

# EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM:** Nina Ruiz, Planner III  
 Gilbert LaForce, PE Engineer II  
 Craig Dossey, Executive Director

**RE:** Project File #: P-17-001  
 Project Name: Cordero Map Amendment (Rezone)  
 Parcel No.: 34000-00-378

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Angel Cordero 2020 N. Ellicott Highway Calhan, CO 80808	Angel Cordero 2020 N. Ellicott Highway Calhan, CO 80808

**Commissioner District: 4**

Planning Commission Hearing Date:	2/18/2020
Board of County Commissioners Hearing Date:	3/10/2020

**EXECUTIVE SUMMARY**

A request by Angel Cordero for a map amendment (rezone) of 35.5 acres from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district. The property is located on the west side of Ellicott Highway approximately 1.5 miles north of State Highway 94. The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). The applicant has submitted a concurrent request for approval a minor subdivision to create two (2) single-family residential lots. There are two (2) existing single-family dwellings on the subject parcel. The proposed minor subdivision would allow for the homes to be located on separate lots, which would allow for the independent sale of each lot with a dwelling.

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by Angel Cordero for approval of a map amendment (rezoning) of a 35.5 acre parcel from A-35 (Agricultural) to A-5 (Agricultural).



**Waiver(s)/Deviation(s):** There are no waivers being requested with the proposed map amendment (rezone).

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

**B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

**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:	A-35 (Agricultural)	Non-Conforming Mobile Home Park
South:	A-5 (Agricultural)	Agricultural
East:	A-5 (Agricultural)	Agricultural
West:	A-35 (Agricultural)	Agricultural

**E. BACKGROUND**

The property was zoned A-35 (Agricultural) when zoning was first established for this portion of El Paso County on March 25, 1999. There are two existing dwellings on the subject parcel. The site-built home was constructed in 1979 and the modular home was constructed in 1978. The A-35 (Agricultural) zoning district allows for both a principle dwelling unit as well as an additional dwelling unit. The applicant has requested approval of a map amendment (rezone) from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district. The applicant has submitted a

concurrent application for approval of a minor subdivision to subdivide the parcel into two lots with Lot 1 being 17.72 acres and Lot 2 being 16.60 acres in size.

## **F. ANALYSIS**

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

The property was zoned A-35 (Agricultural) when zoning was first established for this portion of El Paso County on March 25, 1999. When the Eastern portion of the County was zoned, the County chose to apply the A-35 zoning district because it allows for a wide variety of uses and was the most suitable zoning district to be applied to such a large area of land. The selection of the A-35 zoning district did not necessarily consider the future development opportunities of individual properties or the specific character of each local area.

The Board of County Commissioners approved a map amendment (rezoning) of 78.4 acres (PCD File No. P-79-015) adjacent to the southern property boundary of the subject property from unzoned to the current A-5 zoning district in 1979. The Board also approved a map amendment (rezoning) of 19.73 acres (PCD File No. P-82-005) adjacent to the eastern boundary of the subject property on the east side of Ellicott Highway from unzoned to the current A-5 zoning district in 1982. Both rezoning actions occurred prior to the 1999 County-initiated zoning of the area from unzoned to the A-35 zoning district. The proposed map amendment (rezoning) is consistent with the character and is compatible with the historic zoning of the area.

### **2. Zoning Compliance**

The applicant is requesting to rezone 35.5 acres from A-35 (Agricultural), which requires a minimum of 35 acres per parcel, to the A-5 (Agricultural) zoning district, which requires a minimum of 5 acres per lot/parcel. The A-5 (Agricultural) zoning district is intended to conserve agricultural resources and ranching operations and accommodate limited residential use. The density and dimensional standards for the A-5 (Agricultural) zoning district are as follows:

- Minimum lot size – 5 acres
- Setbacks – 25 feet on all sides.
- Maximum building height – 30 feet

The existing structures will meet the dimensional standards of the A-5 zoning district if the map amendment (rezoning) request and concurrently proposed minor subdivision are approved.

### **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 6.2.1**

Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

The subject parcel is adjacent to properties which are zoned A-5 (Agricultural) to the south and east. The two (2) lots within the concurrently reviewed minor subdivision application are proposed to be 16.6 acres and 17.7 acres in size. The proposed map amendment (rezone) and minor subdivision, if approved, would be compatible with adjacent five (5) acre subdivisions and would also be consistent with the policies and recommendations of the Policy Plan.

**4. Small Area Plan Analysis**

The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). The Plan does not have any mapped land use scenarios or area specific policies. Rather, it recommends the demonstration of compatibility with existing surrounding land use in terms of general use, building heights, scale, and density.

The Plan contains language such as:

“In the Ellicott Valley, a mix of urban density satellite communities and rural residential developments should be promoted...Because the planning area has such a large amount of vacant land potentially available for development, it is unrealistic to fully predict where the areas of initial growth focus will or should be. For this reason, decisions regarding specific location and land use mix of future development should be largely left up to the private market.”

The following goals have been used in the review of the applicant’s request:

**Goal 1.C.** Accommodate a balanced mix of urban density and rural residential uses in the planning area in a manner which is sensitive to both existing conditions and the need to preserve future development options.

**Policy 1.8** Encourage new developments to demonstrate compatibility with existing surrounding land use in terms of: general use, building heights, scale, density, dust and noise as applicable.

**Goal 3.A.** Promote the Ellicott Valley Planning Area as a quality residential living environment.

**Goal 3.B.** Allow for a balanced mix of residential densities and housing types in the planning area.

The property is currently zoned A-35 (Agricultural), which allows two single-family dwelling units on one parcel. The subject parcel is located adjacent to properties zoned A-5 (Agricultural) to the south and east. There are two existing homes on the subject parcel having separate wells and septic systems. A concurrent application has been submitted for approval of a two (2) lot minor subdivision. The two (2) lots are proposed to be 16.6 acres and 17.7 acres in size. The proposed subdivision, if approved, would act as a transition between the five (5) acre parcels to the south and east and the 35+ acre parcels to the north and west.

The Plan is generally permissive and, as stated, contains no land use map. The map amendment (rezone) and minor subdivision will not result in an increase in density in terms of dwelling units per acre and the proposal is consistent with the surrounding area in terms of allowed uses, building heights, scale, density, dust and noise. The proposed map amendment (rezone) subdivision will allow for a balanced mix of residential densities. The proposed map amendment (rezone) is in general conformance with 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.

The application was submitted prior to the adoption of the Water Master Plan, therefore, consistency with the Plan is not an applicable review criteria.

#### **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. Colorado Parks and Wildlife was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland 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, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

The property contains the 100-year floodplain. Please see the floodplain section below for further information and background.

## **2. Wildlife**

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

## **3. Floodplain**

FEMA Flood Insurance Rate Map No. 08041C0807G, which has an effective date of December 7, 2018, shows the northeast corner of the subdivision as being located in the 100-year floodplain (Zone A) for Black Squirrel Creek. The applicant has prepared a floodplain certification letter which defines three base flood elevation contours. These will be graphically depicted on the Plat. No structures and no storage of materials are permitted within the floodplain area.

## **4. Drainage and Erosion**

The property is bisected by the Hook and Line Ranch (CHBS1800) and Ellicott (CHBS1600) drainage basins. Both drainage basins are unstudied with no drainage basin or bridge fees.

Water quality capture volume was not provided and was not required per Appendix I of the Engineering Criteria Manual (2016) since the development is low density housing (2.5 acre or larger lots) and having a total lot impervious area of less than 10 percent. A drainage letter was not required since it was deemed unnecessary by the County due to minimal drainage impact a second lot is expected to generate.

## **5. Transportation**

The subdivision is access via North Ellicott Highway. No internal streets are proposed with the subdivision. In accordance with the 2016 Major Transportation Corridor Plan Update (MTCP) the applicant is proposing to dedicate 50 feet of right-of-way along North Ellicott Highway.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

## **H. SERVICES**

### **1. Water**

Water is provided by individual wells.

### **2. Sanitation**

Wastewater is provided by individual onsite wastewater treatment systems.

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District. The Fire Department was sent a referral and responded with the following comments: "The Ellicott Fire department has no objections to the minor sub-division change as described."

**4. Utilities**

Mountain View Electric Association will continue to provide electrical service to the two homes. There is no natural gas service available at this time.

**5. Metropolitan Districts**

The property is within the limits of the Ellicott Metropolitan District. The District does not levy a mill.

**6. Parks/Trails**

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

**7. Schools**

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

**I. APPLICABLE RESOLUTIONS**

Approval       Page 27  
Disapproval    Page 28

**J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (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 A-5 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

## **NOTATIONS**

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

## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on February 3, 2020, for the Planning Commission hearing. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map

# El Paso County Parcel Information

File Name: P-17-001/MS-17-001

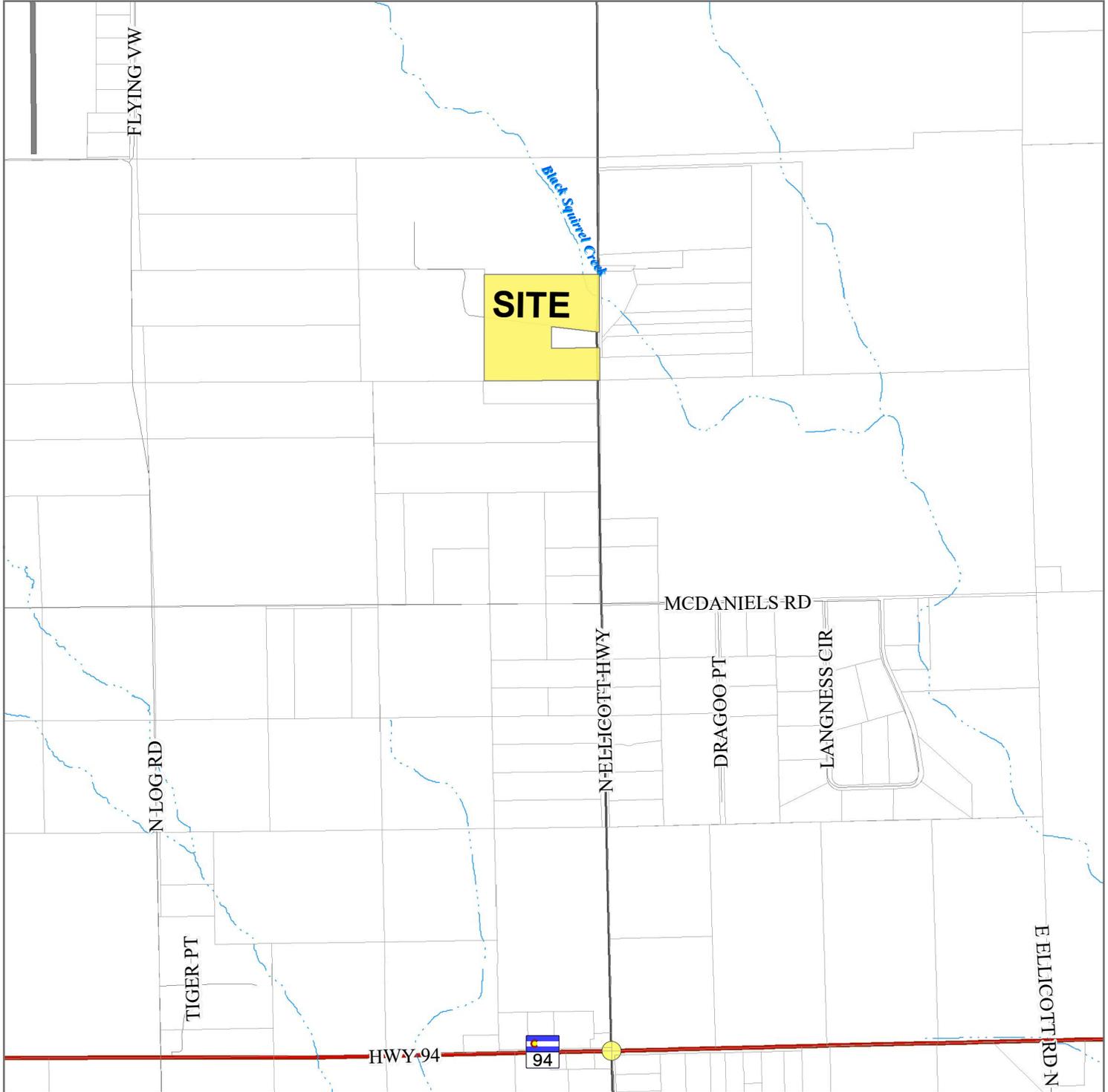
PARCEL	NAME
3400000378	CORDERO ANGEL EMILIO JR

Zone Map No. --

ADDRESS	CITY	STATE
2020 N ELLICOTT HWY	CALHAN	CO

ZIP	ZIPLUS
80808	8829

Date: January 29, 2020



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (9) 520-6600



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## Letter of Intent

11 October 2019

Angel E Cordero Jr  
Owner  
2020 N Ellicott Hwy  
Calhan, CO 80808  
(719) 425-5071

1. Owner/applicant and consultant, including addresses and telephone numbers.  
Angel E Cordero Jr, 2020 and 2030 N Ellicott Hwy Calhan CO 80808, 719-425-5071
2. Site location, size and zoning.  
2020 and 2030 N Ellicott Hwy Calhan CO 80808 (Parcel Number 3400000378), 35.55 acres, A-35
3. Request and justification.  

I Angel E Cordero Jr the owner of real property located at 2020 N Ellicott Hwy Calhan CO 80808 (Parcel Number 3400000378) would like to request a rezoning change from A-35 to A-5. I am submitting a minor subdivision titled Cordero Minor Subdivision where I would like to divide my current 35.55 acre parcel in half, approximately 17 acres in one section and 18 acres in the other section. Each section once divided will have a single family home, one well, and out building/s.

I granted an ingress and egress easement on 16 March 2016 which divides my property approximately in half. It is this new easement which I would like to use as the dividing line for the property to create the subdivision.
4. Existing and proposed facilities, structures, roads, etc.  
2 Single Family Homes, two well, various out buildings. I am not proposing the addition of facilities, structures, roads, etc. at this time.
5. Waiver requests (if applicable) and justification.  
None
6. The purpose and need for the change in zone classification.
7. I am submitting a minor subdivision titled Cordero Minor Subdivision where I would like to divide my current 35.55 acre parcel (zoned A-35) in half. This would account for approximately 17 acres in one section and 18 acres in the other section requiring the change to A-5 from A-35
8. The total number of acres in the requested area.  
35.55 acres
9. The total number of residential units and densities for each dwelling unit type.  
Two single family homes

10. The number of industrial or commercial sites proposed.  
None
11. Approximate floor area ratio of industrial and/or commercial uses.  
N/A
12. The number of mobile home units and densities.  
N/A
13. Typical lot sizes: length and width.  
700'x122'
14. Type of proposed recreational facilities.  
N/A
15. If phased construction is proposed, how it will be phased.  
No phased construction is proposed at this time
16. Anticipated schedule of development.  
I am not proposing the addition of facilities, structures, roads, etc. at this time.
17. How water and sewer will be provided.  
Water: Two wells.  
Sewer: Current septic and leach field
18. Proposed uses, relationship between uses and densities.  
Single family homes, dwelling for single family home
19. Areas of required landscaping.  
N/A
20. Proposed access locations.  
Existing driveways
21. Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads.  
Not required as I am not a developer.

Review Criteria: 7.2.1.D:

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;  
Yes, after review of Master Plan and completion of required documents for proposed subdivision and rezoning, the subdivision is in conformance with the goals, objectives, and policies of the Master Plan
2. The subdivision is in substantial conformance with the approved preliminary plan;  
Yes, the completion of required documents for proposed subdivision and rezoning allow for the substantial conformance with the approved preliminary plan
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;  
Yes, the completion of required documents for proposed subdivision and rezoning ensures all requirements associated with subdivision design standards and regulations are met
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;  
Yes, a depletion analysis has been completed and found to be adequate for the placement of two new wells into the Arapahoe Aquifer within the proposed subdivision. Once the subdivision is approved well permits will be sought for the new wells which will confirm to the limitations outlined in Augmentation Plan FO3344
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;  
Yes, the system comply with State and local laws and regulations as it is currently in place and has been in use for years.
6. All areas of the proposed subdivision which may involve soil or topographical conditions resenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];  
Yes, none exist
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;  
Yes, no changes are proposed current conditions comply with State Statute and requirements of this Code and the ECM
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;  
Yes, public rights-of-way have been requested and granted, recorded easement is in place and functioning in accordance with agreement, all are acceptable to the County in compliance with this Code and the ECM
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;  
Yes, all services are currently in place and functioning
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

Yes, Fire protection has identified capability of coverage for subdivision as they currently provide protection.

11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8

Yes, no impacts as a result of the subdivision nothing is changing, requirements of Chapter 8 continue to be met.

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

Yes, impacts of the subdivision are adequately mitigated. The completion of required documents for proposed subdivision and rezoning ensures all requirements are met.

13. The subdivision meets other applicable sections of Chapter 6 and 8

Yes, the completion of required documents for proposed subdivision and rezoning ensures all requirements are met

14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]

Yes, no changes are proposed as a result of this subdivision, as such extraction of any known commercial mining deposit shall not be impeded.

Very Respectfully,  
Angel E Cordero Jr  
Owner  
2020 N Ellicott Hwy  
Calhan, CO 80808  
(719) 425-5071

**PARKER BETINA S  
TADIARCA CLEVELAND**  
Zoned: A-35 Land Use: Agricultural grazing, rural residential

**PARKER BETINA S  
TADIARCA CLEVELAND**  
Zoned: A-35 Land Use: Agricultural grazing, rural residential

**Ingress/Egress Easement (Rec. # 216027142)** located between Lot 1 and Lot 2.

\*Bunny View as a Private road no longer exists as a result of the Ingress/Egress **Easement**

**Rocky Mountain Calvary Chapel:**  
Zoned: A-35 Land Use: Religious

**CORDERO ANGEL E**  
Zoned: A-35 Land Use: Agricultural grazing, rural residential

**GARINER RENATE**  
Zoned: A-5 Land Use: Agricultural grazing, rural residential, Commercial

**LENZ ARLENE  
JERRY D**  
Zoned: A-35 Land Use: Rural residential

**CANO CONNIE T**  
Zoned: A-5 Land Use: Rural residential

**PATRICK ALMA**  
Zoned: A-5 Land Use: Rural residential

**JONES GRANT L  
JONES TERRY D  
JONES ELDON R ESTATE**  
Zoned: A-35 Land Use: Agricultural grazing, rural residential

**Legal Description**

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PM., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, EXCEPTING THEREFROM THE NORTHERLY 65 FEET THEREOF AND ALSO EXCEPTING THE FOLLOWING TRACT OF LAND DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 1 FROM WHENCE THE EAST 1/4 OF SAID SECTION 1 BEARS S 00°52'33" E, A DISTANCE OF 565.14 FEET; THENCE N 84°01'36"W, A DISTANCE OF 565.14 FEET; THENCE S 00°41'01", A DISTANCE OF 251.53 FEET; THENCE N 88°24'07" B, A DISTANCE OF 562 FEET TO THE EAST LINE OF SAID SECTION 1; THENCE ALONG THE EAST LINE OF SAID SECTION 1 N 00°52'33"W, A DISTANCE OF 177.05 FEET TO THE POINT OF BEGINNING.

Also known by the street address as 2020 N. Ellicott Highway, Calhan, CO 80808.

**Owner/Preparer: Angel E Cordero**  
**Address: 2020 N Ellicott Hwy,**  
**Calhan CO 80808**

N ELLICOTT HWY