

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

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Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 1/11/2024
RE: P235 Map Amendment (Rezone), Overlook at Homestead

Project Description

A request by PT Overlook LLC for approval of a Map Amendment (Rezoning) 350.83 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The item was heard as a regular item at the December 7, 2023, Planning Commission hearing. The property is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. Discussion was primarily focused on if the proposed zone district is compatible with the existing and permitted land uses and zone districts in all directions. The Map Amendment application was recommended for approval by the Planning Commission with a vote of 8-1.

Notation

Please see the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Ms. Fuller moved and Mr. Trowbridge seconded the motion to recommend approval for the Map Amendment (Rezone), with one (1) condition and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-1)**. The item was heard as a regular agenda item.

Discussion

The item was heard as a regular agenda item with public opposition present. The public opposition stated concerns regarding water sufficiency, traffic, and land-use compatibility if the rezoning is approved for a minimum of 5 acre lots. The commissioner who voted for denial stated that they do not believe the criteria for approval was met. They stated that the subject property would not be compatible with the existing and permitted land uses and zone districts in all directions if the rezone were to be approved.

Attachments

1. Draft Planning Commission Minutes from 12/7/2023
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comments.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, December 7, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, JIM BYERS, BECKY FULLER, BRANDY MERRIAM, ERIC MORAES, KARA OFFNER, BRYCE SCHUETTPELZ, WAYNE SMITH, AND TIM TROWBRIDGE.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: SARAH BRITTAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, AND CHRISTOPHER WHITNEY.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLEY MATHY, RYAN HOWSER, ELIZABETH NIJKAMP, EDWARD SCHOENHEIT, MARCELLA MAES, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: KRIS MCKINNEY, SCOTT DONNELL, KEVIN PLIMPTON, NICK BENNETT, JOAN BENNETT, MARGARET FOULKE, MARY ADAMS, MIKE DUNCANSON, DANA KING, CHRISTINE MOHR, JOHN OGREN, STEVE JACOBS, AND KEN BERRY.

1. REPORT ITEMS

A. Planning Department. The next PC Hearing is Thursday, January 4, 2023, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes from meeting held November 2, 2023.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

5. REGULAR ITEMS

A. P235

BAGLEY

MAP AMENDMENT (REZONE) OVERLOOK AT HOMESTEAD

A request by PT Overlook LLC for approval of a Map Amendment (Rezoning) of 350.83 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2).

STAFF & APPLICANT PRESENTATIONS – No subsequent discussion.

PUBLIC COMMENTS

Mr. Nick Bennett spoke in opposition. He spoke regarding water and quoted an article by USGS, *Aquifers and Ground Water* by Water Science School dated October 16, 2019. He is concerned about the existing wells in the area running dry if properties are changed from A-35 to RR-5.

Ms. Joan Bennett spoke in opposition. She stated the ridge called Rattlesnake Ridge in the area is an unofficial sanctuary that animals have moved to following the expansion of Colorado Springs and Monument outskirt developments. She noted that the letter provided by EPC Parks in the project's file identified the area as Swift Fox habitat, classified as a species of special concern. She stated that the developer told concerned residents they should be grateful that rezoning to RR-2.5 hadn't been requested. She doesn't believe the rezone would benefit the water table or wildlife. She would like the land to remain A-35 so as not to cause disturbance. She noted that the EPC Parks letter requested preservation of the forested area (including the ridge) and for a plat with a proposed alignment that allows construction grading averaging less than 10%. She hasn't seen those changes.

Ms. Margaret Foulke spoke in opposition. She provided images to the clerk (now uploaded to the project file). She discussed slope and drainage impacts the later Preliminary Plan will have. She doesn't think it's fair to use the Reata Subdivision as a comparison because it's lower in elevation and more level. She stated Reata doesn't affect the property on the other side of Sweet Rd. If there is going to be 25% lot coverage within the new development, as stated by the applicant, the drainage will be severely impacted. She noted that Mr. Schoenheit's engineering presentation stated the drainage study was not complete (because it is not needed during the rezone stage). She then discussed how the later Preliminary Plan doesn't appear to dedicate land for public use of the open space/park. She stated that she called the State to ask how additional wells can be approved for the Dawson Aquifer when it's already having issues. She stated that she was informed by their office that they're trying to get something passed to restrict new wells having access to the Dawson Aquifer. She thinks the applicant is trying to get their project approved before that restriction from the State. She mentioned that multiple people in her neighborhood have had wells fail.

Mr. Bailey asked for comments related to the Map Amendment (Rezone) approval criteria.

Ms. Foulke stated that LDC criteria of approval is outdated and is not addressing current issues. She spoke about the topography of the area.

Ms. Mary Adams spoke in opposition. She stated the subject area is one of the last open hillsides and she doesn't want to see houses fill the area. She thinks it will be overcrowded. She mentioned wildlife, drainage, and water. She mentioned not understanding how an HOA will be established.

Mr. Mike Duncanson spoke in opposition. He is concerned about water, drainage, and traffic. He stated the Upper Black Squirrel Creek Water Management District provided a letter that didn't

support drilling 62 additional wells into the Dawson Aquifer. He mentioned The Falcon Herald recently published an article about water concerns. He stated drainage from the proposed development (following the rezone) will flow downhill into Reata and Apex subdivisions and cause issues. He then spoke about the increased traffic impacts.

Ms. Barlow responded to public concerns. She reiterated that most of the comments were specific to the Preliminary Plan, which will go through the hearing process in the future. Regarding the County Parks comments (for the Preliminary Plan), the applicant is meeting with that office to discuss concerns. There will be parking for the park. Regarding the comments that the zoning should remain A-35, she noted that the surrounding neighborhoods (Reata and Apex) were also A-35 before being rezoned for the 5-acre lots they are currently, so she doesn't see why dissimilar consideration should be applied to this site. The approval criteria calls for consideration of compatibility. She stated drainage would be addressed with the Preliminary Plan.

DISCUSSION

Mr. Moraes explained that this is a multi-stage process. Consideration for rezoning looks at compatibility with the Master Plan and surrounding land-uses. The next step, the Preliminary Plan, will look at the mentioned issues (i.e., drainage, water, traffic). If a roadblock happens at any stage in the process, progress forward stops. The issues mentioned by the public will need to be solved along that path. He doesn't mind hearing public comments regarding issues that will be evaluated at future stages because current residents are the "boots on the ground". He noted that it appears as if a future roadway connection was planned when the Apex subdivision was platted. He thinks it would be beneficial to keep County and/or construction traffic from using that roadway to prevent deterioration.

Mr. Bailey agreed that those comments are appreciated, but care should be taken as to how much time is spent on concerns that will be addressed at a future stage. He noted that this stage must be addressed before moving too far ahead with specific details (like drainage, water, and traffic mitigation) to ensure those efforts will be beneficial down the road.

Mr. Trowbridge agreed that many of the comments were premature, but he appreciates hearing them and applauds the neighbors "doing their homework". He reiterated that water decisions are controlled by the State. The State's water requirement is 100 years, but the County requires sufficiency findings for 300 years. He encouraged the neighbors to follow the project on EDARP to view updated documents along the process.

Ms. Fuller reiterated that the only criteria that can be evaluated at this time is for rezoning, which does not include consideration of water or drainage. She encouraged neighbors to utilize the approval criteria at each stage. Traffic and water concerns are common. The board relies on the expert guidance provided by the County Engineer and County Attorney. She will be in favor of the current application.

PC ACTION: FULLER MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER P235 FOR A MAP AMENDMENT (REZONE), OVERLOOK AT HOMESTEAD, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-1).

IN FAVOR: BAILEY, BYERS, FULLER, MORAES, OFFNER, SCHUETTELPELZ, SMITH, AND TROWBRIDGE.

IN OPPOSITION: MERRIAM.

COMMENTS: Ms. Merriam explained that she believes the County is losing A-35. She only sees partial compatibility and/or suitability with the criteria.

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P235
OVERLOOK AT HOMESTEAD REZONE

WHEREAS, N.E.S. 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on December 7, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

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

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

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

CONDITION

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.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that

was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

Trowbridge seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / <u>absent</u>
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	aye / <u>no</u> / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / <u>absent</u>

The Resolution was adopted by a vote of 8 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 7th day of December 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A

DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902;

THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHWEST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: P235
Project Name: Overlook at Homestead Rezone
Parcel Number: 4100000255, 4100000256, 4122000005

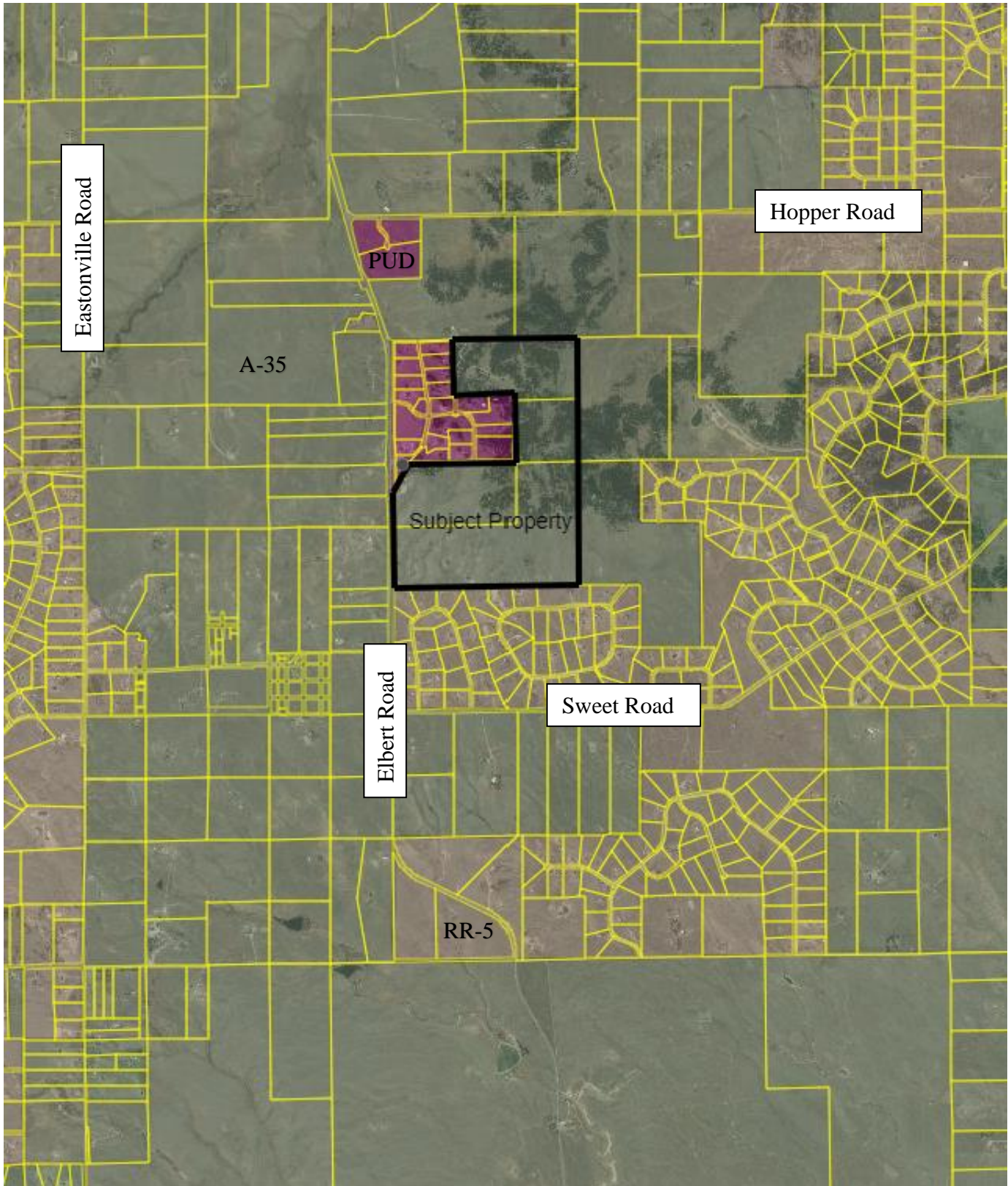
OWNER:	REPRESENTATIVE:
PT Overlook LLC 1884 Woodmoor Drive Monument, CO 80132	NES 619 N. Cascade Ave Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	12/7/2023
Board of County Commissioners Hearing Date:	1/11/2024

EXECUTIVE SUMMARY

A request by PT Overlook LLC for approval of a Map Amendment (Rezoning) of 350.83 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road.



2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

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

B. APPROVAL CRITERIA

In approving a Map Amendment (Rezoning), 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 (As Amended):

- 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.

C. LOCATION

North:	A-35 (Agricultural)	Vacant Land
South:	RR-5 (Residential Rural)	Single-Dwelling Residential
East:	A-35 (Agricultural)	Vacant Land
West:	PUD (Planned Unit Development)	Single-Dwelling Residential

D. BACKGROUND

The subject property is bordered by RR-5 (Residential Rural) to the south, which was platted as a 339 lot, 5-acre subdivision in 1974. To the west of the subject property is Apex Ranch Estates, which is zoned PUD (Planned Unit Development). Apex Ranch Estates was platted in 2008 and consists of lots that range in size from three acres to

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COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

five acres. The subject property is also bordered by four parcels that are zoned A-35 (Agricultural) to the north and the east and are roughly 160 acres each.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 350.83 acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: RR-5 (Residential Rural)
Maximum Density	-	-
Minimum Lot Size	35 acres	5 acres ²
Minimum Width at Front Setback	500 feet	200 feet
Front Setback	25 feet ^{3, 4, 5}	25 feet ³
Rear Setback	25 feet ^{3, 4, 5}	25 feet ³
Side Setback	25 feet ^{3, 4, 5}	25 feet ³
Maximum Lot Coverage	None	25%
Maximum Height	30 feet ⁶	30 feet

²In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

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

⁴Sawmills shall be setback a minimum of 300 feet from all property lines.

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

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



As the RR-5 zoning district has a minimum lot size of 5 acres; the proposed rezone would allow for a maximum of 70 lots on the subject property. The applicant has applied for a Preliminary Plan (PCD File Number SP238) consisting of 62 single family lots and 3 tracts. The Preliminary Plan is still under review and has not been scheduled for a public hearing at this time.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.

Recommended Land Uses:

Primary

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

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Supporting

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

Analysis:

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making growth a priority. Relevant goals and objectives are as follows:

Objective LU1-1: Some areas of the County should be planned for new development, while other areas should be preserved, protected, or see little new development.

Goal CH1: Support community environmental health initiatives through collaborative efforts with other organizations.

Objective CH1-2: Prioritize and locate trail connections using criteria and proposed action items identified in the Parks Master Plan.

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

The Rural place type supports estate residential which has a minimum of 1 unit per 5 acres. The subject property abuts two platted communities which are zoned RR-5 and PUD and allow for lots greater than 3 acres. The rezone to RR-5 is consistent with the surrounding residential developments. The Rural place type states "as growth occurs, some Rural areas may develop and transition to another place type, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another place type."

While the subject property is located in the Rural place type it is also adjacent to the Large-Lot Residential place type. The Large-Lot Residential place type's primary land use consists of Single-family Detached Residential (typically 2.5-



acre lots or larger). The Large-Lot Residential place type supports the rural character of the County while providing unique and desirable neighborhoods.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

Analysis:

The rezone is proposing a zone change from A-35 to RR-5. The subject property is surrounded by properties zoned RR-5, PUD and A-35. The subject property consists of roughly 350 acres and intends on subdividing the property into 5-acre single-family residential lots, which would be compatible with the approved subdivisions to the south and north.

c. Key Area Influences: The property is not located within a key area.

2. Water Master Plan Analysis

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth



by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

A finding of water sufficiency is not required with a Map Amendment.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services was sent a referral and have the following comments:

- A completed U.S. Army Corps of Engineers permit of non-jurisdictional status shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There were no hazards identified as part of the rezone application.

2. **Floodplain:** The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map panel number 08041C0350G, effective

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December 7th, 2018. The property is located in Zone X, an area of minimal flood hazard determined to be outside the 500-year flood zone.

- 3. Drainage and Erosion:** The parcels are located across three different drainage basins; Upper Black Squirrel, La Vega Ranch, and Bijou Creek drainage basin. These three basins are unstudied and do not have associated drainage basin or bridge fees. The rezone application does not require a Drainage Report and Grading and Erosion Control Plan. The Preliminary Plan and the associated Preliminary Drainage Report are currently under review (PCD File No. SP238).
- 4. Transportation:** The planned subdivision is located off Elbert Road, a County maintained paved rural major collector road. Access to the subdivision is via Apex Ranch Road, an existing paved rural local county road and a new public paved rural local road located approximately ½ mile south of Apex Ranch Road.

A Traffic Impact Study was submitted with the rezone application. The Traffic Impact Study projects the proposed development will generate approximately 650 total vehicle trips on the average weekday with approximately half entering and half exiting the site. Roadway improvements will consist of new public roads to serve the development, restriping of Elbert Road to remove passing zones, and focused intersection improvements along Elbert Road. No turn lanes are planned for Elbert Road into the subdivision based on the Traffic Impact Study analysis and Engineering Criteria Manual thresholds.

El Paso County Road Impact Fees as approved by Resolution 19-471 are applicable to the development and will be assessed at the last land-use approval or when the applicant applies for a building permit, whichever is last. Applicant may elect to remit road impact fees at time of plat recordation or participate in a Public Improvement District with County approval.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water will be provided by individual wells.

2. Sanitation

Wastewater will be provided by onsite wastewater treatment systems.

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3. Emergency Services

The property is within the Peyton Fire Protection District.

4. Utilities

Electric services will be provided by Mountain View Electric Association and gas services will be provided by Black Hills Energy.

5. Metropolitan Districts

The subject property is not within a Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues associated with this Rezone application.

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 (As Amended), staff recommends the following conditions and notations:

CONDITION

- 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.

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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 47 adjoining property owners on November 21, 2023, for the Planning Commission and Board of County Commissioners meetings.

The Planning Department has received three letters of opposition in response to the rezone application. The letters of opposition state concerns in regards to traffic, water, wildlife, fire protection, utilities, and drainage.

M. ATTACHMENTS

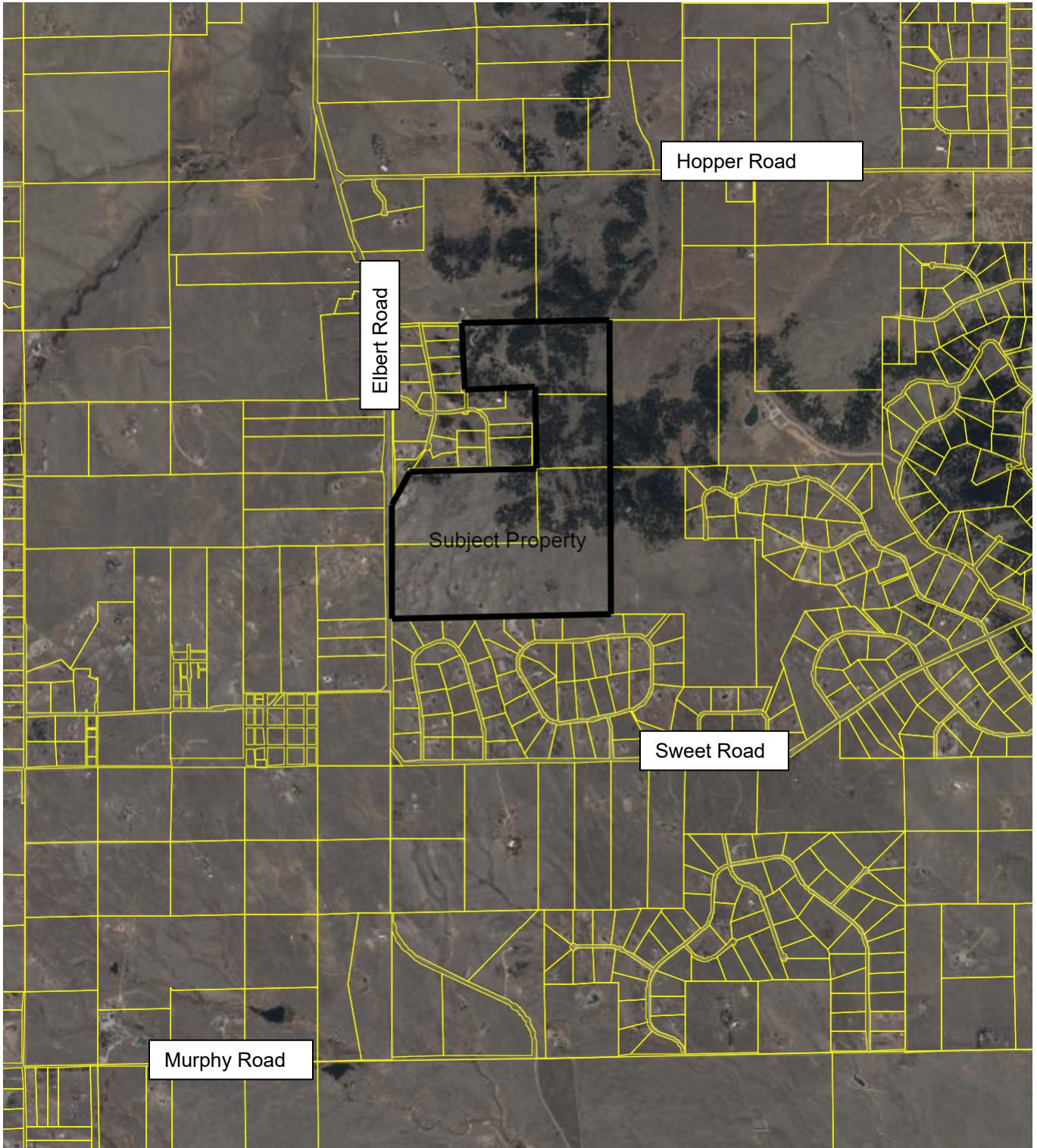
Map Series
Letter of Intent
Rezone Map
Public Comments
Draft Resolution

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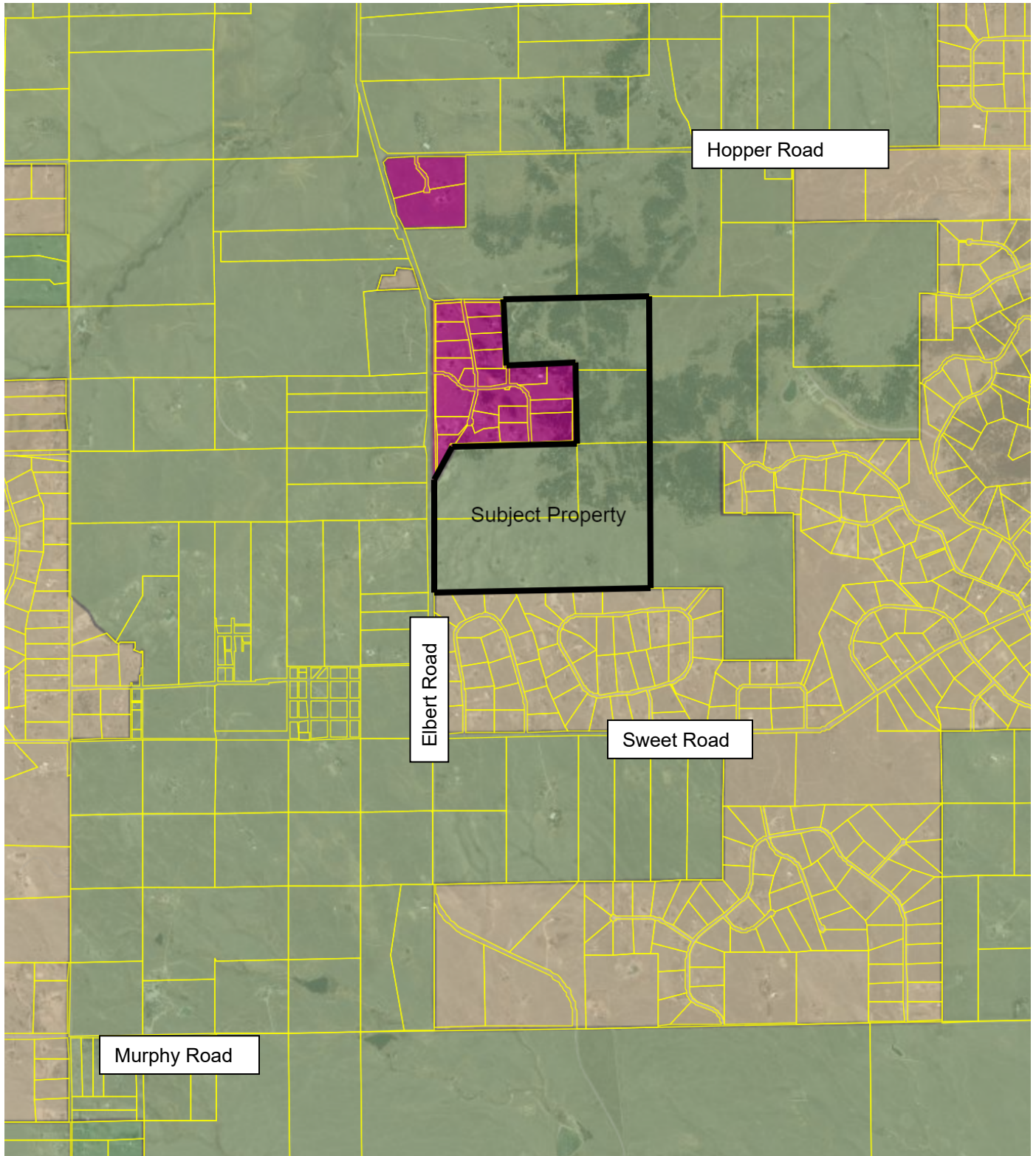


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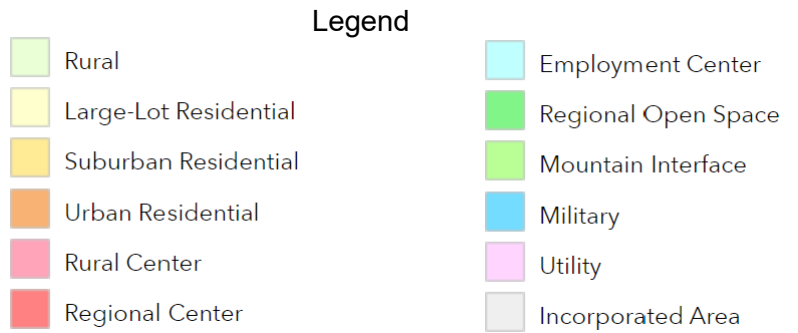
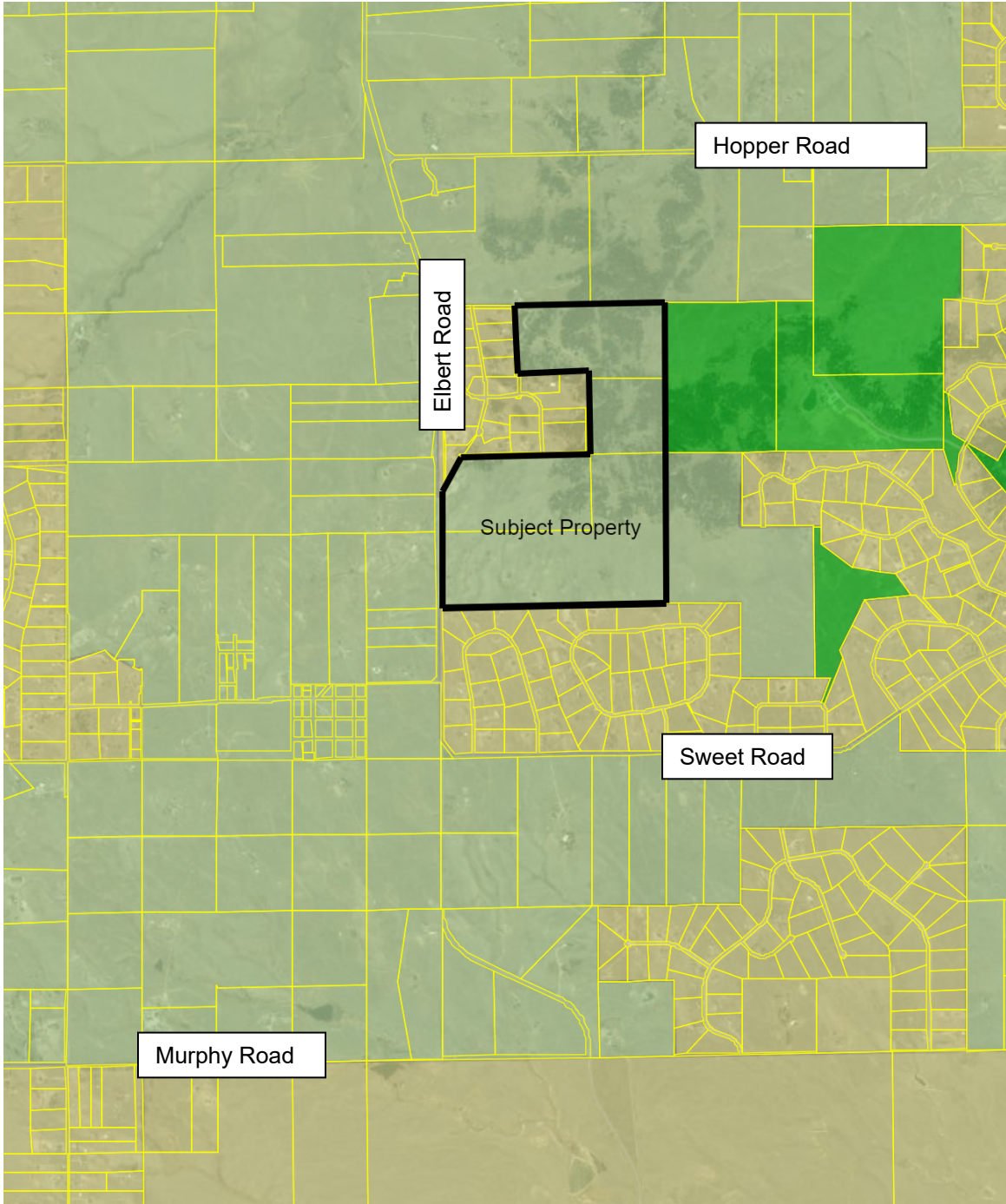
Map Exhibit #1: Aerial



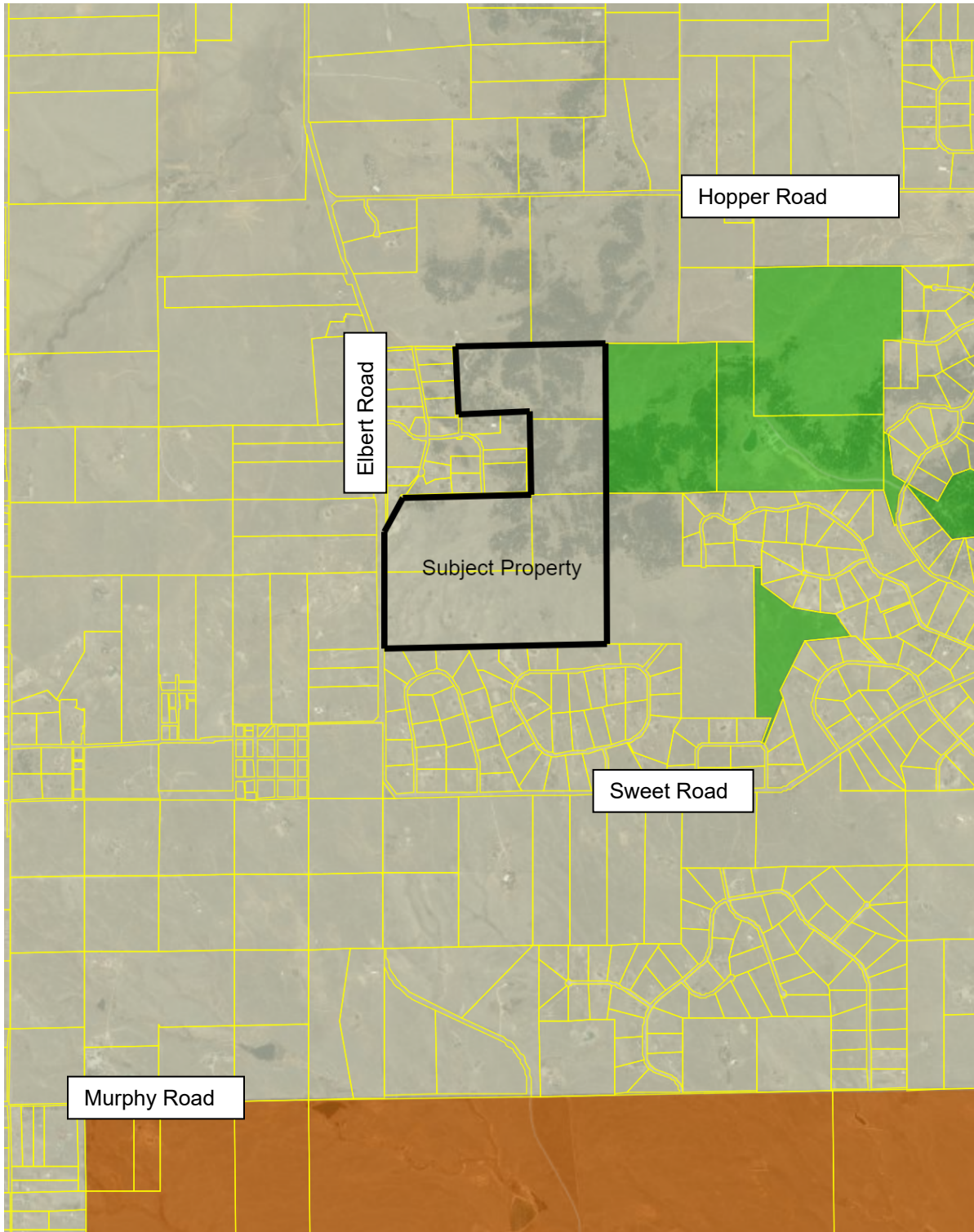
Map Exhibit #2: Zoning








Map Exhibit #3: Placetype



Map Exhibit #4: Area of Change



Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition



OVERLOOK AT HOMESTEAD A-35 MAP AMENDMENT (REZONING)

LETTER OF INTENT

OWNER/APPLICANT:

PT OVERLOOK LLC
1864 WOODMOOR DRIVE, SUITE 100
MONUMENT CO, 80132

CONSULTANT:

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

SITE DETAILS:

TSNs: 4122000005, 4100000255, 4100000256

ACREAGE: 350.830 ACRES

CURRENT ZONING: A-35

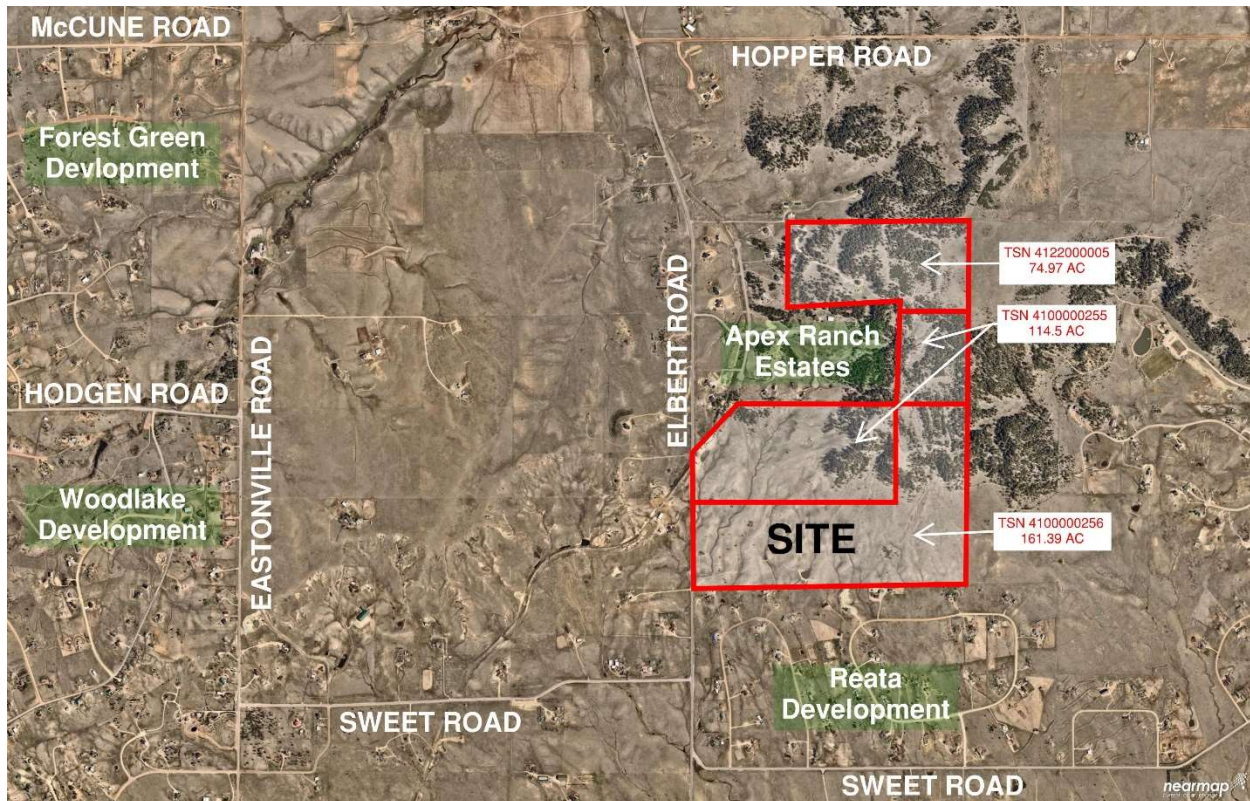
CURRENT USE: VACANT LAND

REQUEST

PT Overlook LLC requests approval of a Map Amendment (Rezoning) from A-35 to RR-5 (350.830 Acres).

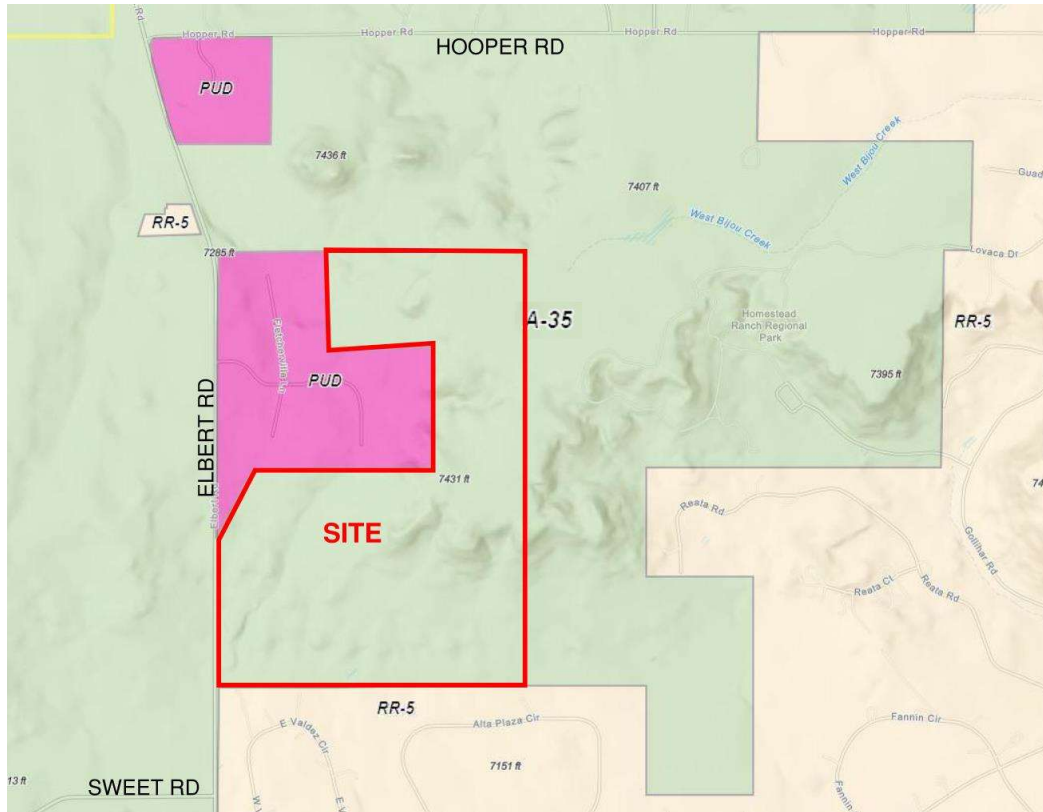
LOCATION

This property is located along the east of Elbert Road and south of Apex Ranch Road. The Apex Ranch rural residential subdivision is to the west and surrounded on three sides by the proposed Overlook at Homestead subdivision. Across Elbert Road to the west the land is in agricultural use. Rural residential lots within the Reata Subdivision line the southern boundary and wrap around to the east. Northeast of the property is the Homestead Ranch County Park and more agricultural grazing land is located to the southeast. Along the northern boundary are two parcels used for agricultural grazing.



PROJECT DESCRIPTION

The Overlook at Homestead Property RR-5 map amendment request is for a zone change of 350.830 acres from A-35 to RR-5. The proposed zoning is cohesive with surrounding zones. The Reata development to the south and east is RR-5 with the Apex Ranch development to the west zoned as PUD due to its smaller lot sizes. The lots range in size from 3.099 acres to 5.107 acres with 23 of 25 lots being less than 5 acres.



PROJECT JUSTIFICATION

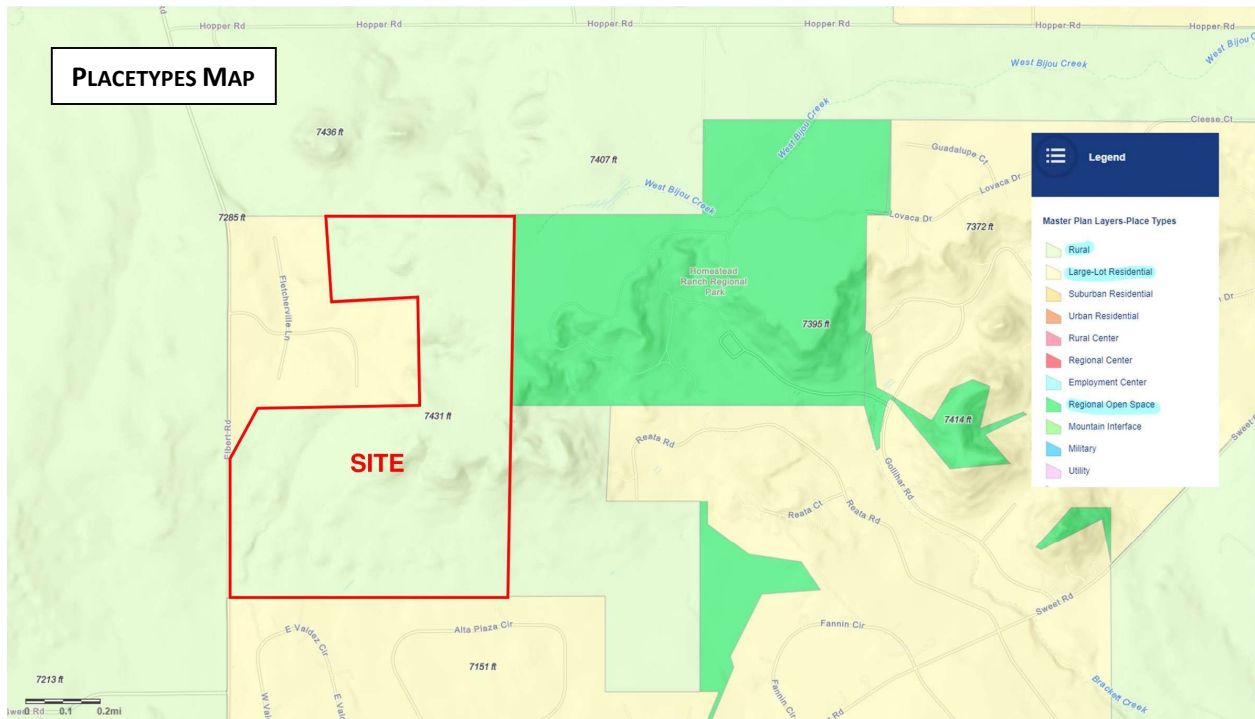
The request is consistent with the criteria in Section 5.3.5.B for a Map Amendment (Rezoning) as follows:

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

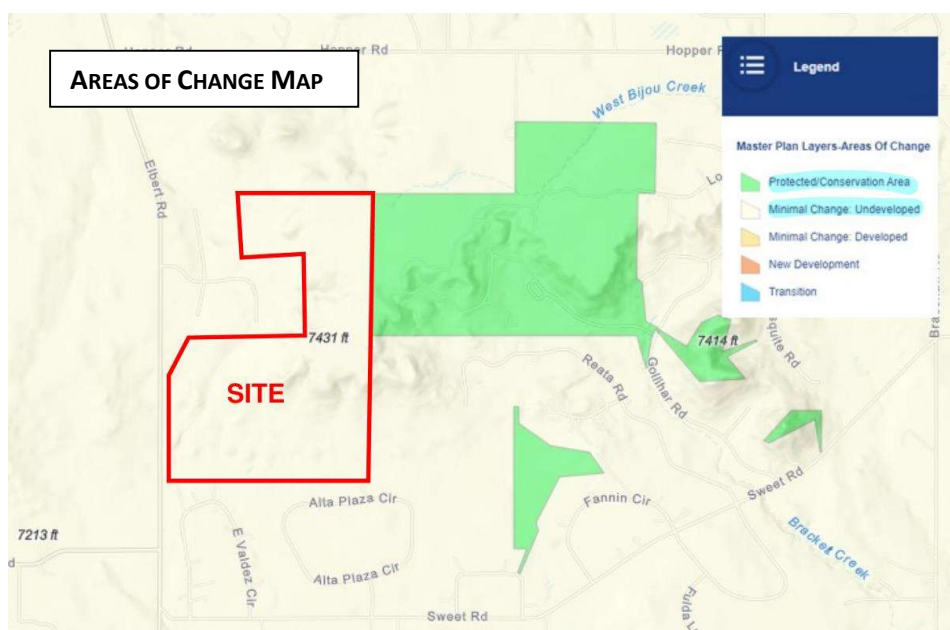
The relevant County master plan documents for the Map Amendment (Rezone) are Your El Paso County Master Plan, the El Paso County Water Master Plan, the El Paso County Major Transportation Corridor Plan, and the El Paso County Parks Master Plan.

YOUR EPC MASTER PLAN

The project site is denoted as a Rural placetype in Your EPC Master Plan. The primary land uses in this placetype are Farm/Homestead Residential, Parks/Open Space & Agriculture. The 5 acre lots proposed in this project would align with the Supporting Use of Estate Residential (Minimum 1-unit/5-acres) of the Your EPC Master Plan. This rezone would provide further contiguity in the County's land use by connecting two currently separated Large-Lot Residential developments – one to the west (Apex Ranch) and one to the south (Reata Subdivision) . The Rural placetype in this part of the county continues to transition towards large-lot residential around the Peyton Rural Center and this development would progress that trend.



In the Areas of Change chapter of the County Master Plan, the Overlook at Homestead property is identified as a “Minimal Change: Undeveloped Area”. The Plan states that Minimal Change: Undeveloped Areas will experience some development of select underutilized or vacant sites adjacent to other built out sites, but will be limited in scale so as not to alter the essential character. The proposed RR-5 development would maintain the large lot size currently present to the south and would act as a transitional space from the PUD lots to the west and the RR-5 zoned properties to the south. A



good portion of the lots exist on top of the rocky outcropping on the site and would do little to disrupt the sites character outside of the homes' footprint and internal roadways.

This site does not have a designation under the Key Areas portion of the County Master Plan.

Core Principle 1, Land Use and Development, seeks to "Manage growth to ensure a variety of compatible land uses that preserve all character areas of the county," and Goal 1.1 seeks to, "Ensure compatibility with established character and infrastructure capacity."

The proposed RR-5 zoning continues the rural density approved with the adjacent subdivisions in the County and will provide a transition from the denser PUD (Apex Ranch) to the existing RR-5 residences south of the site. The submitted traffic study indicates that the development can be accommodated with minimal impact to traffic operations for the existing and surrounding roadway system.

Core Principle 4, Transportation & Mobility, seeks to "Connect all areas of the County with a safe and efficient multimodal transportation system" Goals 4.1 and 4.2 respectively seek to, "Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel" and, "Promote walkability and bikability where multimodal transportation systems are feasible."

The proposed RR-5 zoning and subsequent trail easement would accomplish these goals by connecting more homes to an east-west trail that directly links with a nearby regional open space. When built, the trail moving through the proposed RR-5 rezone and Apex Ranch would be only two parcels away from connecting to the EPC Woodlake Trailhead.

WATER MASTER PLAN

This project straddles the 4a and 4c regions of the EPC Water Master Plan. The property is not within any of the growth areas identified for Regions 4a and 4c. The homes proposed at Overlook at Homestead will be served by individual domestic wells that pull from the Dawson Aquifer and will rely on existing water rights. This provide the proposed subdivision with a sufficient and reliable water source to meet the County's 300-year supply requirement. With much of the vegetation and grade on the site to remain largely undisturbed the aquifer should continue to receive infiltration across the site at similar to historic levels.

EL PASO COUNTY MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

The 2040 MTCP identifies Elbert Road, which runs along the western side of the site boundary as a Minor Arterial. A future extension of Hodgen Road, which currently dead ends into Eastonville Road, is shown to continue to Elbert Road on the 2040 Improvements Map. This portion of Hodgen Road is identified as a collector. The 2060 Preservation Map identifies the need to preserve additional right-of-way along Elbert Road to accommodate future road improvements. These requirements of the MTCP will be taken into account in the Preliminary Plan for the property, which will be submitted once the RR-5 rezone is approved.

EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan identifies a future primary regional trail connection through the center of the Overlook at Homestead property to connect the surrounding area with the Homestead Ranch Park to the east. In order to blend with the Regional Open Space to the east (Homestead Ranch Park) the proposed development would have a trail easement spanning from east to west and connecting with similar tracts existing in the Apex Ranch development. This trail accommodation aligns with the Trails Master Plan put forth by the County. Homestead Ranch Park is currently only accessible from the east via Golihar Road. This trail connection would not only improve the overall access to the park, but when combined with other future trails it would provide residents with a safer and quicker route to the nearby town of Peyton. Conversely, the addition of this public trail also provides neighboring residents with exposure to the views and natural features present on the Overlook at Homestead property.

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

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

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

The Overlook at Homestead property currently exists as a homestead on land with a primary use of agricultural grazing, as such, the land has not been substantially disturbed. The site is bordered to the north by two lots zoned A-35. To the east the property shares a boundary with Homestead Ranch Park and a parcel zoned as RR-5. To the south, several RR-5 lots back up to the boundary. Two lots zoned as A-35 sit across Elbert Road to the west – one with a single-family residence land use, the other is agricultural grazing with a homestead. The Apex Ranch development, zoned PUD, comprises the remaining western boundary of the site - of its 25 parcels, 23 are less than 5 acres in size with the smallest being 3.099 acres.

The proposed RR-5 rezone would create a more cohesive land use by easing the transition between the PUD to the west and the existing RR-5 zoned properties to the south and east. There are also two spot zoned areas to the northwest consisting of a single RR-5 lot on the west side of Elbert Road and a 3 parcel PUD cluster at the intersection of Hopper Road and Elbert Road. The rezoning of the Overlook at Homestead parcel will move the area's land use toward a more complementary and natural blend.

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

Zoning Standards: Future development of this portion of the property will meet the use and dimensional standards for the RR-5 zone as set out in Chapter 5 of the Land Development Code (LDC). The 350.830-acre site is large enough to be able to accommodate the minimum lot size, maximum height, maximum lot coverage and building setback standards for the RR-5 as specified in the LDC. The required standards of the RR-5 zone will be addressed with a future Preliminary Plan. The proposed land use is “Rural Residential” and there are no use-specific standards within Chapter 5 of the LDC that apply to this use.

Traffic: The TIS completed by LSC in June of 2023 assumes a max density of 0.2 DU/AC or 62 units on the 350 ac site. The TIS addresses the primary points of entry to the overall development area at the following locations:

- One existing stop-sign controlled intersection between Apex Ranch Road and Elbert Road. This assumes use of the two existing public street stubs provided from the Apex Ranch subdivision to the Overlook at Homestead property.
- One new public road connection intersection to be located 1,920 feet north of Sweet Road. This intersection will be stop-sign controlled.

It is anticipated this development would generate about 650 new driveway vehicle-trips on the average weekday with 13 vehicles entering and 36 vehicles exiting the site in the morning. 40 vehicles are anticipated to enter the site in the afternoon with 23 vehicles exiting.

Analysis of future traffic condition indicates that the addition of site-generated traffic is expected to create minimal impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis. The nearby roads and intersections do meet the vehicles per hour requirements for the addition of auxiliary turn-lanes and according to this study no intersection modifications will be needed. All internal roadways are proposed to be public paved rural local residential streets.

Utilities: Utility services has not been confirmed for the site at this time. The following utilities are the current service providers being considered and line extension negotiations may be necessary to obtain service for the Overlook at Homestead property. Electric service will be provided by MVEA and the site exists within their service area. Gas will be provided by Black Hills Energy and if service to this property is unfeasible propane tanks will be used to service the development. Water and sewage will be an individual well and septic system and the development’s Metro District will send annual reports to the State. Proposed communications will be provided by Force Broadband.

Floodplain: The proposed RR-5 rezoning area is designated as Zone X, area of minimal flood hazard (FEMA Floodplain Map No. 08041C0350G, dated 12/07/2018).

Wetlands: This proposed rezone area contains a short stretch of a “Rivers & Streams” wetland type in the southwest quadrant of the site. This waterway transitions into an “Emergent” wetland which follows the direction of the stream and exits the site at the southwest corner of the property. These wetland conditions exist within the Upper Black Squirrel drainage basin. The wetland area will be incorporated into future lots.

Natural Features/Vegetation: This proposed rezone area includes multiple rocky outcrops that sit roughly 200' above the flatter grassy portions of the site. Stands of evergreen trees hug the slopes and are scattered across the higher portions of the site. Multiple stock ponds are present on the southern portion of the site and the site contains 4 drainage basins (Bijou Creek, East Kiowa Creek, Upper Black Squirrel & La Vega Ranch). Rolling grassland hills make up most of the southern and western portions of the site. These natural features will be incorporated into future lots and will be largely undisturbed other than as needed to accommodate roads and home sites.

Wildlife: In general, the site provides moderate quality habitat for wildlife. The site is not suitable habitat for the Preble's mouse. The site provides moderate quality habitat for some grassland and woodland wildlife, including birds, mammals, reptiles, and possibly amphibians. The expected impact from site development to grassland species is classified as relatively low and to woodland species as moderately low. Most of the existing tree stands will remain with the exception of removal for home sites and for roadways where grade dictates.

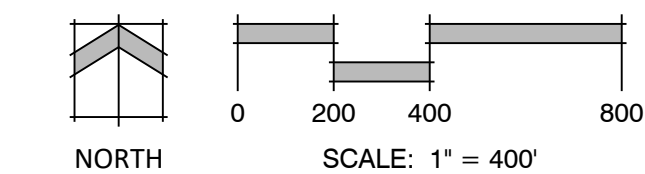
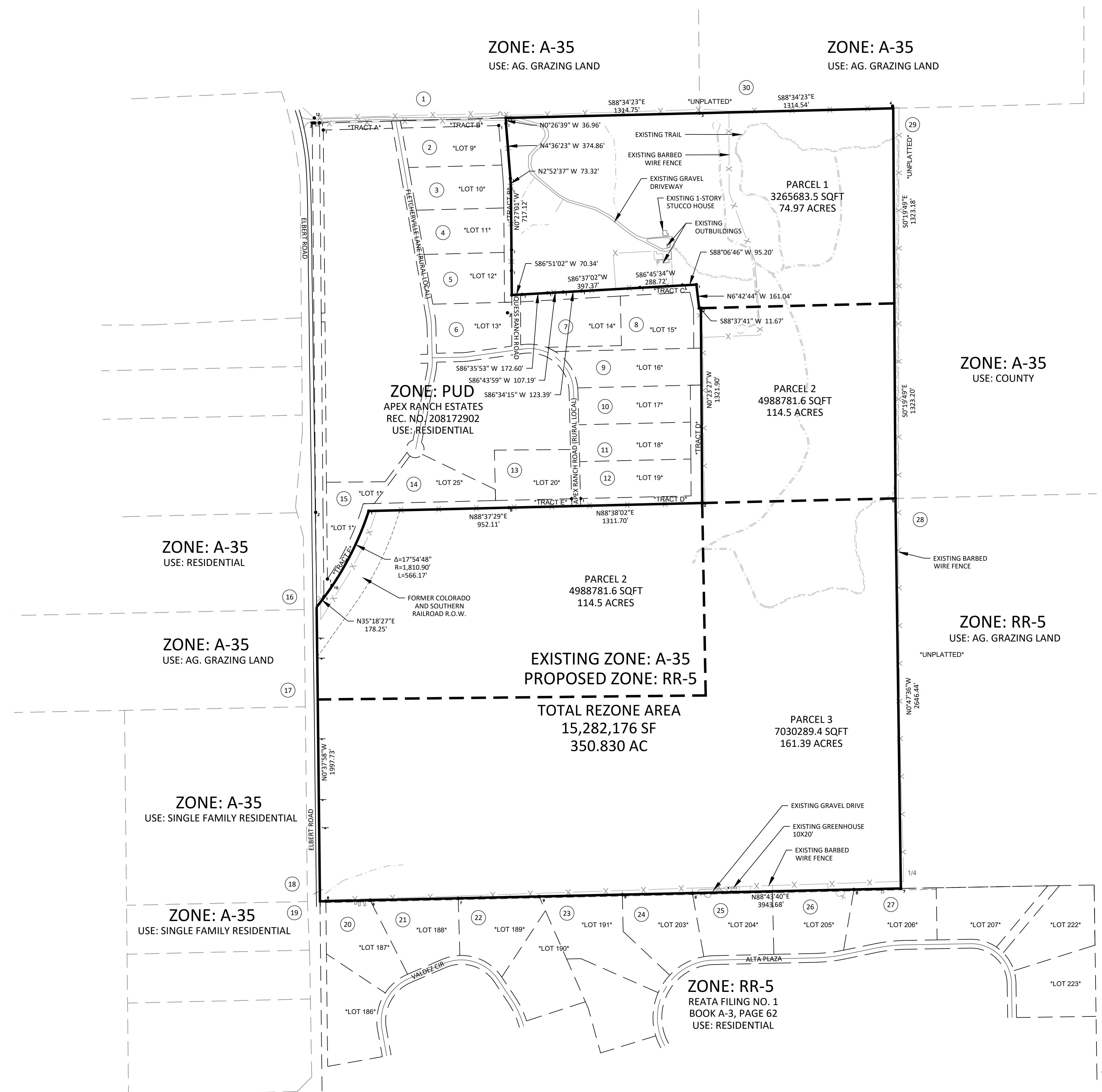
Wildfire: The primary wildland fuel type is grassland with trees hugging the base of the rocky outcrop. Moderately dense stands of trees also occupy the top of the rocky outcrop. The Colorado State Forest Service has determined a moderate wildfire hazard potential and listed as a moderate Burn Probability. Appropriate wildfire mitigation measures will be employed in the future development of the property.

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Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com

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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

OVERLOOK AT HOMESTEAD

ELBERT ROAD
EL PASO COUNTY,
COLORADO

PROJECT DATE: 07/24/2023
PROJECT MGR: A. BARLOW
PREPARED BY: A. ROMAN

LEGAL DESCRIPTION

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH:
THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH:
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 304.

SITE DATA

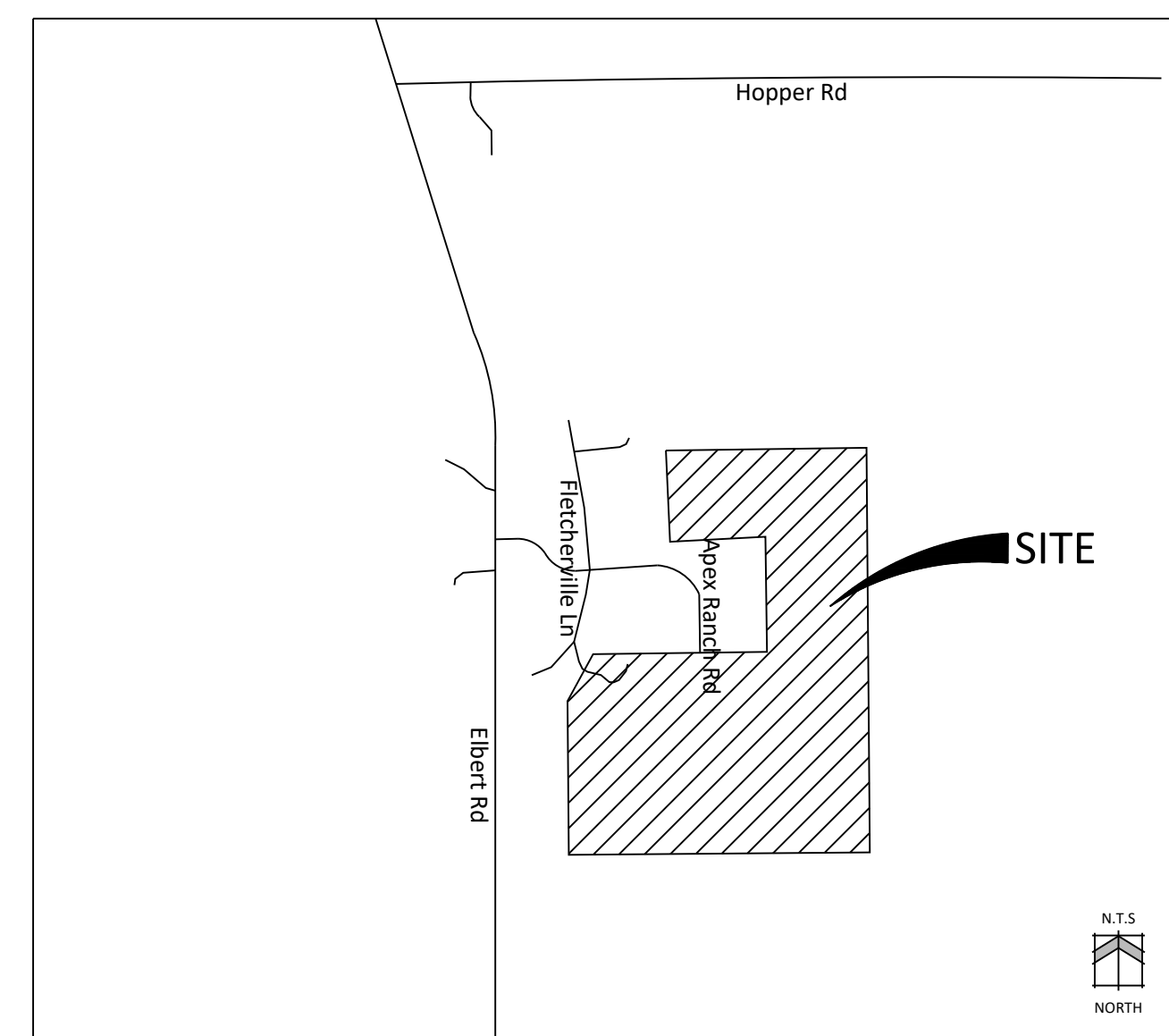
OWNER/APPLICANT:	PT Overlook LLC 1884 Woodmoor Drive, Suite 100 Monument, CO 80132
PREPARER:	N.E.S. Inc. 619 N Cascade Ave., Suite 200 Colorado Springs, CO 80903
PROPERTY ADDRESS:	18875 Elbert Road Peyton, CO 80831
TAX ID NUMBERS:	4122000005, 4100000255, 4100000256
SITE ACREAGE:	350.830 AC
EXISTING ZONING:	A-35
PROPOSED ZONING:	RR-5
PROPOSED LAND USE:	Residential Lots: Trail ESMT : ROW:
	331.2329 AC, 82 Lots 0.5851 acres 19.012 acres

ADJACENT PROPERTY OWNER NAME	ADDRESS
1 KEELEY FAMILY SECURITY TRUST (ROBERT & SANDRA KEELEY)	17245 ELBERT RD PEYTON CO, 80831-9566
2 JASON & STEPHEN WOOD	16985 FLETCHERVILLE LN PEYTON CO, 80831-9725
3 MICHAEL & TRACI DUNCANSON	16925 FLETCHERVILLE LN PEYTON CO, 80831-9725
4 TAK & SYLVIA ENG	16865 FLETCHERVILLE LN PEYTON CO, 80831-9724
5 HOLLIS & DENISE HENRY	16805 FLETCHERVILLE LN PEYTON CO, 80831-9724
6 MERSMAN FAMILY REVOC LIVING TRUST (DANIEL, DONALD, & KIM MERSMAN)	15260 APEX RANCH RD PEYTON CO, 80831-9704
7 MERSMAN FAMILY REVOC LIVING TRUST (DONALD & KIM MERSMAN)	15260 APEX RANCH RD PEYTON CO, 80831-9722
8 LUND FAMILY REVOC LIVING TRUST (ROGER & JOANN LUND)	15320 APEX RANCH RD PEYTON CO, 80831-9721
9 LUND FAMILY REVOC LIVING TRUST (ROGER & JOANN LUND)	15320 APEX RANCH RD PEYTON CO, 80831-9721
10 TRES BOYS LLC	680 MISSION ST #38G SAN FRANCISCO CA, 94105-4046
11 BRIAN MORSE	15620 APEX RANCH RD PEYTON CO, 80831-9711
12 BRIAN MORSE	15620 APEX RANCH RD PEYTON CO, 80831-9711
13 AIMEE ZAHN	15621 APEX RANCH RD PEYTON CO, 80831-9711
14 BOHENNA FAMILY TRUST	16505 FLETCHERVILLE LN PEYTON CO, 80831-9712
15 KEVIN & JULIE BRANDON	16504 FLETCHERVILLE LN PEYTON CO, 80831-9712
16 VERNIE & LEAH RENAE MONIEN	16440 ELBERT RD PEYTON CO, 80831-9507
17 PAUL & PATTY MAGGINETTI	16330 ELBERT RD PEYTON CO, 80831
18 KRISTIN STITES	16210 ELBERT RD PEYTON CO, 80831-9507
19 SANDRA WOODS	15950 ELBERT RD PEYTON CO, 80831-9506
20 CARL JR. & CRESTA WELBORN & MARY BARR	15860 VALDEZ CIR PEYTON CO, 80831-9441
21 BRAEDEN ROBERTS	15880 VALDEZ CIR PEYTON CO, 80831-9441
22 CODY & GRACE DAVIS	15885 VALDEZ CIR PEYTON CO, 80831
23 JOHN & JASMIN CASTRO	15740 ALTA PLAZA PEYTON CO, 80831-9471
24 BILLY & JULIE TANNER	PO BOX 492 PEYTON CO, 80831-0492
25 TIMOTHY & TRACY WINFREE	15790 ALTA PLAZA PEYTON CO, 80831-9471
26 ANTHONY & MARY ADAMS	15880 ALTA PLAZA PEYTON CO, 80831-9435
27 ANTHONY & MARY ADAMS	15880 ALTA PLAZA PEYTON CO, 80831-9435
28 WILLIAM & JEAN PICKLE	8018 CISTENA WAY PARKER CO, 80134-2717
29 EL PASO COUNTY	200 S CASCADE AVE STE 150 COLORADO SPRINGS CO, 80903
30 HABAKUK LTD LIABILITY CO	1280 LOST CREEK LN LAFAYETTE CO, 80026-3461

LEGEND

- PARCEL BOUNDARY
- OVERALL SITE BOUNDARY
- ADJACENT OWNER

VICINITY MAP



REZONE MAP

DATE: 8/1/2023 BY: AR DESCRIPTION: PER COUNTY COMMENTS

REZONE MAP

1

1 OF 1

PCD FILE # P235

Kylie Bagley

From: Travis Campbell <tcampbellhomesco@gmail.com>
Sent: Monday, November 6, 2023 9:43 AM
To: bswenson@nescolorado.com; Kylie Bagley
Subject: Formal Appeal of Rezoning - Proposed PT Overlook at Homestead Ranch (Parcels 410000255 410000256 412200005)

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To whom it may concern:

We are located on lot 20 in the peaceful and unique Apex Ranch Estates and the surrounding Dooley Ranch now known as, PT Overlook Proposed Community. For many years we have enjoyed the quiet serenity of this rural PUD and its surrounding mountain views and extensive wildlife. We understood this property was in a family conservatorship until recently. My wife and I, are formally appealing the rezoning, immeasurable water usage, and the road access into Apex Ranch Estates to be denied for the following reasons:

We are appealing the two proposed ingress and egress roads inside of Apex Ranch. There are already two existing entrances South of Apex Ranch off Elbert Road and North of Apex Ranch. Therefore, these should be the two main entrances for the proposed PT Overlook community; as these entrances off Elbert Rd. already exist. Why do they need two additional entrances disrupting the Apex Ranch community and increasing our traffic by 300%? (PT Overlook proposal is three times as large as Apex Ranch Estates.) These proposed entrances in Apex Ranch Estates are easements for utilities and the fire department, not for connecting two separate communities. Moreover, where is the construction access being implemented for this new community? Construction access should not be allowed in Apex Ranch Estates to disarray our community and destroy our roads.

Apex Ranch Estates owners can't stress enough the water issues and the protection of our water rights; and the undue burden it will put on the Dawson Aquifer and others; especially with 62 new homes being proposed. Most properties surrounding Apex Ranch on the North, South and across the street off Elbert Road are 38-40 acre lots, even 147 acres and 161 acres; not 5 acres like the study makes one believe. Additionally; the setbacks should be increased to 50 feet or more to create barriers and stagger the distance between residences. The whole point of rural living is to have space between neighboring properties and out-buildings.

Furthermore, the wildlife that live around Apex Ranch and Homestead Park are also going to be dramatically affected by this new community being proposed, keeping the zoning with 35 acre lots instills the space required for the vast wildlife and will help sustain their habitat around Homestead Park and Apex Ranch Estates alike; The current zoning of 35 acre lots are more common around this area; not 5 acre lots, as proposed. (Please see the list of addresses surrounding Apex Ranch Estates and their acreage.)

In addition, is PT Overlook Community going to be a PUD? Does it have a proposed HOA and CC&Rs listed? What kind of homes are going to be constructed? How many out buildings are going to be allowed per lot in the PT Overlook Community? Apex Ranch Estates doesn't allow for two-story homes to be built; this ensures our views of the Mountains to remain unimpeded. On top of that, Apex Ranch Estates has a limited number of out-buildings and structures per lot in it's CC&Rs and would expect the same of its neighbors. Especially, if the county allows the combining of these two separate communities to be joined together. Where are the proposed areas of open space and PT Overlooks common space in this proposed community? Additionally, Reata Subdivision isn't a PUD and the homes don't compare to Apex Ranch Estates and its comparison isn't a valid one; as many of these homes are manufactured with no HOA or CC&Rs.

Finally, if this proposed community gets developed, Apex Ranch Estates residents and Reata Subdivision residents should have the first right of refusal to purchase the lots adjacent to our communities at fair market value; in order to keep distance, integrity and our home values to be unharmed. If the zoning stays 35 acres as it currently is, most of these items mentioned are no longer major issues or concerns.

Most surrounding properties are not 5 acres or a PUD:

1. Michael Burton - 17200 Elbert Rd. Peyton 80831 (41 acres)
2. Richard Holmes - 16888 Elbert Rd. Peyton 80831 (37.5 Acres)
3. Mark Burbach - 16990 Elbert Rd. Peyton 80831 (145 acres)
4. Keeley Family Security Trust - 17245 Elbert Rd. Peyton 80831 (147 acres)
5. Double Rainbow LTD Liability - Elbert Rd Peyton 80831 (38 acres)
6. Verne Monen - 16460 Elbert Rd. Peyton 80831 (38 acres)
7. Paul Magginettei - 16330 Elbert Rd. Peyton 80831 (38.3 acres)
8. Kristen Stites - 16210 Elbert Rd. Peyton 80831 (37.3 acres)
9. Habakkuk LTD Liability CO - 1280 Lost Creek Lafayette (Off Hopper Rd. 157 acres)
10. William Pickle - 8018 Cistena Way Parker 80134 - Borders Reata Subdivision (161 acres)

Thank you for your consideration on these matters of importance for the neighboring community of Apex Ranch Estates and the Reata Subdivision.

Travis Campbell, RE Broker/ REALTOR MRP
Muldoon Associates, Inc. Real Estate and Investments
Mobile (719) 551-8742
Offices Located In **Colorado Springs** and **Pueblo**

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Kylie Bagley

From: Ryan Howser
Sent: Tuesday, July 11, 2023 8:10 AM
To: Kylie Bagley
Subject: FW: Rezoning proposal by PT Overlook LLC

From: William Pickle <bp@wpickle.com>
Sent: Monday, July 10, 2023 9:51 AM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Rezoning proposal by PT Overlook LLC

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Mr. Bowser, my name is William Pickle and I and my wife are the owners of the land east of this proposed rezoning request. Specifically, 80 of the acres we own border the east side of the Overlook parcel. Also, as you may know, El Paso County's Homestead Regional Park borders part of our property to the north along a 40 acre fence.

I watched your initial hearing online and found it interesting. While I am not opposed to development I am opposed to any potential for poor development that impacts the environment, wildlife habitat, open spaces, drainage and water.

We have owned our land since 1979. In fact, the Homestead Regional Park was sold to El Paso County by our family in the 1980's as well as the Reata development, sold in 1973, that is adjacent to the Park on the east, south and west. I offer you this to show that I (we) know the area well and our concerns are well founded. In fact, my wife's family homesteaded the original lands there starting in 1866 and we continue to own property there.

I look forward to watching the progress of this proposal, and will offer now 3 of my current concerns:

1. Lack of water. (if homes there remain on individual wells we will have an enormous problem. Anyone familiar with the area knows the water is disappearing, regardless of what the developer's "experts" state. There is a constant water problem among the current residents and many wells have dried up, greatly reducing the amounts pumped in the last few years. I have 2 ponds that dried up within mere weeks of the county pumping tons of water into the new Homestead Park ponds over 10 years ago. I have neighbors who have drilled 1100 foot wells and found no water. Sure you can move 100 feet or so and hopefully find water but rapid development in recent years has clearly shown these lack of water issues, regardless of the aquifer studies that are sometimes done. Water is clearly a priority not only for the current residents but will surely be an issue for any new rezoning and development.

2. Erosion. There is a valley between my north 40 acre parcel and a 40 acre part of Homestead park to the north. Recently the erosion from between these 2 pieces of land has exploded from all the rain that has fallen. The water is coming primarily from the now PT Overlook property. I hope that any proposed development has an ironclad requirement to mitigate ANY flooding or erosion as a result of development.

3. Wildlife: We are fortunate to have wild turkeys, deer, raccoons, rabbits, squirrels, occasional antelope, field and jumping mice, hawks, owls, eagles, buzzards, etc. I want assurances that open spaces for this wildlife is protected in a way they are not rendered extinct.

Again, Mr. Howser, we are not anti-development but I have experienced what happens with empty developer promises and the failure of a community (Reata subdivision is an example) when a county does not represent its constituents but more the developers interest.

I Look forward to following the progress of this process and hopefully meeting you, Mr. Howser.

Sincerely yours,
William Pickle

[Sent from Smallbiz Yahoo Mail for iPad](#)

Kylie Bagley

From: Thomas Swaim <swaimtp@msn.com>
Sent: Monday, November 6, 2023 3:06 PM
To: bswensen@nescolorado.com; Kylie Bagley
Subject: Overlook at Homestead Ranch

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Overlook at Homestead concerns, comments and questions

Speaking as a resident of Apex Ranch Estates we have some serious concerns about many aspects of the proposed development that require clarification, changes or significant mitigation before we would find this project acceptable.

Access - the plan proposed access from two points within Apex Ranch Estates, with a third access to the South on Elbert Rd. Instead of using the "North stub" right of way (Quess Ranch Ct) to Apex Ranch Road, the developer, private drive landowner and EPC must work to provide access on the North by connecting the extension of Apex Ranch Road through the r.o.w. between Overlook Lots 7&8 to connect to the private road at the Northern boundary of Apex Ranch. This would make more sense and support future adjacent development. The Holmes Event Center / Bed and Breakfast proposed to the West of Elbert Road has an entrance point which aligns with this road. This would provide a more efficient option for adding acceleration and turn lanes to Elbert Road from both directions. Amenities at the Holmes development could be accessed easily by residents. We would prefer no access via Apex Ranch, but alternatively a single access point via extension of Apex Ranch Road and traffic design to make Apex Ranch Road a secondary access to the Overlook subdivision is desired. With this option primary access points for Overlook would be directly from Elbert Rd at the N&S ends of the proposed development. These intersections could be improved and would provide better traffic flow that does not disturb existing residential areas. It would also enable a construction entrance that avoids an established residential area. When Hodgen Road is extended to Elbert Road, that intersection should align with the South entry to the Overlook subdivision.

Regarding the traffic study: "650 vehicle trips" with about 50-60 during peak am/pm hours" - this would be a significant load on Apex Ranch Rd. How were trips determined and how much of this will be taken by the South entrance point to Elbert? Based on understood phasing, it is essential to establish the S entrance first, ensure its designation for construction and truck traffic and implement traffic controls to discourage traffic through Apex Ranch Estates.

"The nearby roads and intersections do meet the vehicles per hour requirements for the addition of auxiliary turn-lanes and according to this study no intersection modifications will be needed. ". It seems that turn and acceleration lanes will be needed. Per previous suggestion perhaps installing these when the S Entry is established will encourage local traffic to use that entry. Establishing the suggested N entry point would also help distribute traffic loading across 3 entry points on Elbert Rd, diminishing impact.

Regarding ensuring other undeveloped parcels will have road access:

"4100000031 Right-of-way will be provided at the end of the Apex Ranch Road cul-de-sac per Code requirements"

This action will further increase future traffic load on Apex Ranch Road, through both Apex Ranch and the Overlook. There is no way to predict the extent of development on this parcel. Prior recommendation to provide a Northern access to Elbert Road would address this.

Utilities- It is unclear whether overhead or underground electrical lines are proposed. It appears the developers propose extensive use of overhead utilities in the Northern part of the development, and particularly along most boundaries of the Subdivision to include within forested areas. This lacks consideration for aesthetics of the area and will increase fire risks. If this is correct nearly all adjoining Apex Ranch Estates lots will have power lines visible in back or front yards. This is inconsistent with how our subdivision was designed and reduces the value of our property. Additionally, these increase fire risk and decrease reliability of the power supply to Apex Ranch due to greater potential for downed lines. This also reduces the value of what should be premium lots.

Drainage- was there an assessment of the ability of Apex Ranch infrastructure to handle increased runoff? What improvements on Apex Ranch Estates will be performed by the developer? Drainage from property on the high ridge immediately to east of Apex, and in particular Quess Ranch Ct can cause serious erosion to adjacent property. Also runoff from the upper extension of Apex Ranch Road, a detention pond and Lots 58 & 59 via a 30' drainage easement that feeds onto Apex Ranch Estates (lots 16 & 17) is a serious concern. There does not appear to be adequate detention, in particular for runoff from drainage ditches along Apex Ranch Road extension that collect to one drainage right of way. Additional analysis is needed- during peak storm season some of the existing drainage infrastructure is already severely taxed. A plan needs to be developed to restrict home siting to maximize drainage towards drainage infrastructure and retention areas, particularly runoff from downspouts and driveways. Adequate Silt fences during construction and establishing landscaping must be required.

Fire Protection

With regard to fire protection: "the wildfire risk and burn probability are not expected to change with development of the project site. The site is predominantly "Low Risk" with smaller areas of "Moderate Risk"

This is hard to believe without further information. Construction activity, more Human activity, vehicular traffic, aNS Overhead power lines to name a few will increase risk. What specifically does Firewise have to say on this?

5) The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and The Peyton Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter from the Fire Chief is included with this submittal. (We Need to see this)

Q: Would the Fire Chief comment on access on the North as suggested? It would improve response time and provide better access options.

Q: Will a cistern be built to provide a source of water for fire protection? This was required for Apex Ranch Estates and that source would not be adequate for serving new development. Where would this be located?

Covenants

Plans imply an improvement District and covenants. We need assurances that these are complementary to those of Apex Ranch. This needs to be better defined up front.

Specifically,

- Buried Propane
- Buried utilities
- RVs Garaged
- Earth tone color schemes (No white, black or blue)
- Stucco
- Firewise provisions (tree thinning, pruning, slash removal)

- Architectural Control
- Minimize light pollution
- Minimize disturbance of existing trees to clearing only those necessary for building and providing roads and driveways.

Additionally builder plans must ensure site drainage is consistent with a development master plan to minimize runoff flow onto Apex Ranch property.

Aesthetics

Impact of removal of trees on profile view of ridgeline: Please provide a before and after visual rendering of the appearance of the Ridgeline as viewed from Apex and Fletcherville Road intersection, based on areas to be cleared by the developer for roads and other infrastructure. Also please provide the procedure builders must follow to site homes on wooded lots.

Water quality and availability:

We are seriously concerned about the draw of 62 wells in this development and impact on our aquifer. Increased storm runoff and presence of septic systems will increase the risk to well water quality. We are concerned that accelerated draw on the aquifer will impact quality and availability of our well water and may incur significant future cost should new or deeper wells be needed to maintain our access to water. Can the developers produce evidence that none of the existing wells in the adjacent developments will be impacted?

Look forward to attending your meeting to discuss this project on Wednesday.

Thanks

Tom Swaim
15020 Apex Ranch Rd.

Sent from my iPhone

December 3, 2023

RE: Overlook at Homestead proposed rezoning and development plan
FROM: adjacent neighbors Keith and Cheryl Kim, 15540 Apex Ranch Road
EMAIL RECIPIENTS: bswenson@nescolorado.com
KylieBagley@elpasoco.com
carriegeitner@elpasoco.com

As adjacent neighbors to the proposed Overlook at Homestead project referenced above, we offer the following comments which were also presented by Roger and JoAnn Lund and ask that they be entered into the record:

- 1) The stormwater drainage plan and placement of detention ponds needs to be reviewed and amended to account for the volume of water that currently flows down the deep ravine between proposed Overlook lots 58 and 59, and dumps into the ravine between Apex Ranch lots 16 and 17. This is identified as Surface Water 2 on the Kimley Horn Aquatic Resource Delineation Map, Natural Features Report, page 62.

This drainage currently runs bank full during heavy rains, and will only be exacerbated by the increased runoff created from road surfaces, rooftops, and other impervious surfaces from the development above us. It is the largest drainage into Apex Ranch.

This water currently flows between Apex lots 16 and 17, flows through culverts under Apex Ranch Road, then through a drainage easement across Apex lot 22, then through culverts under Fletcherville Lane and Apex Ranch Road into a Detention Pond on the northwest corner of that intersection. Unless controlled, that additional flow has the high probability of significant property damage to the home on Lot 17 (my home) in particular, plus overwhelming the Detention Pond which we have the responsibility to maintain as a community.

Proposed Solution: move the location of the proposed detention pond between Overlook lots 58 and 59 downstream to below the convergence of the two drainage easements, OR add another detention pond in the area between the convergence and the property line.

- 2) The impact of heavy construction traffic on existing Apex Ranch Road through our subdivision needs to be addressed. Apex Ranch Road and Fletcherville Lane were reconstructed to county standards with the help of Jennifer Irvine, County Engineer, after our developer defaulted on the Subdivision Improvements Agreement and left us with failing roadways; we do not want to have this situation reoccur. At a bare minimum, NO construction traffic should be allowed on this section of road, and instead routed onto the new road that will be established off of Elbert Road to the south by the developer. Ideally, we would like to see the current section at the south end of Apex Ranch Road gated off permanently to all traffic, with access to emergency vehicle traffic only with a key or gate code provided to Dispatch. (This is not unreasonable, and would be similar to the emergency access easement across Apex lot 8 at the north end of Fletcherville Ln).
- 3) We are very concerned about the impact of 62 wells being drilled into the Dawson Aquifer, the same aquifer that all residences in Apex Ranch Estates depend on for our water supply. The public record documents filed with the County show that we are not the only ones concerned; there are documents from law firm Trout and Raley, and the

Upper Black Squirrel Water Conservation District questioning the sufficiency of water and/or recommending formation of a municipal water and sanitation district or augmentation/replenishment wells from a different aquifer or other source. Accordingly, we request that the counsel of these expert authorities be followed.

In summary, we ask that the proposed development be done responsibly and with consideration for minimal disruption to our existing community here at Apex Ranch Estates. Our Covenants have been written to ensure enjoyment of a semi-rural lifestyle and preservation of property values. We have not seen any details in the development proposal for Overlook at Homestead regarding any kind of HOA or Covenants, whether manufactured/mobile homes or site-built homes would be allowed, what type or number of animals would be allowed, and whether the developer will be building the homes or using outside homebuilders (and if so, whom). Nor have we seen any mention of any governing body or other means of oversight once the rezoning and development have occurred.

Thank you for your consideration of these concerns.

Kylie Bagley

From: Travis Campbell <tcampbellhomesco@gmail.com>
Sent: Monday, December 4, 2023 6:44 PM
To: PCD Hearings; Kylie Bagley
Subject: Formal Appeal of Rezoning - Proposed PT Overlook at Homestead Ranch (Parcels 4100000255 4100000256 4122000005)

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To whom it may concern:

We are located on lot 20 in the peaceful Apex Ranch Estates. For many years we have enjoyed this quiet rural area and its surrounding mountain views and extensive wildlife. My wife and I are formally appealing the massive disruption and development, PT Overlook Community is proposing. We are appealing the rezoning of A-35, the immeasurable water usage by such a plan, their wildfire mitigation plan, two-story structures impeding our views, and the road access inside Apex Ranch Estates to be denied.

Apex Ranch Estates owners can't stress enough regarding the water issues and the protection of our water rights, and the undue burden it will put on the Dawson Aquifer and others; especially with 62 new homes being proposed, plus the 162 homes currently being built on their development at Winsome, in Black Forest. Most properties surrounding Apex Ranch Estates off Elbert Road are zoned A-35; not RR-5. The current zoning of A-35 is more common in this area and water is limited; especially when zoning continues to change throughout the Eastern Plains, Meridian Ranch, and Black forest.

Wildfires are a vital concern and the mitigation plan PT Overlook is trying to implement; by using the Apex Ranch Estates cistern is not their right to make nor is it the fire department decision to make. Apex Ranch hydrant is privately owned and maintained by Apex Ranch Estates and is here for use for our community and others if needed. PT Overlook must do the same; and build two or three of their own fire hydrants for Wildfires, as we don't want another Black Forest incident and one hydrant simply isn't enough water to fight a large forest fire for multiple communities. PT Overlook must do their part to protect their community and its neighbors by adding sufficient fire mitigation and water hydrants in their community.

Additionally, we are strongly opposed to the proposed ingress and egress roads inside of Apex Ranch. There's already two existing entrances off Elbert Road; South of Apex Ranch Estates off Elbert Road and the North perimeter of Apex Ranch, also off Elbert Road; both entrances lead into PT Overlook Community. These should be used as the two main entrances for PT Overlook; as these entrances off Elbert Road already exist. Adding additional entrances is going to disrupt Apex Ranch community and increase our traffic by 300%; as PT Overlook is three times as large as Apex Ranch Estates. These proposed entrances in Apex Ranch Estates are easements for utilities, not for connecting two different communities. The developer doesn't want to spend the time or money to develop their community separately or properly. The proposal of joining two separate communities should be denied and construction access inside Apex Ranch Estates should not be permitted. This will prevent destroying the roads, limiting traffic flow, noise and creating disarray within the Apex Ranch community.

Structurally, two-story homes should not be allowed or constructed at PT Overlook. The mountain views are a main reason why we chose this location and constructing two-story homes will drastically impede our Colorado Mountain Views. Apex Ranch Estates doesn't allow for two-story homes to be built for this very reason; limiting its number of out-buildings and structures allowed per lot, and increasing their setbacks to match its neighbors; this allows for distance between residences. Rural living is having space between neighboring properties and would expect the same courtesy of its neighbors; not impeding their views.

The wildlife living around Apex Ranch Estates and Homestead Park are also going to be dramatically affected by this new community being proposed; all the trees being removed, all the rocks, soil and cover being eliminated and ultimately disrupting a key piece of the ecosystem around Homestead Ranch Park is absolutely devastating, to think about. We are asking to keep the zoning at A-35; as this will instill the space required for the vast wildlife and will help sustain their habitat around Homestead Park and its environment alike; and the current zoning of A-35 allows for the wildlife to thrive and water to be reserved; not RR-5, as proposed. Keeping zoning at A-35 will ensure distance, integrity and our community values to remain intact.

Finally, if this proposed community gets developed regardless of our plea; then Apex Ranch Estates residents request to have the first right of refusal to purchase the lots adjacent to our community and have the option not to develop those lots.

Surrounding properties off Elbert Road are zoned A-35, not RR-5 as proposed.

1. 17200 Elbert Rd. Peyton 80831 (41 acres)
2. 16888 Elbert Rd. Peyton 80831 (37.5 Acres)
3. 16990 Elbert Rd. Peyton 80831 (145 acres)
4. 17245 Elbert Rd. Peyton 80831 (147 acres)
5. Elbert Rd Peyton 80831 (38 acres)
6. 16460 Elbert Rd. Peyton 80831 (38 acres)
7. 16330 Elbert Rd. Peyton 80831 (38.3 acres)
8. 16210 Elbert Rd. Peyton 80831 (37.3 acres)
9. 1280 Lost Creek Lafayette (Off Hopper Rd. 157 acres)
10. Reata Rd - Borders Reata Subdivision (161 acres)

Thank you for your time and consideration of these important matters and concerns for Apex Ranch Estates and its Neighbors.

Travis Campbell, RE Broker/ REALTOR MRP
Muldoon Associates, Inc. Real Estate and Investments
Mobile (719) 551-8742
[Visit My Website Today Click Here!](#)
Offices Located In **Colorado Springs** and **Pueblo**

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Petra Rangel

From: Laura Midkiff <agentlaura@icloud.com>
Sent: Wednesday, December 6, 2023 6:52 PM
To: PCD Hearings
Subject: 5 acre request next to Homestead Park

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I am requesting that you do not allow these lots to reduce to 5 acres.

They are currently 35 a parcels and they should remain do.

Existing owners deserve to know that the land near them is not going to change as dramatically as the change being proposed would mean.

Laura Midkiff
719-229-8229

Sent from my iPhone

Petra Rangel

From: Andrew Thulin <ajthulin.mdm@gmail.com>
Sent: Wednesday, December 6, 2023 11:58 PM
To: PCD Hearings
Cc: Meggan Herington
Subject: Request To Comment On P235

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Good evening, Sir/Ma'am!

I have received notice of a Planning Commission Hearing tomorrow morning at 9am. I wish to provide comments, and the notice says to email the project manager/planner at this email.

Please advise if you require anything else.

Very Respectfully,

Andrew Thulin
801-865-2552

Petra Rangel

From: Grace Blake <equestriangrace3@gmail.com>
Sent: Thursday, December 7, 2023 8:50 AM
To: PCD Hearings
Subject: File Number: P235

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Good morning,

We had a couple questions in regards to the rezoning of the 350 acres near Homestead Regional Park from A-35 to RE-5. We appreciate your time taking our concerns and questions into consideration.

1. We believe that equestrian easements should be installed between the new homes potentially being built. This is a very strong equestrian community and by not putting easements in, it restricts everyone else from having access to the Homestead Park. It is dangerous for riders on horseback to have to take busy roads in order to access the open space.
2. There is a lot of wildlife on that land. Has a study on endangered species been done prior to building homes and possibly destroying habitats?

Thank you kindly,
Neighbors Cody and Grace Davis
661-753-6730
661-860-0425

Sent from my iPhone

From: PCD Hearings
Sent: Wednesday, December 6, 2023 12:09 PM
To: PCD Hearings
Subject: FW: Overlook at Homestead Rezone

From: Jasmin Castro <jascastr0_84@hotmail.com>
Sent: Wednesday, December 6, 2023 11:53 AM
To: Kylie Bagley <KylieBagley@elpasoco.com>; PCD Hearings <pcdhearings@elpasoco.com>
Cc: johncastro76@outlook.com
Subject: Overlook at Homestead Rezone

To Whom It May Concern:

I am writing in regard to File Number P235, the proposed rezoning request by PT Overlook LLC.

My husband and I own a property that will be directly affected by this development, located at 15740 Alta Plaza Circle. We purchased our home a little over a year ago, and the biggest selling point was the adjacent property with rocky outcrops and trees that we were told was agricultural property and was expected to remain that way. We would not have purchased here had we known that the beautiful land behind us would soon be developed.

We have several legitimate concerns pertaining to the development. Our top concerns being:

- Erosion & flooding caused by altering the natural terrain. Our subdivision has already been plagued by flooding and washed out roads from the recent rains, and I can only imagine how much worse this could become by developing the land behind us.
- Potential water shortage - what is being done to ensure that adding these new properties will not cause our wells to dry out? Is there enough water available to ensure that we will not be impacted by this?
- Wildlife - the hills and rocky outcrops behind our house are home to deer, coyotes, foxes, and bears to name a few. Where will the wildlife and predators go when their natural habitat is destroyed? Will they be in our backyard? We have horses and pets and that is a concern to those of us with our own animals to protect.
- Noise Pollution / Construction Traffic - how long will this development take and what affect will this have on our quality of life for the next several years?
- Traffic & road maintenance - this proposal will bring much for traffic to our area, how will the roads compensate for this?

We chose to purchase our home here because of the serenity of the hills and rocky outcrops behind us. This area affects our property value as well, and developing this land is a real threat to our subdivision. Potential water shortages, flooding, wildlife, traffic, and noise pollution are only a few of the potential issues that could arise.

We would like it to be known that as homeowners adjacent to the proposal, we are in opposition to this proposal.

Thank you for your time,

John Castro & Jasmin Castro
15740 Alta Plaza Circle
Peyton, CO 80831
(719) 649-2071

From: MT DUNCANSON <mtduncans@hotmail.com>
Sent: Tuesday, December 5, 2023 4:49 PM
To: Kylie Bagley
Cc: PCD Hearings
Subject: Overlook at Homestead P235

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As a resident of Apex Ranch my wife and I reside at 16925 Fletcherville Lane (lot 10) and are opposed to the proposed rezoning and development (Overlook at Homestead) by PT Overlook LLC for the following reasons;

- 1) **Water resources-** 62 new wells on the proposed development will put an increased strain on the Dawson aquifer in an area of the county that is already struggling with the availability of water for the residents of the county. The Upper Black Squirrel Water Conservation District is questioning the sufficiency of water and/or recommending formation of a municipal water and sanitation district or augmentation/replenishment wells from a different aquifer or other source. Accordingly, we request that the counsel of these expert authorities be followed.

In addition due to lack of water in the Peyton Fire control district, Apex Ranch installed a 30,000 gallon water cistern for 25 lots to be used in case of fires in the area which is maintained by the Peyton Fire Department. Will PT Overlook be required to install something similar? I do not believe that this would be near enough water if a major fire event occurred with an additional 62 lots.

- 2) **Drainage-** Almost all of the adjacent properties to the Overlook at Homestead are down hill from the proposed development witch have the high likely hood of creating serious drainage issues for the surrounding properties during development and after completion of the project. The increased drainage will overwhelm the existing stormwater systems and has the potential to cause serious infrastructure and personal property damage.
- 3) **Traffic-** The proposed use of Apex Ranch road as the north entrance into the new subdivision will have a huge impact on the quality of life for the residence of residence of Apex Ranch. Currently the subdivision is a safe place to walk, run and ride bike with very little concern for vehicles on the road. With 62 new homes the amount of residential traffic not to mention the increase traffic from Amazon, UPS, and FEDEX will be a significant change to the safety of the residence of Apex Ranch.

These are just some of the major concerns that we have with the proposed development.

Sincerely,

Mike and Traci Duncanson
16925 Fletcherville lane
Peyton, CO 80831
719-357-3333

Sent from [Mail](#) for Windows

TO: Kylie Bagley, Project Manager, El Paso County, CO
RE: File # P235 Overlook at Homestead Rezone

This submission is in regard to the Planning Commission hearing scheduled for Thursday, December 7, 2023 regarding the above scheduled rezoning.

As adjacent landowners to the proposed property to be rezoned, we are concerned with potential impact to our neighborhood (Apex Ranch Estates) as outlined below.

- 1) We do not object to the rezoning from A35 to RR5 as long as any adverse impact to us as adjoining neighbors can be minimized; specifically:
 - a) The input of the Upper Black Squirrel Creek Ground Water Management District (and the opinion of their legal consultants Trout Raley) regarding compliance with the District's rules regarding water supply, replacement plan, and water and wastewater system policy be given credence;
 - b) The input of Peyton Fire Protection District regarding the developer's need to construct and maintain at least one additional fire control cistern in addition to the existing cistern on Apex Ranch Estates property; and
 - c) The final Stormwater Management Plan is sufficient to include best practices that ensure that such flows off of the proposed development will be less than historic levels to prevent property damage and excessive erosion to downhill lots in Apex Ranch Estates.

- 2) Most importantly, we will vigorously oppose any subsequent request by the developer to amend his rezoning request at a later date to change from RR5 to RR2.5 or a lesser designation allowing denser home construction. Concern over such action was raised by several neighbors at the neighborhood meeting held on November 8, 2023, and representatives of NES Consulting, ProTerra, and PT Overlook all said that this was not being considered; we intend to hold them to their word.

Thank you for the opportunity to submit our input on this matter.

Roger and JoAnn Lund
15320 Apex Ranch Road Peyton, CO 80831 (Lots 15, 16 Apex Ranch Estates)

From: PCD Hearings
Sent: Tuesday, December 12, 2023 11:04 AM
To: PCD Hearings
Subject: FW: Proposed change to allow development of property adjacent to the west of Homestead Regional Park.

From: PJ Reinbold <reinboldp@elpasotel.net>
Sent: Monday, December 11, 2023 1:25 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>
Subject: Proposed change to allow development of property adjacent to the west of Homestead Regional Park.

Dear Commissioner Geitner:

People on nextdoor are concerned about the Planning Commission allowing changes to property adjacent to the west side of Homestead Regional Park. Evidently, it is understood in the plan that “there will be a water shortage but they are attempting to go forward anyway”.

My issue as posted in that thread is this:

As far as the BoCC reducing the parcel size from a minimum of 35 acres to 5 acres or 2.5 acres, at least 3 decades ago (probably earlier) the state mandated a minimum of 35 acres for a "domestic" well, which is required for *any* outside water usage. Even setting a bowl of water outside for your dog isn't supposed to be allowed on a "household" rather than "domestic" well permit. The concern is the diminishing water resources in eastern Colorado, and the aquifers - most of which do not replenish - have been getting depleted. Any reduction in parcel size below 35 acres should be on a metropolitan water supply in order to avoid too many wells further depleting the aquifers. At a minimum, they should be restricted to only household-category well permits and water usage.

My suggestion would be to postpone further development of residential communities in the eastern portion of El Paso County until the planned water distribution systems are complete and extend eastward to proposed development areas. This would provide a compelling incentive for developers to assist in financing such pipelines as well as facilitating their construction. The stipulation for sources of water for such distribution must be that it is a replenishing source, such as from a reservoir fed by rainfall and snowmelt.

It is absolutely unacceptable and irresponsible to go forward with a land use change in which a shortage of water is understood, or to allow more wells into already over-tapped aquifers.

We who are residents of the eastern portion of the county pull drinking water and water for livestock from aquifers such as the Laramie-Fox Hills. What are we all to do when those aquifers are gone? In other areas of the state, wells have already gone dry as aquifers have been depleted. A USGS publication titled *Bedrock aquifers and population growth in the Denver Basin, Colorado, USA* states that aquifers, “may be depleted in 10 to 15 years in areas on the west side of the basin. Groundwater is being mined from the aquifer system because the withdrawal through wells exceeds the rate of recharge.” <
<https://pubs.usgs.gov/publication/70029731#:~:text=The%20groundwater%20supplies%20were%20once,exceeds%20the%20rate%20of%20recharge.>>

Some aquifers do not recharge; they are non-replenishing. It’s my understanding that Laramie-Fox Hills is one that does not replenish.

On the topic of water, sod farms should be addressed at another time. Colorado – over the long haul – cannot afford to be depleting its deep irrigation aquifers that do not replenish by pumping water to grow sod that is shipped across the state to further deplete precious water resources when and where it becomes someone’s lawn.

For now, the issue of residential or business development that acknowledges water shortages, yet still wants to move forward by further depleting already over-extended water resources must be addressed rationally. With the

USGS estimating depletion of wells in 10 to 15 years, how will the public and the County respond to the emergency situation and accompanying havoc when that depletion occurs?

Thank you and Sincerely,
Paula Reinbold
Rush, CO

Sent from [Mail](#) for Windows

Kylie Bagley

From: Robert Keeley <rhkeeley@earthlink.net>
Sent: Thursday, December 7, 2023 12:42 PM
To: Kylie Bagley
Subject: File Number P235: couldn't access URL and A Suggestion
Attachments: Overlook Project-URL error.pdf

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I'm emailing to ask your assistance accessing the documents for File Number 235. I believe I entered the correct URL but I received a message that I could not access it (see the attachment--it is a screenshot of the URL and the error message).

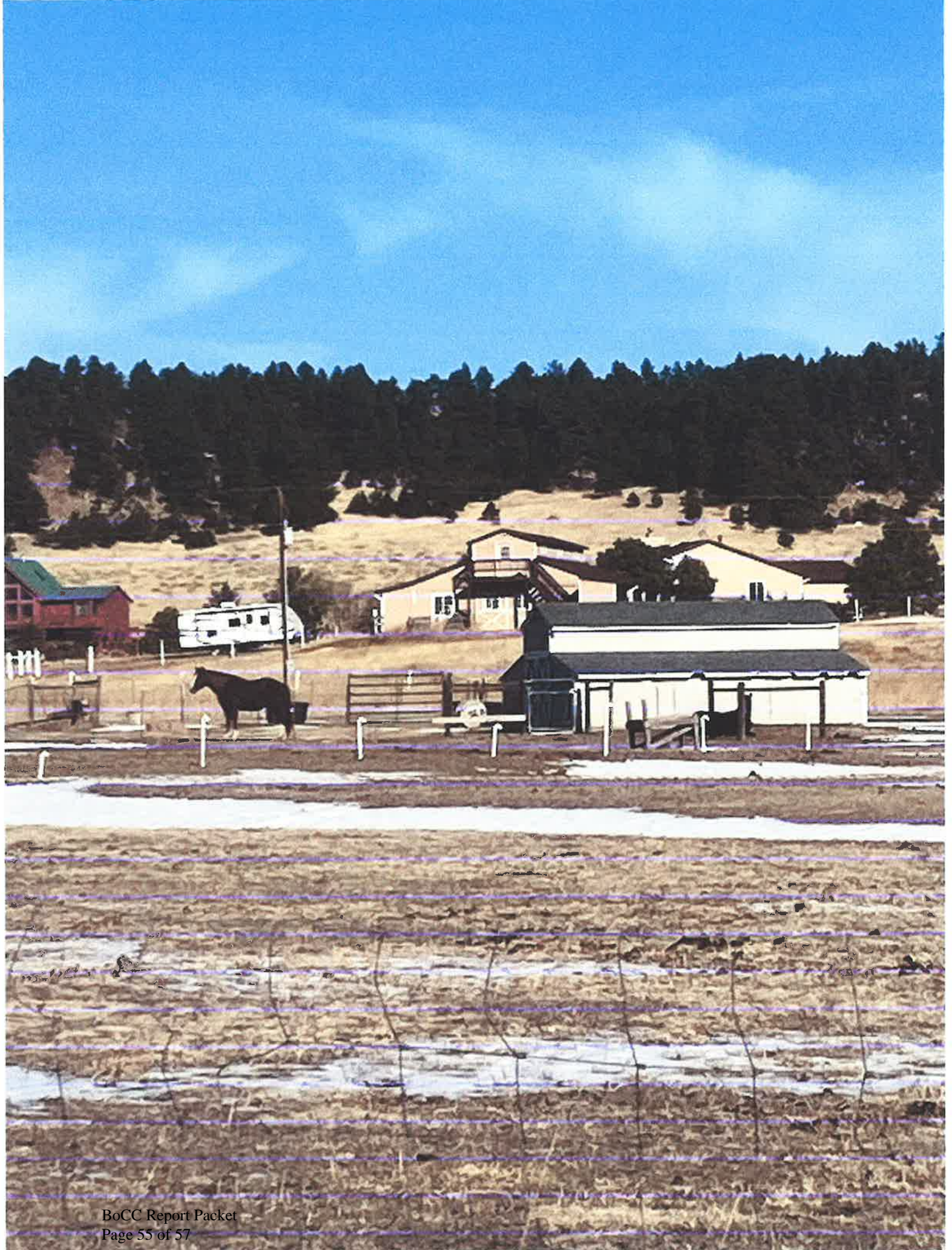
I'm fairly familiar with the land at P 235 (we live on Elbert Road, the south boundary of our land touches Apex Ranch on its north side). The southern part of P235--around 1/2 of the land-- is open country that gently rises to the east. The northern and eastern part has an abundance of trees.

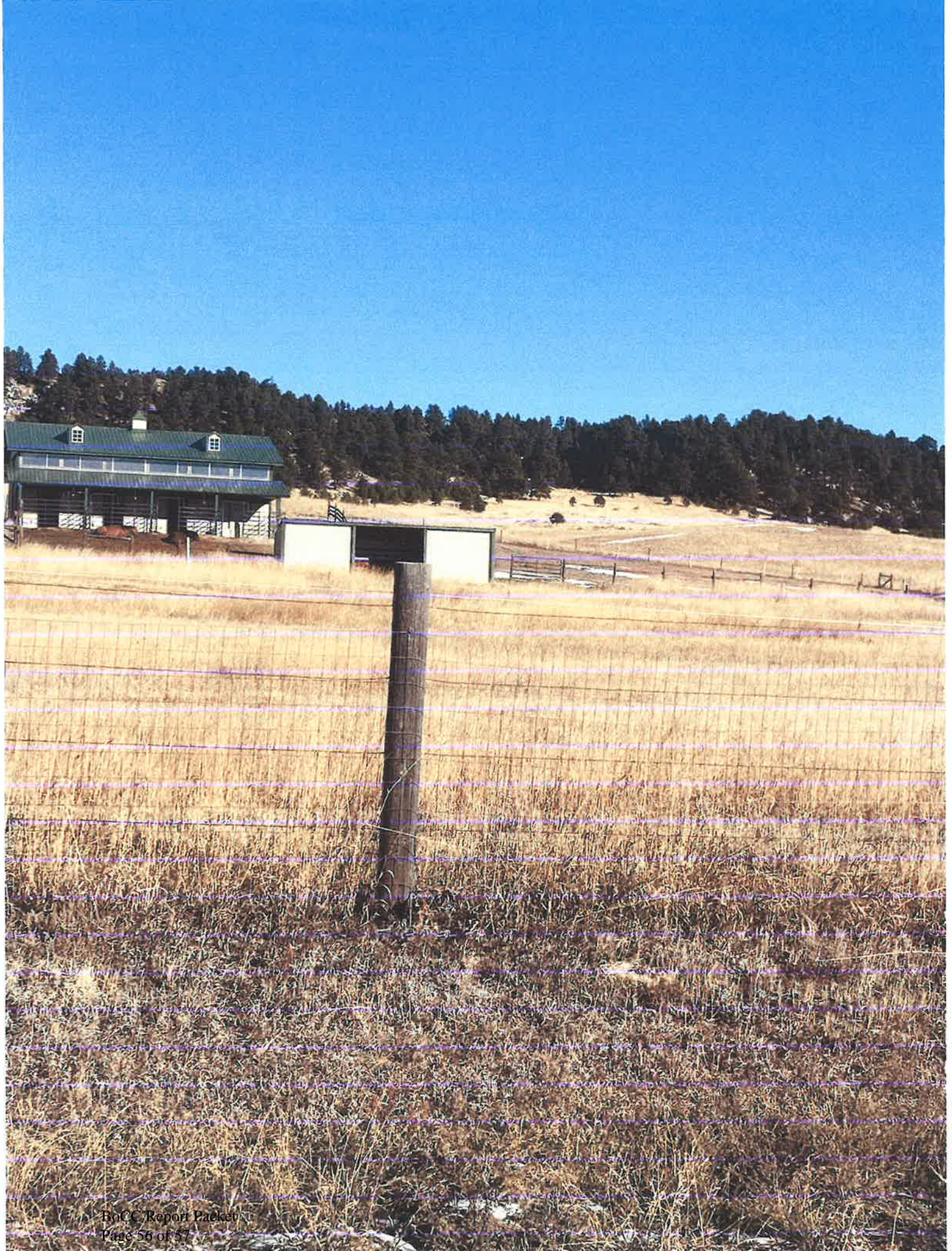
I think the project would be improved by planning it as a PUD--with lots bigger than 5 ac. in the open area, and smaller in the treed area. Houses in the treed area would have adequate privacy on smaller lots. With thoughtful layout the roads (and internal trails) could provide a variety of settings with varying steepness and curves. The only layout that I've seen for Overlook is similar (on a different scale) to the elbow-to-elbow boring uniformity of Meridian Ranch.

A visually successful analogy is Winsome (also a PUD), which takes advantage of the rolling terrain and the limited number of trees to create a variety of attractive, useful setting.

I hope you find these comments constructive,

Robert Keeley, 17245 Elbert Road, 970-389-1979.







RESOLUTION NO. 24-

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

APPROVAL OF A MAP AMENDMENT (REZONE)
OVERLOOK AT HOMESTEAD REZONE (P- 23-005)

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 7, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on January 11, 2024; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of NES 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district;

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

CONDITION

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.

NOTATIONS

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

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 11th day of January 202, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION: A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO. TOGETHER WITH THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO. TOGETHER WITH THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF

THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902; THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHEAST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.