way line, a distance of 455.43 feet; thence S00°57'05"E, a distance of 50.00 feet, to the easterly most northeast corner of Lot 1, Merston Subdivision, recorded 4 May, 2007 under reception number 207712576 in said Official Records; thence along the north line of said Lot 1, S89°02'55"W, a distance of 299.84 feet, to an angle point of said Lot 1; thence along the east line of said Lot 1 and the east line of the land described in said Quit Claim Deed, N01°00'14"W, a distance of 565.09 feet, to the POINT OF BEGINNING. Containing 347,274 Sq. Ft. or 7.972 acres, more or less.

Parcel 6
That parcel as described in that Special Warranty Deed recorded on December 18, 2019, under Reception No. 219160847 in the records of the El Paso County Clerk and Recorder's Office Containing 402,374 Sq. Ft. or 9.237 acres, more or less.

Parcel 9
Block 11, Rock Creek Mesa Subdivision Addition No. 2 recorded March 11, 1959, in Plat Book A-2, Page 30 in the records of El Paso County Clerk and Recorder's Office. Containing 62,928 Sq. Ft. or 1.445 acres, more or less.

CONSULTANTS:

PLANNER:
Matrix
2435 RESEARCH PARKWAY, SUITE 300
COLORADO SPRINGS, CO 80920
PHONE: (719) 575-0100
FAX: (719) 575-0208

OWNER/DEVELOPER:
COLORADO SPRINGS EQUITIES LLC
90 S CASCADE AVE, SUITE 1500
COLORADO SPRINGS, CO 80903
(719) 400-7320

VICINITY MAP:



PROJECT:

ROCK CREEK MESA
EL PASO COUNTY, COLORADO
SECOND SUBMITTAL: FEBRUARY 12, 2021

REVISION HISTORY:

NO.	DATE	DESCRIPTION	BY
0	11/23/2020	INITIAL SUBMITTAL	RAF
1	02/12/2021	REVISED PER COUNTY COMMENTS	RAF

DRAWING INFORMATION:

PROJECT NO: 20.224.011
DRAWN BY: RAF
CHECKED BY: JRA
APPROVED BY: JRA
SHEET TITLE:

ZONE MAP

ZC01

SHEET 01 OF 01

PCD FILE NO.:

TO: John Green
El Paso County Planning Department

RE: Rezone Rock Creek Mesa

Hello John,

I will not be able to make the meeting tomorrow, but wanted to relay some thoughts I have concerning this project. I live on Piute Road right across from the proposed project, so have a vested interest.

I'm not going to address the project per se, but rather zoning issues we have had here, even before this project was proposed. The County made a GRAVE error when a plat map was approved for this subdivision but DID NOT require a rezone, even though the lots here are small (not even close to the F-5 requirement for 5-acre lots) and the County SHOULD HAVE REQUIRED A REZONE (to a residential zone) before the map was approved and recorded.

In the last few years, the Planning Department has been forcing F-5 lot setbacks on these small lots. So anyone wanting to change out their existing home or build a new home are encountering a demand for 25-foot setbacks from all lot lines. THIS IS RIDICULOUS. And we are encountering it only because the Planning Department made a mistake when they allowed the map to be recorded without a rezone.

So I propose that if this current project is approved, that the County either automatically approve a rezone for the existing map area, or issue a written proclamation that they will not hold the lots to F-5 setback requirements.

Quite frankly, I'm surprised that no homeowner has taken this issue to court. But perhaps this is a good time for the County to remedy the situation.

Regards,

Sharon Blanding

Re: application 209 proposal to rezone parts of Rock Creek Mesa and future development

I oppose the proposed traffic signal at highway 115 and Pawnee as it will be an additional hazard to the already precarious Hwy 115 drive. This traffic signal would be at the top of hill where the truckers will not be able to gain traction in winter and where there will be additional backups and possibly massive pile ups.

The fully loaded trucks heading North from the quarries would block both lanes causing huge backups and massive road rage. Half of the drivers down here are already armed and a quarter of them are idiots.

Andy Fowler
Resident Red Rock Valley.

John I'm sure you have received many emails regarding this light. I definitely OPPOSE this action for the safety of those directly impacted which I am one. This light will only constrict the flow of traffic by causing backups and in winter there will be a very dangerous problem with truckers and general traffic having to stop when waiting on that proposed plan. Unless you actually live out here you have no idea what the traffic looks like. We have been blessed with the increase law enforcement over watching because of heavy traffic, semi code enforcement, accidents and general careless driving. Appreciate what you think is a good idea but again, unless you live here and drive 115 you have no clue as to what goes on here and just how deadly this highway is. Again I OPPOSE THIS PLAN

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Hello Mr.Green. I am reaching out to you with a concern about building homes where the trailer parks only playground is. My main concern is the trailer court has only one entrance and exit and in the event of a wildfire the only other emergency option would be to drive thru the field to escape out of a fire. If homes are placed there it would severely impact a fire evacuation from the trailer court. I hope you can take this into consideration in this matter because I'm not sure this was ever thought about in the plans or how tragic it could become for the many people that would be in danger. Thank you for your time have a very blessed day.

I drive in and out of the Rock Creek Mesa housing area as I live off of Rock Creek Mesa Road. A traffic light at the top of the hill is extremely dangerous, especially for heavy trucks trying to drive up the hill. This traffic light will not do as it will cause a very dangerous driving situation.

There is no need to redistrict from forest to whatever to build the houses. So why go to that effort?

Barbara Nelson

Dear John Green & Associates, El Paso County,

As a citizen of Southern El Paso County, living many years in the SH115 corridor, I wish to voice my opposition to the proposed rezoning at Rock Creek Mesa. We, the citizens, of the SH115 corridor, have placed our trust in El Paso County to respect provisions of our current zoning. The proposed rezoning will greatly benefit only a wealthy developer. The proposed congestion and destruction of this beautiful landscape will come at a shameful price born by all the rest of the corridor's citizens who will be denied the beauty and left with an ugly overgrown future slum, contrary to the promises of our long treasured zoning.

Years ago El Paso County agreed to the shameful "scar on the mountain" over the opposition of nearly every Colorado Springs citizen, leaving us with the defacing of our otherwise beautiful mountain (formerly known as "America the Beautiful" by the world). Must you repeat this act of stupidity with our remaining gorgeous travel corridor?

Traffic lights are a significant financial Burdon on any municipality; lights require nearly constant maintenance and they are well known traffic hazards that cause countless automobile accidents every year. The proposed location of this traffic light is in close proximity to another traffic light. The proposed location is at the crest of a hill therby limiting sight distance from any direction. If an access must be built then the wiser option would be to require the developer to build an overpass. The current proposal is another attempt by the developer to slip it to the citizens while minimizing his own obligations.

Please do not be suckered into approving this unwarranted intrusion into the lives of our corridor's citizens.

Thank you,

Paul Reinsma, P.E.

June 24, 2021

Dear John Green (johngreen@elpasoco.com) and El Paso County Officials,

I oppose the proposed rezoning (RS-5000) and the traffic signal at highway 115 and Pawnee.

An additional light would cause an even more dangerous drive on Hwy 115.

Besides, there already is a nearby light to the Pawnee location since 2015. This is a high speed highway with vehicles driving 60 miles an hour in both directions. With traffic already coming to a stop at the bottom of the hill on 115, there is no need to place another light at the top. We have weather that can cause visibility issues due to snow and fog and heavy down pours of rain and the highway has already been made wider to address safety in 2015.

Adding over 150 new homes on Rock Creek Mesa Road is impossible to imagine and will change our lives forever. More people means dangerous traffic issues, overflowing waste, increased incidents of crime, and let us not forget the fear of not being able to escape when a fire breaks out.

It is irresponsible to the community of Rock Creek Mesa to allow these changes. Just say No to RS-5000 as the wins far outweigh the risk of loss. It is personal when you feel your County doesn't care that you played by the rules to build a home here but allow others to break the rules to build 160 homes to make a profit. This new developer didn't buy the lots to plant trees and that is what the lots are only zoned for. We invested up the road on Rock Creek and continue to work hard to build our dream home and we are careful to follow the rules. Play fair! When did it become okay for El Paso County to disregard Us in the Master Plan (Southwest Hwy 115 Comprehensive Plan) ?

Do the right thing. Preserve the beauty and nature of this region that inspired the State to open a park and allow the land to remain preserved. There are plenty of opportunities in the County to build housing and we are seeing that progress in 2021. Do not destroy the peace that is found here by inviting more families that this land cannot support. There cannot be a way to ensure everyone will be safe in the event of a fire and the need to evacuate when the reality is this is rural land with only one road in and only one road out. Say No and protect Us please! Do not enable a developer to come in and change the zoning laws as if you do, you will invite problems for El Paso County and Colorado Springs. Fire protection is everyone's problem. Please, we cannot stand by and watch our homes go up in flames because the fire trucks couldn't get there when the proposed housing is too condensed.

Respectfully,

Irene Pallon 410 Rock Creek Mesa Rd 80926

Mr. Green,

It has come to my attention that the proposed development in the areas adjacent to Pawnee Road includes a plan to install a traffic light at the intersection of Pawnee Road and Highway 115. Obviously there is a need to address the burgeoning numbers in traffic that would evolve from the drastic increase in density proposed here. Nonetheless, there are some clear objections to be raised.

Although the widening of Highway 115 a number of years ago included decreasing the incline of the hill, it remains a challenge in both directions, especially when the surface is wet or icy. Why tempt the odds by placing a signal at the top of such a hill?

The entire population of this proposed development will have one and only one exit from here. I agree there is a great need to provide the means to control the increased flow of traffic the proposed development will generate. There again is a hill on Pawnee, albeit small compared to Highway 115; yet another potential for frequent accidents at that intersection.

Respectfully,

Gail Patterson

-----Original Message-----

From: Gail Patterson <gcpat@earthlink.net>

Sent: Sunday, March 28, 2021 10:42 PM

To: John Green <JohnGreen@elpasoco.com>

Subject: Opposition to rezone Rock Creek Mesa

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

To whom it may concern:

This neighborhood has been my home for 27 years. Sharing this area with the deer, fox, coyote, bears, flocks of wild turkeys and nesting hummingbirds to name a few has been a distinct pleasure and joy. There is a quietude in the environment of this neighborhood that would disappear in the urbanization of these proposed areas. Not only would we be bombarded with the escalation of activity and noise, but the beauty of our surroundings will become obscured. The wildlife will be driven from the area and perhaps the "fragile ecosystem" as I've heard it described at Cheyenne Mountain State Park, could even become endangered. Then there's the question in my mind of just how this area, if so densely populated, could be quickly and efficiently evacuated in the event of a wildfire. Truly not a trivial concern. There are numerous additional points I could touch upon, but these are the highest on my list.

Gail Patterson
8160 Piute Rd.
Lot 224

Mr. Green-

I oppose the proposed traffic signal at highway 115 and Pawnee as it will be an additional hazard to the already precarious Hwy 115 drive. This traffic signal would be at the top of a hill where the truckers will not be able to gain traction in winter and where there will be additional backups and possibly massive pile ups. It is already a dangerous highway that is not properly maintained by CDOT.

I also oppose the rezoning RS-5000 at the Rock Creek Mesa, Highway 115 area. We need MORE open spaces in El Paso County, Colorado not less. Keep the current zoning and let the builder build on that, he was perfectly aware of the zoning when he bought all the land there. Also, the lack of WATER is another issue why he should not over build that area.

Regards-

Kathie Rawson

Dear John Green and El Paso County Officials,

I oppose the proposed traffic signal at highway 115 and Pawnee. As we all know an additional light would cause an even more dangerous drive on Hwy 115. Besides, there already is a nearby light to the Pawnee location. There is no need for a light on Pawnee.

No one wants to drive on a high speed highway to find two closely positioned lights on the top of hill especially during bad weather. I have driven on Hwy 115 by Pawnee with White Out conditions due to snow, fog, and yes even heavy down pouring rain. I was terrified. Thank goodness there was not another light during those times. I still hear about terrified drivers going to and from Colorado Springs.

I do not want to be in an accident because some developer wants to change the rules just to enrich his or her bank account.

Also, when did it become okay for the El Paso county to disregard those citizens that followed the rules of the Master Plan (Southwest Hwy 115 Comprehensive Plan) and then let some developer come in and proceed to demand changes on a piece of property that he or she knew what the rules were ahead of time?

To enable a developer to come in and change the zoning laws is setting up lots of negative problems for El Paso County Colorado Springs. What about fire protection? The proposed housing is too condensed.

Respectfully,

Sharon Reinsma

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I have lived in the Rock Creek Mesa community for 21 years. I came to Rock Creek Mesa for the aesthetics, for the peacefulness and quiet nights, stargazing, and the wildlife. Restructuring our "country" way of life to "big city" life is everything I moved away from. I can't imagine it differently. This will cause me great distress. The stress I will encounter from the barrage of noise from construction machinery and trucks, the pollutants from construction machinery and trucks, the overpopulation in a very limited space, the fear of negligence in fire safety, and fear of my own safety and well being.

I oppose the for the following reasons:

The cost of infrastructure to the community goes far beyond the builder's pockets. The aftermath of the zoning will require additional expenditures reaching in the millions of dollars. Such expenditures include:

- Restructuring our fire department: new equipment & vehicles/increased personnel/new building
- Restructuring Sheriff's Dept: increased policing/increased personnel
- Traffic Flow on Hwy 115: widening streets/extra lanes/perpetual repairs
- Schools: build new schools (Ft Carsen will not be able to take on much more, if any, new students)/loss of student bussing
- High density housing: fire will quickly spread to neighboring houses, destroying a whole community

Restructuring the community will eventually be the burden of the Rock Creek Mesa taxpayers. It is unconstitutional to enforce higher taxes for purposes of another's profit, especially, one who has no regard for the community, its people and its landscape.

In 2014, the average household income for this area was approximately \$27,000/annually. I can be certain it has not changed, if any, by much. The rezoning proposal will put the burden of these costs on taxpayers who live paycheck to paycheck. We expect our elected officials to act and respond accordingly by voting against the issue of rezoning and prevent the destruction of our beautiful community. It is unimaginable to think that they would vote otherwise. If they don't vote against rezoning, they are not true Coloradans.

It would be disconcerting to think our elected officials would vote to enhance the wealth of others, rather than to protect its community's way of life, their welfare (physical, emotional and financial), the safety of the community, our children's safety and education, and wildlife preservation. All must be considered when rezoning and restructuring the landscape, as follows:

1) Safety:Fire

- A) Patio Apartments/Condos - Fire safety awareness.
 - Tossing cigarettes off the balconies
 - Tossing fireworks off the balconies
 - BBQs on balconies
- B) High Density Housing
 - one house fire can burn a whole community down;

-fire will spread immediately to the neighboring homes and each home will spread the fire exponentially.

C) Natural Disaster

-Road Congestion/Roadblocks further endangering residents;

-Lack of Exits (Ingress and Egress) for the number of cars leaving simultaneously during evacuations;

-Increased risk of property loss (home and land);

-Increased risk of loss of life.

2) Safety:Policing

Increased crime rate;

Predators coming into the community;

-Children won't have the freedom and safety to play outdoors as they currently do;

-All Properties (Home and Personal) will have to be secured at all times.

3) Destruction of Nature and its Habitat

A) Natural Aesthetics

-Hwy 115 South is the most beautiful scenic highway in Colorado Springs wherein high density housing will tarnish such landscape;

-The increase in population will increase debris and pollution;

-The increase in population will take away the peaceful, quiet community life we currently experience.

B) Wildlife

-It's not summer without the community bear(s) and their pups or the roaming deer and their fawns;

-I work from home and my workstation faces my window. I see so many different birds, many I have never seen before. I have only taken an interest in birds since working from home watching them perch on my backyard tree. I have yet to identify all the birds I've seen. I have definitely identified the Mexican Spotted Owl perched on my branch staring me down. Also perched on my branches are blue jays and cardinals, and birds I can only describe as not belonging to this area.

C) Public Health Concerns

- Emotional Distress & Wellness

due from Overcrowding the area

due from Noise Pollution

due to Construction interference and noise related to non-stop machinery, equipment and trucks;

due Air Pollution from construction machinery, equipment and trucks.

Thank you for considering my opposition to this matter.

Best regards,

Christine Throw

-----Original Message-----

From: Josselin Valdez <josselinvaldez@icloud.com>

Sent: Friday, April 2, 2021 9:05 PM

To: John Green <JohnGreen@elpasoco.com>

Subject: El Paso County Planning and Community Development Department

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Hello Mr. John I was wondering what would happen if they build the apartments or houses. I also wanted to ask what would happen to Rock Creek Mesa would there be traffic, safety problems, would they put up zone signs, or build a park. Can there be any possible way we can stop this. If there's anything I can do to help stop this please email me back I would be glad to help.

Email: josselinvaldez@icloud.com

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I have been a resident living in Turkey Creek since 1996. Not only has the auto and semi truck quarry traffic increased dramatically, especially in the last 10 years or so, I also oppose the proposed traffic signal at highway 115 and Pawnee as it will be an additional hazard to the already precarious Hwy 115 drive. This traffic signal would be at the top of hill where the truckers will not be able to gain traction in winter and where there will be additional backups and possibly massive pile ups.

I also oppose the rezone the developer is asking for, RS-5000, is ridiculous for this already established neighborhood, as our neighbors to the north (along Hwy 115) adjacent to the proposed development and rezoning are mostly on 20,000 sq ft lots up to many acres.

Thanks for your consideration of my concerns.

Sharon Wright

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Hello John,

My husband and I were present at the neighborhood meeting but did not contribute any comments as we seem to be the minority. (And some of our neighbors have questionable ways).

We just wanted to let you know we support the project and will help in any way we can.

We have been hauling water for 5 years and are completely exhausted. We would be thrilled to have water even if that means re-annexing us into the city. We would rather stay in the county with the lower taxes but that is the only drawback in our opinion.

Please let us know if we can help in any way.

Hope all is going well and moving forward!

Lori and Jeremy King

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, July 15, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITAIN JACK, TIM TROWBRIDGE, ERIC MORAES, AND JAY CARLSON

PRESENT VIA ELECTRONIC MEANS AND VOTING: NONE

PRESENT AND NOT VOTING: BRANDY MERRIAM

ABSENT: GRACE BLEA- NUNEZ AND BECKY FULLER

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER, JOHN GREEN, GILBERT LAFORCE, DANIEL TORRES, LUPE PACKMAN, JEFF RICE, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS) AND EL PASO COUNTY ATTORNEYS MARY RITCHIE AND LORI SEAGO

OTHERS SPEAKING AT THE HEARING: ANDREA BARLOW, WILLIAM PARISH, JIM BEYERS, JASON ALWINE, LORI KING, DANNY MIENKA, BROOKE TEAL, GLEN BUTTS, ROBIN SMITH, JAMES CHLEAN, ELIZABETH CULLER, CHIEF WRIGHT, JEFF DAZ, FELICIA GRILLO, AND BEAU WORTHINGTON

Report Items

- 1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:**
 - a) The next scheduled Planning Commission meeting is for Thursday, August 5, 2021 at 1:00 p.m.**



- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- B. Public Input on Items Not Listed on the Agenda – NONE**

2. Annual Meeting and Election of Officers

The Sunshine Law was presented at the first of the year and therefore did not need to be reviewed at this time.

Ms. Lucia-Treese nominated **Mr. Risley** as Planning Commission Chair seconded by **Ms. Brittain Jack**. **Mr. Risley** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nominations. Motion passed unanimously to close nominations. Motion passed 6-0 to appoint **Mr. Risley** as Planning Commission Chair. **Ms. Lucia-Treese** nominated **Mr. Bailey** as Vice Chair seconded by **Mr. Carlson**. **Mr. Bailey** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nomination. Motion passed to close nominations. The motion passed 6-0 for **Mr. Bailey** as Vice Chair.

CONSENT ITEMS

- 3. **A. Approval of the Minutes – June 17, 2021**
The minutes were unanimously approved as presented. (7-0)

- B. SF-21-014** **HOWSER**
VACATION AND REPLAT
CLOVERLEAF FILING NO.1

A request by PT Cloverleaf, LLC, for approval of a vacation and replat of three parcels, collectively representing a portion of one platted (1) tract, into three (3) single-family residential lots. The three parcels total 1.5-acres and are zoned RS-20000 (Residential Suburban) and are located north of Leggings Way, east of Bowstring Road, approximately 0.34 miles northeast of the Higby Road and Jackson Creek Parkway intersection and within Section 23, Township 11, and Range 67 West of the 6th P.M. (Parcel No. 71231-02-047, 71231-02-048, and 71231-02-050) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3B, SF-21-014, FOR A VACATION AND REPLAT FOR CLOVERLEAF FILING NO. 1 UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-039, WITH THIRTEEN (13) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

C. MS-21-001

GREEN

**MINOR SUBDIVISION
D. JOHNSON SUBDIVISION**

A request by Delroy and Janet Johnson for approval of a minor subdivision to create four (4) single-family residential lots. The 28.62 acre property is zoned RR-5 (Residential Rural) and is located on the west side of Highway 83 approximately one half (1/2) mile north of the intersection of Highway 83 and Old North Gate Road and is within Section 34, Township 11, and Range 66 West of the 6th P.M. (Parcel No. 61000-00-157) (Commissioner District No. 1)

PC ACTION: BAILEY MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3C, MS-21-001, FOR A MINOR SUBDIVISION FOR D. JOHNSON SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-038, WITH THIRTEEN (13) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

D. PUDSP-20-005

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FALCON MEADOWS AT BENT GREASS**

A request by Better Land, LLC, and Challenger Communities, LLC, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 267 single-family residential lots. The seven (7) parcels, totaling 67.01 acres, are located along the northwest side of Bent Grass Meadows Drive, approximately 0.7 miles east of the intersection of Meridian Road and Bent Grass Meadows Drive and are within Section 1, Township 13 South, Range 65, West of the 6th P.M. (Parcel Nos. 53010-00-019, 53012-01-061, 53012-01-062, 53012-01-063, 53012-04-005, 53010-00-023, and 53012-04-006) (Commissioner District No. 2)

Item PUDSP-20-005 was requested to be pulled from the Consent calendar and heard as a Regular item with an abbreviated presentation. It was heard after all the Consent items.

Ms. Parsons gave an abbreviated presentation of the project, she also read the criteria of approval into the record.

Mr. Carlson – My main concern is trying to understand what was of record and what we're amending. Were there density changes? What was the change?

Ms. Parsons – Referring to the PUD from 2006 (Ms. Parsons full report is part of the public record) You are basically modifying the lot layout, the street pattern and incorporating the development of lots. The regional trail corridor will be brought up from south to north and to the west and recommending approval of a large open space tract be located at the northern property line. You are also approving a greater buffer of 50 feet and then the detention instead of having the setback on the rear of the lots, you would be modifying that to have a buffer plus the detention tract. On the western portion of the property, instead of having the 35-foot setback in the rear of the lots, you would be proposing to create a 35 open space tract, then a wall and then the single family lots.

Mr. Carlson – On the northern lots, I believe you said there was a 100-foot setback? **Ms. Parsons** – It was 50 foot. Now we have a large open space between the two developments.

Mr. Risley – I assume the applicant is aware of the proposed modifications? **Ms. Parsons** – We have reviewed them in detail with the applicant.

Mr. Bailey – Can you tell us the purpose of the maintenance access road in the open space tract alongside the wall?

Ms. Parsons – In the case for some reason that the metropolitan district wasn't maintaining that, the county needs the legal and physical access to maintain it. Ultimately, the responsibility will fall with the Bent Gras Metropolitan District. That is fairly standard on all the detention ponds. We need to have legal and physical access.

Mr. Bailey- My question, is that because the whole northern boundary is the channel, is that the reason for the access? It's not just to get down to the detention pond. It seems like access to that will be much quicker from Bent Grass Meadow Drive but is there a need for that maintenance access road along the northern boundary? **Ms. Parsons** – It serves two-fold. There is a 25-foot trail corridor easement that will potentially parallel that access road and that will be determined at the final plat. **Mr. Bailey** – Ok, that does clarify.

Mr. Trowbridge –Why are we being asked to let them build most of the development for the CLOMR (Conditional Letter of Map Revision) in the revised condition 8D?

Mr. Rice – The reasoning for that CLOMR is because if it is needed it would most likely be for offsite improvement which would be involved with other

property owners. **Mr. Trowbridge** – So it's not a drainage issue? **Mr. Rice**- We don't anticipate issues on their site, there could be, but we just don't know. Downstream is where we anticipate where there will need to be a CLOMR. Also, to clarify on the west side of the property that maintenance road will also be used to maintain a drainage swell.

Mr. Risley – What would trigger condition 10? A traffic impact study? **Ms. Parsons** – It would be based on that traffic impact studies that would be submitted with the final plat and other developments in the area. **Mr. Rice** – Basically once a number of trips tries making a left turn there, it becomes a queuing issue or a safety issue, so our criteria requires left turns after certain peak number of trips have been meant to make it safer. **Mr. Risley**- So it is implied it would be triggered by a traffic impact study through the Land Development Code. **Mr. Rice** – Right and the assumption is based on the development it would generate that number of trips. **Mr. Risley** - I just wanted to make sure we aren't creating a grey area. **Mr. Rice** – With each final plat we would get an updated traffic study that counts that traffic that is going through there.

Ms. Barlow – I want to emphasize that the previously approved site specific PUD and Preliminary Plan did not include the area to the south and east of Bent Grass Meadows Drive and that the under original PUD plan the allowed density was 8 to 12 units per acre. That was always intended to be a much higher density in that area.

William Parish – My main concern is having motorized vehicles on that maintenance road. It's important that there are no vehicle signs posted. I am asking to have that fence moved all the way down, about 90 to 110 yards. I am the only lot that has the fence going halfway down my property.

Jim Beyers – To respond about the comment on the wall. We tentatively identified a spot where that would terminate. We intend to build the wall.

Mr. Risley – My understanding is that an agreement between a developer and an adjacent landowner would be imbedded at the final plat stage.

Ms. Parsons - In a nutshell with the existing filing that this particular developer constructed and is still constructing, there was agreement at the final plat that the masonry wall would be extended. The staff did have concerns with the masonry wall being extended across the drainage way. That particular portion of the drainage way is what we are now platting with this plat. I think what the resident is asking for is that the applicant go ahead of time and continue the wall that was agreed upon sooner than what this particular filing is moving.

Mr. Parish – I just want to clarify. I am not asking them to go to the water way, just close to it

Ms. Parsons - Staff is reviewing final construction drawings with the final plat submittal. For obvious reasons we would want to allow the improvements of the channel and detention before we place something that would interfere with the construction. That is why staff didn't have a concern with the installation of the wall at this time.

Mr. Risley – We are hearing the Preliminary Plan today and that it really doesn't apply to the approval criteria but acknowledging that there is an ongoing discussion.

Mr. Moraes – I don't know if we can prevent private vehicles being on there versus the county vehicles going out there. **Ms. Parsons** – The vehicle that would on there would just be the maintenance vehicle. If someone were to trespass on this private property that would be up to the Sheriff's department to enforce that, not the Planning and Community Development Department.

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3D, PUDSP-20-005 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR FALCON MEADOWS AT BENT GRASS, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-036, WITH ELEVEN (11) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

E. PUDSP-20-006

HOWSER

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
EAGLE FOREST**

A request by Eagle Forest Development, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for nine (9) single-family residential lots. The 44.19-acre property is located on the north side of Shoup Road, approximately one-half (1/2) mile west of Herring Road and within Section 8, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52080-00-071) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3E, PUDSP-20-006 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR

EAGLE FOREST, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-037, WITH EIGHT (8) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

**Regular Items
4. VA-21-001**

GREEN

**VARIANCE OF USE
BLACK FOREST MEADOWS**

A request by Deborah and Edward Ritchy for approval of a variance of use to allow a business event center. The 20-acre parcel is zoned RR-5 (Rural Residential) and is located approximately one-quarter (1/4) of a mile north of the Goshawk Road and Hodgen Road intersection along the west side of Goshawk Road and is within Section 23, Township 11 South, Range 65 West of the 6th P.M. (Parcel No. 51230-00-017) (Commissioner District No. 1)

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a variance of use. He then gave his full presentation.

Note for the record: The Planning Commission took a brief break after Mr. Green's presentation in order to allow the Board of County Commissioners to come back into the hearing room and adjourn their hearing that was held earlier in the day.

Mr. Trowbridge – How many events do you anticipate holding per week, per month?

Ms. Ritchy – We are planning on seasonal events so, June through September possibly October, maybe twenty events per year with one event per weekend.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – Having grown up in Black Forest I am always interested in projects that are sensitive to the contextual surrounding of the forest but are also ways of creating economic activity in Black Forest as well. In my opinion, it looks like a well-balanced project and I wish you the best.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, VA-21-001 FOR A VARIANCE OF USE FOR BLACK FOREST MEADOWS, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-041, WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

5. P-20-009

GREEN

**MAP AMENDMENT (REZONE)
ROCK CREEK MESA**

A request by Colorado Springs Equities, LLC, Golden Eagle Ranch LLC, and New Direction IRA INC, for approval of a map amendment (rezoning) of 37.26-acres from F-5 (Forest) to RS-5000 (Residential Suburban). The six (6) parcels included in the request are located west of the intersection of Colorado Highway 115 and Pawnee Road, approximately one-half (1/2) mile south of the City of Colorado Springs incorporated boundary and are within Sections 30 and 31, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65303-00-017, 65303-00-022, 65304-00-009, 65304-01-001, 65312-00-007, 75000-00-236) (Commissioner District No. 3)

Note for the record: **Mr. Carlson** recused himself from hearing this item due to a professional relationship with the applicant. Quorum is still in place with six voting members.

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a map amendment (rezone). He then introduced the applicants' representative **Mr. Jason Alwine** give their presentation.

Mr. Mientka – In my mind this application represents solid planning. We are across the street from Fort Carson, our largest employer, we are in an environment where housing is at a critical shortage. So, when we look at this particular piece of real estate, we ask how it can best benefit the community and make sense within its surroundings. This application doesn't come without a history. The majority of the land I have owned since 1995 so I have been a neighbor in the community, and I understand there are concerns and anxiety with change and I welcome their concerns. The reality is that this is a balanced zoning application. This property could have been developed in 1995, but there isn't any water available, there is an existing water district, but it hasn't been able to issue taps. Coincidentally I owe about 16 acres north of this property that is within the City of Colorado Springs limits. From that effort we looked at the opportunity to serve this property. When you run the economics on the utility extensions it's about density. We would love

to have 400 or 600 units in order to make economic sense of utility extensions. We tried to balance out an amount of density that is compatible with a highly dense mobile home park and others' that have larger lots. In order for us to get the utilities to serve Rock Creek Mesa, we needed to get a couple things, the density and the Springs utilities to serve out of boundary. There isn't going to be thousands of homes. We bring more than just housing for Fort Carson and housing for Department of Corrections. Right now, Fort Carson is short 4300 units for housing and we have a responsibility collectively where possible to protect the base. Housing is a strong motivator for this approval. We have a fire district that is capable, but they lack a dependable supply of water. This proposal gets us a step closer to providing southwest 115 fire protection. Eliminating the water treatment facility is going to be good for everybody up there. We satisfy that from the mobile home perspective. As you hear from folks that are opposed to this that don't want growth and I understand. I bring them stable property values. Let me help you with fire protection.

Mr. Green provided a brief history of the project area. His full presentation is on the public record. **Mr. Green** also noted that since the application was submitted prior to the Master Plan being adopted it was judged against the Southwest Highway 115 comprehensive plan.

Mr. Trowbridge - Can you tell me how this plan complies with 6.1.2 which discourages small discontinuous land development projects?

Mr. Green – In staff's review of this item and looking at what the existing development of the area that would be how it was reviewed what would be discontinuous or not. That it's not a standalone leapfrog development that it would be around existing development in the area, specifically approximately 273 dwelling units, including the mobile home park.

Daniel Torres provided his engineering findings on behalf of **PCD**.

IN FAVOR:

Lori King – We moved into the area about six years ago and we bought a working well at that time and within six months of us living here, the well went dry and we had well technicians come out and they said it's a common issue in this area. We have water delivered. At that point we went to the rock creek water district and they told us they would not be able to take on new customers due to low water as well. We have called every water district in and out of town and they are all saying they can't. We are concerned about a large fire. We just wanted to speak up and ask for the critical resource of water.

IN OPPOSITION:

Brooke Teal – I'm a resident of the mobile home park and my main concern is egress in case of a wildfire. Although additional water is important, it means

nothing if there is a fire coming down and we have no way out. It's not a matter of if, it's a matter of when it burns. Adding a hundred or so homes on that park with only one way out. Our fire department is mostly volunteer.

Glen Butts - I'm curious how Piute inward is still just one road. He talked about bringing in water, no sewer, we haven't had a septic system, I'm just curious about natural gas, we are all on propane. Is that something that's going to come in too? We did truck water during the drought; we're not hauling now. It's only happened a few times in many years that I know of. Development is inevitable. My biggest complain is that we all had to comply to the F-5 building.

Robin Smith – I'm directly above the planned development. I'm happy to see they've added plans on things like having a playground. I do believe it is a good location, the other one is too small with limited access. One of the things I've been worried about with having kids running around, with them taking out the only playground we had because when kids don't have something to do they become destructive. I want to make sure we keep our kids safe. The only thing is that they don't own that land yet. Currently our roads going up and down are very small. We have no sidewalks, so people currently walk in the road. We need more infrastructure before we add more residents.

James Chlean – I'm completely opposed because it's going to completely change our neighborhood. The population density is going to increase so much that is going to create a lot of problems, we don't have road or sidewalks. I do understand the fire concerns. I believe our area is a wildlife corridor. It will completely change the character of our area. I think building would be reasonable if it was kept the same way. Adding more people will increase traffic, crime and add more stress on our first responders. I don't believe it's just grass land that they are going to develop, two of the parcels are F5 for a reason, animals need those areas. I just would hate to see our neighborhood change from the country environment to this dense suburbia

Elizabeth Culler – My only concern is the density. The density is based off the mobile home park but that is only a portion of the neighborhood. I would recommend basing the density off the current single-family homes.

Chief Wright – I'm the fire chief for the south west highway 115 district. I'm here to tell you what I would have to deal with if this is approved. This will require significant upgrade to infrastructure. We are a very small fire district. The 80926-zip code is in a high fire situation. Adding 211 all of a sudden would be a major impact. If this development goes through, we will have no room for expansion. We currently have five feet on all sides. Our response comes from the station that is ten miles south of this location. The fire district wouldn't see any tax revenue for 18 to 24 months after the houses are sold. In talking to the developer, which was a pretty short conversation, the only thing they wanted to tell us was the water that

they are bringing. That water is great except we already have 300,000 gallons sitting up the road. Fire is 5% of what we do. We mostly do medical and traffic accidents. 70% come from that trailer park which is higher density just like you are proposing.

Ms. Brittain Jack – Are you speaking on behalf of the fire district or personal?

Chief Wright - On behalf of the fire district. We're not for or against this. We're just telling you our reality.

Mr. Risley – The staff report indicates your district had been sent a referral copy for the proposal and that there were no comments received. **Chief Wright** – I did send in comments.

Jeff Daz – I've been living in Rock Creek Mesa for 25 years. The water issue has only happened once. My biggest concern is the wildfires. There is only one way in and one way out. The proposed building is right next to the park entrance. It will be dangerous with the proposed stop light at 115 and Pawnee with the truck traffic. The roadways are very narrow and can't support the traffic.

Felicia Grillo – We are a small community and the issue here is water. RS-5000 does not fit into Rock Creek Mesa. Most of the properties are not on 10,000 square foot lots, everyone is on large acreage. The mobile home park is on 42 acres. They are talking about spot zoning, which is illegal. I have pictures to show why there shouldn't be a stoplight on Pawnee. Ms. Gillo's pictures are on the public record. The terrain of the mesa is not just grass. The forestry department does have a letter in requesting the applicant to mitigate all the high fire vegetation prior to building. We believe it should have been RR-.05. This will benefit the developer and not our community.

Beau Worthington – There is an over whelming concern for the unique nature of the area that will be lost and the overwhelming density. We're taking land zoned for agricultural uses to the and converting to the highest density that is allowed by the planning department. Our clients aren't opposed to ever developing this area. They are opposed to the 5000 square foot lots that ignore the historical trends. There are 20 homes in the area that have between 4 acres and 25 acres. Historical trend is to move away from high density development. The applicant is proposing to have half the lot size than which they were originally for. Rock Creek Mesa is not a place for high density, it would lose the rural characteristics of the area. The lots are much bigger outside of the mobile home park. In summation the plan as proposed should be denied by this board for all the reasons you have heard this afternoon.

Ms. Ruiz – I did want to clear the record on the comments by the fire district. We did take a look into EDARP and we did send a request through EDARP and

EDARP reflects that no response was received for the latest request forwarded to the Fire Department. The chief will send the comments via email and will be included for the BoCC. I did want to remind everyone that the request is for a rezone today. Concerns have been brought up about potential roadway alignment and evacuation routes. These types of discussions are not appropriate at the rezone stage as we do not have a specific layout for the lots and roadways.

Mr. Bailey – I would like to hear the staff's perspective about the spot zoning comment.

Ms. Ruiz – This is a unique portion of the county. We have F-5 immediately surrounding the property but if you look at the actual lot sizes, they are actually much smaller than 5 acres and are more similar to suburban development. RM-30 is also in the area, which is our most dense residential zone district. There is also the mobile home park. There are non-conforming lots and non-conforming lot sizes within this area. We have high densities within the RM-30 area and we also have high density mobile home park within the area. As John pointed out, immediately north, the city would permit urban type of development and dense development as well. So, we would not consider this as spot zoning for these reasons. **Mr. Bailey** – Thank you. I didn't either but I just wanted to make sure we were able to address that for the record. **Ms. Ruiz** – We have a lot of these areas in the county because lots were created, and some development occurred prior to there being zoning. Typically when we implement zoning we did a blanket zoning and not pay attention to the land uses or lot sizes, so this is an example of that.

DISCUSSION:

Mr. Moraes – At least twice you went back to the mobile home density and your development in these areas. What is the density outside of the mobile home that five of the properties abut?

Mr. Alwine – We do have various lot sizes, 10,000 to 30,000. It will range anywhere from quarter acre size up 60,000 plus. Anywhere from four units per acre to less than a unit per acre. **Mr. Moraes** – Density of 5.4 and proposed 4.3 but you skip over everything in the middle (referring to the vicinity map). **Mr. Alwine** – Correct, part of that is because we have 300 dwelling units per acre, so its going to skew the numbers. We have a church facility that is almost an acre and half that doesn't allow density. There are multiple parcels that are vacant. From a zoning standpoint we feel we fit in the transitional use, buffering the higher density mobile home park to the existing 20,000-foot homes.

Mr. Trowbridge – I like the idea that the applicant is bringing in utilities. I know the water is an issue up there and if they were proposing to bring this in and making it available to everyone, which is kind of hinted at, seems to be a good thing. Although we are not talking about traffic access, I am sensitive to evacuation in case of fire. I do have that concern with increasing the density up there. I also don't

like the fact it is a half a dozen different parcels scattered up there all over the place. If we were talking about the most eastern lots, I probably wouldn't have a problem. There are too many pros and cons for me to have a clear picture. I don't believe the RS-5000 is compatible

Ms. Lucia-Treese – I share **Mr. Trowbridge's** comments. I do not believe the RS-5000 is compatible with the existing zoning. Going from F5 to RS-5000 I just don't see where there is any compatibility.

Mr. Bailey – The overall context is a large area with significant density in the mobile home park and a very similar sized area of the larger lots the 10,000 and higher, originally zoned lots in the middle. To me the RS-5000 density for the parcels that we are looking at today are compatible. What we have is a transitional area that already has a critical mass of a population. There is certainly demand for housing in that area. We have a property owner who has come up with a way to get water to that area to support that level of density, I think is very consistent with the small area plan. The master plan that looks forward almost specifically addresses and tells us to do stuff like this where we can because the demand for housing in Colorado Springs is not going to decline. The demand is not the same as it was, it is significantly greater today and the places we have that can grow are places like this. This is the kind of thing we have to do in this county. People that have had the benefit of vacant land next to them are going to have to accept the fact that people want to live in close proximity to them. What was rural 30 years ago is not so rural anymore. I don't see any reason we should not rezone this land and approve this application.

Ms. Brittain Jack – I echo that. This is exactly what we have been looking at and what we've done in the eastern part of the county and in black forest, so I don't see the difference. It's across the street from Fort Carson and we need more density and we need more housing in this community because its growing and its going to continue to grow.

Mr. Moraes – I look at the zoning of RS-5000 up north of Pawnee Road and I think that's a decent transition from a dense mobile home park to the 5,000 foot lots and now you hit Pawnee Road and there's that man made break right there and now you actually have development south of Pawnee Road. I look at the development on the south side. Where the minimum lot size is 5,000 square feet but I understand the current lot sizes are about 10,000. I can understand RS-5000 on the south side. The southeast corner I can understand because it abuts the RM30 and along the highway. I can't really make a case for the two larger lots. The far east side we have lots that are larger than an acre surrounding them and on the west side you have lots larger than an acre surrounding them. Now I have to look at the whole agenda item together and if approving all six of these development areas to RS-5000, I am not in support of that.

Mr. Risley – I think this is a fascinating project. I see the benefit of infilling and developing land that was difficult in the past to develop. This is no longer a rural area. In my mind I would rather see land like this developed than true forest land. I certainly understand the concerns of the neighbors and I think that is a situation where the devil will be in the details. We are looking at rezoning and when I look at the approval criteria, I think there is compelling support for a rezone of this nature. To **Mr. Moraes'** comments with having six different parcels the right approach. I think the applicant could have come in with a PUD and it would have created more density in a lot more different ways, so I think because of this approach there is some sensitivity to that aspect as well.

Ms. Ritchie - If a motion to approve fails, the item is deemed denied. If a motion denied fails, a motion to approve must pass in order to approve the item.

PC ACTION: BRITTAIN JACK MOVED/BAILEY SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 5, P-20-009 FOR A MAP AMENDMENT (REZONE) FOR ROCK CREEK MESA, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-040, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS DENIED (3-3). THE ITEM WILL GO TO THE BOCC. LUCIA-TREESE, TROWBRIDGE AND MR. MORAES WERE THE NAY VOTES DUE TO DENSITY AND COMPATIBILITY.

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

MAP AMENDMENT (REZONING) (RECOMMEND DENIAL)

Commissioner Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-20-009

WHEREAS, Colorado Springs Equities, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the F-5 (Forestry and Recreation) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 15, 2021; 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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. That 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. The proposed map amendment (rezoning) is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is not compatible with existing and permitted land uses and zone districts in all directions.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Colorado Springs Equities, LLC, for an amendment to the El Paso County Zoning Map to rezone the following described property located in the unincorporated area of El Paso County from the F-5 (Forestry and Recreation) zoning district to the RS-5000 (Residential Suburban) zoning district be denied by the Board of County Commissioners:

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

Commissioner Bailey seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	nay
Commissioner Moraes	nay
Commissioner Brittain Jack	aye
Commissioner Lucia-Treese	nay

The Resolution was adopted by a vote of 3 to 3 by the El Paso County Planning Commission, State of Colorado.

DATED: July 15, 2021

Brian Risley, Chair

EXHIBIT A

PROPERTY DESCRIPTION:

Parcel 1

A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 30, being monumented by a 2" pipe with a 3 1/4" brass cap, flush with grade; thence S00°21'27"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet), along the west line of said south 1/2 of said Section 30, a distance of 933.38 feet, to the northwest corner of said parcel, being the POINT OF BEGINNING; thence S89°53'27"E, along the north line of said parcel described in said Warranty Deed, a distance of 862.29 feet, to the northwest corner of that parcel described in that Quit Claim Deed recorded under reception no. 216112072 in said Official Records; thence S00°14'59"E, along the west line of said parcel, a distance of 159.62 feet, to the southwest corner of said parcel; thence N89°22'55"E, along the south line of said parcel, a distance of 107.20 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, 521.63 feet, to a point on the north right of way line of Pawnee Road; thence along said north right of way line, along the arc of a non-tangent curve to the right, whose center bears N16°20'24"W, having a radius of 359.82 feet, a central angle of 47°30'00", a distance of 298.30 feet; thence N58°50'25"W, continuing along said north right of way line, a distance of 90.67 feet; thence N59°20'46"W, a distance of 474.68 feet, to a point on the east line of that parcel described in document recorded under reception no. 97036734; thence N00°32'54"E, along the east line of said parcel, a distance of 217.01 feet; thence S89°38'50"W, along 101.00 feet; thence N00°32'54"E, a distance of 66.13 feet; thence N89°27'06"W, a distance of 104.99, to a point on the west line of said Section 30; thence N00°21'13"W, along said west line, a distance of 71.87 feet, to the POINT OF BEGINNING.

Containing 439,347 Sq. Ft. or 10.086 acres, more or less.

Parcel 2

A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence leaving said south line, N00°45'17"W, a distance of 90.68 feet; thence N06°40'14"E, a distance of 59.97 feet; thence N24°15'59"E, a distance of 86.75 feet, to the south right of way line of Pawnee Road, if extended north westerly; thence S58°50'25"E, along said south right of way line, a distance of 55.08 feet; thence continuing along said south right of way line, along the arc of a curve to the left, having a radius of 419.79 feet, a central angle of 45°10'17", a distance of 330.96 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 142.43 feet, to a point on said south line; thence S88°33'14"W, along said south line, a distance of 409.42 feet, to the POINT OF BEGINNING.

Containing 65,120 Sq. Ft. or 1.495 acres, more or less.

Parcel 3

A portion of that parcel as described in that Warranty Deed recorded September 7, 2012 under reception number 212104072 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence

N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence continuing along said south line, N88°33'14"E, a distance of 409.42 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 625.79 feet; thence S89°15'25"W, leaving said west right-of-way line, a distance of 110.00 feet; thence N00°45'25"W, a distance of 597.44 feet; thence S88°33'14"W, a distance of 299.42 feet; thence N00°45'25"W, a distance of 27.00 feet, to the POINT OF BEGINNING. Containing 76,847 Sq. Ft. or 1.764 acres, more or less.

Parcel 4

A portion of that parcel as described in that Warranty Deed recorded May 7, 2014 under reception number 214038156, in the Official Records of El Paso County, Colorado, lying within the NW1/4 of Section 31, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N88°32'14"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) along the south line of said Section 30, a distance of 1374.60 feet, to the POINT OF BEGINNING; thence N88°32'14"E, continuing along said south line, a distance of 1061.19 feet, to a point on the west right of way line of Highway 115; thence S43°38'56"W, along said west right of way, a distance of 281.38 feet; thence S37°46'22"W, continuing along said west right of way line, a distance of 94.69 feet; thence S88°31'45"W, leaving said west right of way line, a distance of 549.95 feet, to a point on the easterly line of that parcel described in that Warranty Deed recorded April 6, 2018 under reception no. 218038987 in the Official Records of El Paso County, Colorado, thence along said easterly line the following four (4) courses; N01°28'16"W, a distance of 65.06 feet; S88°31'44"W, a distance of 161.94 feet; N34°00'35"W, a distance of 167.35 feet; N01°28'16"W, a distance of 65.89 feet, to the POINT OF BEGINNING. Containing 229,245 Sq. Ft. or 5.263 acres, more or less.

Parcel 5

A portion of the land described in that Quit Claim Deed recorded October 17, 2017 under reception number 217125519 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows:

BEGINNING at the northwest corner of the land described in said Quit Claim Deed, being a point on the south right of way line of Pawnee Road; thence along said south right-of-way line, N72°32'58"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) a distance of 111.64 feet; thence continuing along said south right of way line, along the arc of a non-tangent curve to the right, whose center bears S16°48'21"E, having a radius of 217.68 feet, a central angle of 49°48'38", a distance of 189.24 feet; thence S57°23'31"E, continuing along said south right of way line, a distance of 640.01 feet, to a point on the west right of way line of Highway 115; thence along said west right of way line along the arc of a non-tangent curve to the right, whose center bears N70°59'39"W, having a radius of 2754.90 feet, a central angle of 03°40'39", a distance of 176.83 feet; thence S89°02'55"W, leaving said west right of way line, a distance of 455.43 feet; thence S00°57'05"E, a distance of 50.00 feet, to the easterly most northeast corner of Lot 1, Mershon Subdivision, recorded 4 May, 2007 under reception number 207712576 in said Official Records; thence along the north line of said Lot 1, S89°02'55"W, a distance of 299.84 feet, to an angle point of said Lot 1; thence along the east line of said Lot 1 and the east line of the land described in said Quit Claim deed, N01°00'14"W, a distance of 565.09 feet, to the POINT OF BEGINNING. Containing 347,274 Sq. Ft. or 7.972 acres, more or less.

Parcel 6

That parcel as described in that Special Warranty Deed recorded on December 18, 2019, under Reception No. 219160847 in the records of the El Paso County Clerk and Recorder's Office Containing 402,374 Sq. Ft. or 9.237 acres, more or less.

Parcel 9

Block 11, Rock Creek Mesa Subdivision Addition No. 2 recorded March 11, 1959, in Plat Book A-2, Page 30 in the records of El Paso County Clerk and Recorder's Office. Containing 62,928 Sq. Ft. or 1.445 acres, more or less.

RESOLUTION NO. 21-

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

**APPROVAL OF THE ROCK CREEK MESA MAP AMENDMENT (REZONING)
(P-20-009)**

WHEREAS Colorado Springs Equities, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the F-5 (Forestry and Recreation) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 15, 2021, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on August 10, 2021; and

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

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Colorado Springs Equities, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the F-5 (Forestry and Recreation) zoning district to the RS-5000 (Residential Suburban) zoning district;

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

CONDITIONS

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

NOTATION

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 10th day of August, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

PROPERTY DESCRIPTION:

Parcel 1

A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, , lying within the S1/2 of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being more particularly described as follows: COMMENCING at the West Quarter Corner of said Section 30, being monumented by a 2" pipe with a 3 1/4" brass cap, flush with grade; thence S00°21'27"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet), along the west line of said south 1/2 of said Section 30, a distance of 933.38 feet, to the northwest corner of said parcel, being the POINT OF BEGINNING; thence S89°53'27"E, along the north line of said parcel described in said Warranty Deed, a distance of 862.29 feet, to the northwest corner of that parcel described in that Quit Claim Deed recorded under reception no. 216112072 in said Official Records; thence S00°14'59"E, along the west line of said parcel, a distance of 159.62 feet, to the southwest corner of said parcel; thence N89°22'55"E, along the south line of said parcel, a distance of 107.20 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, 521.63 feet, to a point on the north right of way line of Pawnee Road; thence along said north right of way line, along the arc of a non-tangent curve to the right, whose center bears N16°20'24"W, having a radius of 359.82 feet, a central angle of 47°30'00", a distance of 298.30 feet; thence N58°50'25"W, continuing along said north right of way line, a distance of 90.67 feet; thence N59°20'46"W, a distance of 474.68 feet, to a point on the east line of that parcel described in document recorded under reception no. 97036734; thence N00°32'54"E, along the east line of said parcel, a distance of 217.01 feet; thence S89°38'50"W, along 101.00 feet; thence N00°32'54"E, a distance of 66.13 feet; thence N89°27'06"W, a distance of 104.99, to a point on the west line of said Section 30; thence N00°21'13"W, along said west line, a distance of 71.87 feet, to the POINT OF BEGINNING.
Containing 439,347 Sq. Ft. or 10.086 acres, more or less.

Parcel 2

A portion of that parcel described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado, , lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence leaving said south line, N00°45'17"W, a distance of 90.68 feet; thence N06°40'14"E, a distance of 59.97 feet; thence N24°15'59"E, a distance of 86.75 feet, to the south right of way line of Pawnee Road, if extended north westerly; thence S58°50'25"E, along said south right of way line, a distance of 55.08 feet; thence continuing along said south right of way line, along the arc of a curve to the left, having a radius of 419.79 feet, a central angle of 45°10'17", a distance of 330.96 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 142.43 feet, to a point on said south line; thence S88°33'14"W, along said south line, a distance of 409.42 feet, to the POINT OF BEGINNING.
Containing 65,120 Sq. Ft. or 1.495 acres, more or less.

Parcel 3

A portion of that parcel as described in that Warranty Deed recorded September 7, 2012 under reception number 212104072 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N00°21'27"W, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and distance of 2557.86 feet), along the west line of said Section 30, a distance of 802.58 feet, to the southwest corner of the land described in that Warranty Deed recorded September 7, 2012 under reception number 212104071 in the Official Records of El Paso County, Colorado; thence N88°33'14"E, along the south line of said parcel, a distance of 564.56 feet, to the POINT OF BEGINNING; thence continuing along said south line, N88°33'14"E, a distance of 409.42 feet, to a point on the west right of way line of Commanche Road; thence S00°45'25"E, along said west right of way line, a distance of 625.79 feet; thence S89°15'25"W, leaving said west right-of-way line, a distance of 110.00 feet; thence N00°45'25"W, a distance of 597.44 feet; thence S88°33'14"W, a distance of 299.42 feet; thence N00°45'25"W, a distance of 27.00 feet, to the POINT OF BEGINNING. Containing 76,847 Sq. Ft. or 1.764 acres, more or less.

Parcel 4

A portion of that parcel as described in that Warranty Deed recorded May 7, 2014 under reception number 214038156, in the Official Records of El Paso County, Colorado, lying within the NW1/4 of Section 31, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: COMMENCING at the Southwest Corner of Section 30, Township 15 South, Range 66 West, of the Sixth P.M., being monumented by a 2 1/2" aluminum cap stamped, "PLS 28658" flush with grade; thence N88°32'14"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) along the south line of said Section 30, a distance of 1374.60 feet, to the POINT OF BEGINNING; thence N88°32'14"E, continuing along said south line, a distance of 1061.19 feet, to a point on the west right of way line of Highway 115; thence S43°38'56"W, along said west right of way, a distance of 281.38 feet; thence S37°46'22"W, continuing along said west right of way line, a distance of 94.69 feet; thence S88°31'45"W, leaving said west right of way line, a distance of 549.95 feet, to a point on the easterly line of that parcel described in that Warranty Deed recorded April 6, 2018 under reception no. 218038987 in the Official Records of El Paso County, Colorado, thence along said easterly line the following four (4) courses; N01°28'16"W, a distance of 65.06 feet; S88°31'44"W, a distance of 161.94 feet; N34°00'35"W, a distance of 167.35 feet; N01°28'16"W, a distance of 65.89 feet, to the POINT OF BEGINNING. Containing 229,245 Sq. Ft. or 5.263 acres, more or less.

Parcel 5

A portion of the land described in that Quit Claim Deed recorded October 17, 2017 under reception number 217125519 in the Official Records of El Paso County, Colorado, lying within the S1/2 of Section 30, Township 15 South, Range 66 West, 6th P.M., being more particularly described as follows: BEGINNING at the northwest corner of the land described in said Quit Claim Deed, being a point on the south right of way line of Pawnee Road; thence along said south right-of-way line, N72°32'58"E, (Bearings are relative to the North line of the Southwest Quarter of said Section 30, being monumented at the West Quarter Corner by a 2" pipe with a 3 1/4" brass cap, flush with grade, and at the Center Quarter Corner by a No. 6 rebar with a 3 1/4" aluminum cap stamped, "PLS 19825" flush with grade, having a measured bearing of S89°02'57"E and a distance of 2557.86 feet) a distance of 111.64 feet; thence continuing along said south right of way line, along the arc of a non-tangent curve to the right, whose center bears S16°48'21"E, having a radius of 217.68 feet, a central angle of 49°48'38", a distance of 189.24 feet; thence S57°23'31"E, continuing along said south right of way line, a distance of 640.01 feet, to a point on the west right of way line of Highway 115; thence along said west right of way line along the arc of a non-tangent curve to the right, whose center bears N70°59'39"W, having a radius of 2754.90 feet, a central angle of

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03°40'39", a distance of 176.83 feet; thence S89°02'55"W, leaving said west right of way line, a distance of 455.43 feet; thence S00°57'05"E, a distance of 50.00 feet, to the easterly most northeast corner of Lot 1, Mershon Subdivision, recorded 4 May, 2007 under reception number 207712576 in said Official Records; thence along the north line of said Lot 1, S89°02'55"W, a distance of 299.84 feet, to an angle point of said Lot 1; thence along the east line of said Lot 1 and the east line of the land described in said Quit Claim deed, N01°00'14"W, a distance of 565.09 feet, to the POINT OF BEGINNING.
Containing 347,274 Sq. Ft. or 7.972 acres, more or less.

Parcel 6

That parcel as described in that Special Warranty Deed recorded on December 18, 2019, under Reception No. 219160847 in the records of the El Paso County Clerk and Recorder's Office
Containing 402,374 Sq. Ft. or 9.237 acres, more or less.

Parcel 9

Block 11, Rock Creek Mesa Subdivision Addition No. 2 recorded March 11, 1959, in Plat Book A-2, Page 30 in the records of El Paso County Clerk and Recorder's Office.
Containing 62,928 Sq. Ft. or 1.445 acres, more or less.