

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: 05/23/2024
RE: P2312; 23218 Hwy 94 – Rezone Project

Project Description

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. This item was heard as a called-up consent item on May 2, 2024, by the Planning Commission. The vote was 8-0 for a recommendation of approval to the Board of County Commissioners. (Parcel No. 3412000026) (Commissioner District No. 2)

Notation

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

Planning Commission Recommendation and Vote

Mr. Trowbridge moved and Ms. Brittain Jack seconded the motion to recommend approval for the Map Amendment (Rezoning), utilizing the resolution attached to the staff report with two (2) conditions and two (2) notations. The motion to recommend approval was **approved (8-0)**. The item was heard as a called-up consent agenda item.

Discussion

This item was heard as a called-up consent item on May 2, 2024, by the Planning Commission. The vote was 8-0 for a recommendation of approval to the Board of County Commissioners.

Attachments

1. Draft Planning Commission minutes from 05/02/2024
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, May 2, 2024
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, SARAH BRITAIN JACK, JIM BYERS, BECKY FULLER, BRYCE SCHUETTELZ, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: ERIC MORAES.

PC MEMBERS PRESENT AND NOT VOTING: NONE

PC MEMBERS ABSENT: BRANDY MERRIAM, JAY CARLSON, KARA OFFNER, AND JEFFREY MARKEWICH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, EDWARD SCHOENHEIT, JOE LETKE, ASHLYN MATHY, LORI SEAGO AND MARCELLA MAES.

OTHERS PRESENT AND SPEAKING: TUCKER ROBINSON, DANIEL KUPFERER

1. REPORT ITEMS

Ms. Herington updated the board on the creation of informational brochures for the community. The first pamphlet created is about Code Enforcement. A brochure about the public process is coming next. She also advised the board that June 6, 2024, will be the annual meeting for the board. The consultant working on the Land Development Code update will give a presentation on that day. The next regular meeting for the board will be May 16, 2024.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held April 18,2024.

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

**FINAL PLAT
SPACE VILLAGE ROAD MINOR SUBDIVISION**

A request by Jon Spencer for approval of a 22.8-acre Final Plat creating two industrial lots. The property is zoned I-3 (Heavy Industrial) and is located roughly one-half mile west of the Marksheffel Road and Space Village Avenue intersection. (Parcel No. 5417001005) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Mr. Smith asked for information about the Air Force's review comments.

Ms. Mathy stated that there were no outstanding comments from the Air Force. The most impactful comments were made by the City of Colorado Springs.

Mr. Bailey clarified that the Air Force was sent a review request and notice of the application.

Ms. Mathy confirmed that they were part of the review schedule.

Mr. Smith stated he is unsure if the Air Force asked the proper questions.

Mr. Bailey asked if the board wanted to have further discussion on the application's proximity to the military base.

Mr. Whitney reiterated that notice was given, and comments can't really be made. Military installations are hard-pressed to say what they really think.

Mr. Bailey stated that they should trust the process. The opportunity to provide review comments was given to the Air Force.

Mr. Tucker Robinson, representing the ownership group, stated that they met with the Space Force and met with them on base to present the development plan. A couple of concerns were raised and have since been addressed in the plan. They have not heard concerns since then.

Mr. Smith stated that was exactly what he wanted to know.

PC ACTION: MS. FULLER MOVED / MR. TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS227 FOR A FINAL PLAT, SPACE VILLAGE RD MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THIRTEEN (13) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. P2312

LETKE

**MAP AMENDMENT (REZONING)
23218 HIGHWAY 94 - REZONE PROJECT**

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. (Parcel No. 3412000026) (Commissioner District No. 2)

It was recognized that members of the public are in the audience and watching the hearing online for this item.

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. TROWBRIDGE.

4. CALLED-UP CONSENT ITEMS

3C. P2312

LETKE

**MAP AMENDMENT (REZONING)
23218 HIGHWAY 94 - REZONE PROJECT**

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. (Parcel No. 3412000026) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Bailey asked for clarification because Mr. Schoenheit mentioned lot sizes of 2.5 acres, but the request is to rezone the area to RR-5 (minimum lot size of 5 acres).

Mr. Schoenheit stated that the Letter of Intent mentioned 1.5-acre lots at one point.

Mr. Bailey clarified that currently, they are only considering a rezone to RR-5.

Mr. Letke reiterated that the proposal is a rezone to RR-5 and lot sizes cannot be less than 5 acres.

Mr. Daniel Kupferer, with Land Development Consultants, gave his presentation. He clarified that the intent is to develop 8-10 5-acre lots. Configuration will be determined with the floodplain in mind.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER P2312, FOR A MAP AMENDMENT (REZONING), 23218 HIGHWAY 94 REZONE PROJECT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

Mr. Whitney explained that while the subject property is surrounded on 3 sides by A-35, he sees compatibility due to the placetype designation. The idea that the area could change to 2.5-acre lots presents a seismic shift, which troubles him greatly.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2312
23218 HIGHWAY 94 REZONE PROJECT

WHEREAS, GWH, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, 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 May 2, 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, 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 (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B 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 GWH, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for 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:

CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) (PCD File No. P2312). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

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.

Brittain Jack 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	<u>aye</u> / no / non-voting / recused / absent
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 / no / non-voting / recused / <u>absent</u>
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpez	<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	<u>aye</u> / no / non-voting / recused / absent

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

DONE THIS 2nd day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

The East Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, County of El Paso, State of Colorado,
Containing 60.004 Acres, more or less.

A non-exclusive easement for ingress and egress over the Easterly 60 feet of the Southeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, as created by Easement Grant and Agreement recorded November 6, 1966 under Reception No. 96141186, County of El Paso, State of Colorado.

EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Joe Letke, Planner II
 Edward Schoenheit, Engineer I
 Meggan Herington, AICP, Executive Director

RE: Project File Number: P2312
 Project Name: 23218 Hwy 94 - Rezone project
 Parcel Number: 3412000026

OWNER:	REPRESENTATIVE:
GWH LLC c/o Michael Butler 6547 North Academy Blvd, #1009, Colorado Springs, Colorado 80918	Daniel L. Kupferer Land Development Consultants, Inc. 3898 Maizeland Road Colorado Springs, CO 80909

Commissioner District: 2

Planning Commission Hearing Date:	5/2/2024
Board of County Commissioners Hearing Date:	5/23/2024

EXECUTIVE SUMMARY

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. (Parcel No. 3412000026) (Commissioner District No. 2)

2880 INTERNATIONAL CIRCLE
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
 PLNWEB@ELPASOCO.COM

P-23-12
23218 Hwy 94
Rezone Project



2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

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

A. 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.

B. LOCATION

North:	A-35 (Agricultural)	Residential
South:	A-35 (Agricultural)	Warehouse
East:	A-35 (Agricultural)	Residential
West:	RR-5 (Residential Rural)	Residential

C. BACKGROUND

The subject property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this part of the County. The existing home on the property was constructed in 2001. If the request for Map Amendment is approved, the applicant will be required to receive approval of the subsequent subdivision application in order to convey any potential lots within the subject property area (PCD file 23218 Hwy 94 Major Subdivision).

D. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 60 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	-	1 Unit per 5 acres
Minimum Lot Size	35 acres	5 acres
Minimum Width at Front Setback	500 feet	200 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	25 feet
Maximum Lot Coverage	None	25%
Maximum Height	30 feet	30 feet

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.



Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The property is located within the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Goal LU1 – *Ensure compatibility with established character and infrastructure capacity.*

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC1-5 – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

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

The proposed Map Amendment (Rezoning) would allocate approximately 60 acres of vacant land from the A-35 zoning to the RR-5 zoning district, which would support the single-family detached residential density within the Large-Lot Residential placetype. The Map Amendment (Rezoning) would be compatible with the current RR-5 zoning located west of the subject property as well as be consistent with the recommended density of the Large-Lot Residential Placetype.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different



supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis:

This property is located within the New Development area of change. This area is specifically designated as an area that will be significantly transformed as new development takes place. The current Map Amendment proposal is consistent with the Area of Change designation.

d. Other Implications (Priority Development, Housing, etc.)

This property is located within a priority development 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.*

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

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

Goal 4.3 – *Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.*

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:

A finding of water sufficiency is not required with a Map Amendment. Water sufficiency shall be provided with subsequent subdivision applications.



3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) does not identify deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards have been identified.

2. Floodplain

The western portion of the property is located within a FEMA-surveyed Zone "AE" 100-year floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0809G. The eastern portion of the property is not located within a floodplain and is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

3. Drainage and Erosion: The property is in the Ellicott Consolidated drainage basin. This is an unstudied basin with no applicable drainage or bridge fees. A drainage report is not required with this rezone application. A drainage report will be required for the plat application.

4. Transportation: The property is located approximately one-quarter mile north of State Highway 94. Access to the property is currently obtained through an unimproved driveway and a recorded private access easement agreement. A new private road with a recorded access and maintenance agreement will be required to support the future planned subdivision. A Traffic Impact Study prepared by Kimley-Horn was provided with the rezone application. The planned rezone and development is expected to generate an additional 114 weekday daily trips to the local road network. No County public improvements were determined to be required at the intersection of the private road and State Highway-94.



G. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. Water is provided by a well.

2. Sanitation

Wastewater is provided by on-site wastewater treatment systems.

3. Emergency Services

The property is within the Ellicott Fire Protection District.

4. Utilities

Mountain View Electric provides electric services to the property.

5. Metropolitan Districts

The property is within the Upper Black Squirrel Creek Metropolitan District and the Ellicott Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of parkland dedication are not required for 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.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues.

J. 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:



CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on April 17, 2024 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

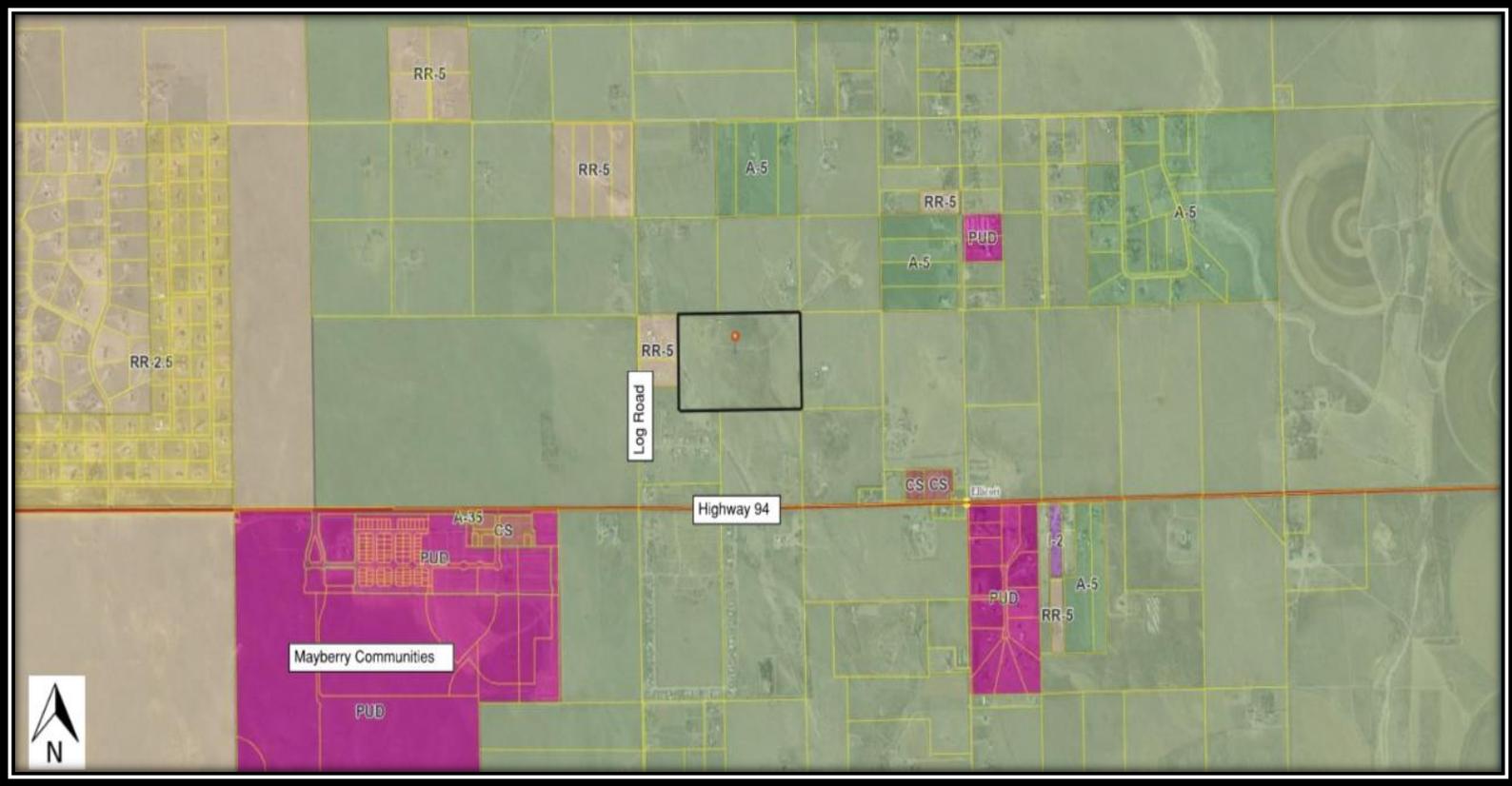
Map Series
Letter of Intent
Rezone Map
Draft Resolution

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300

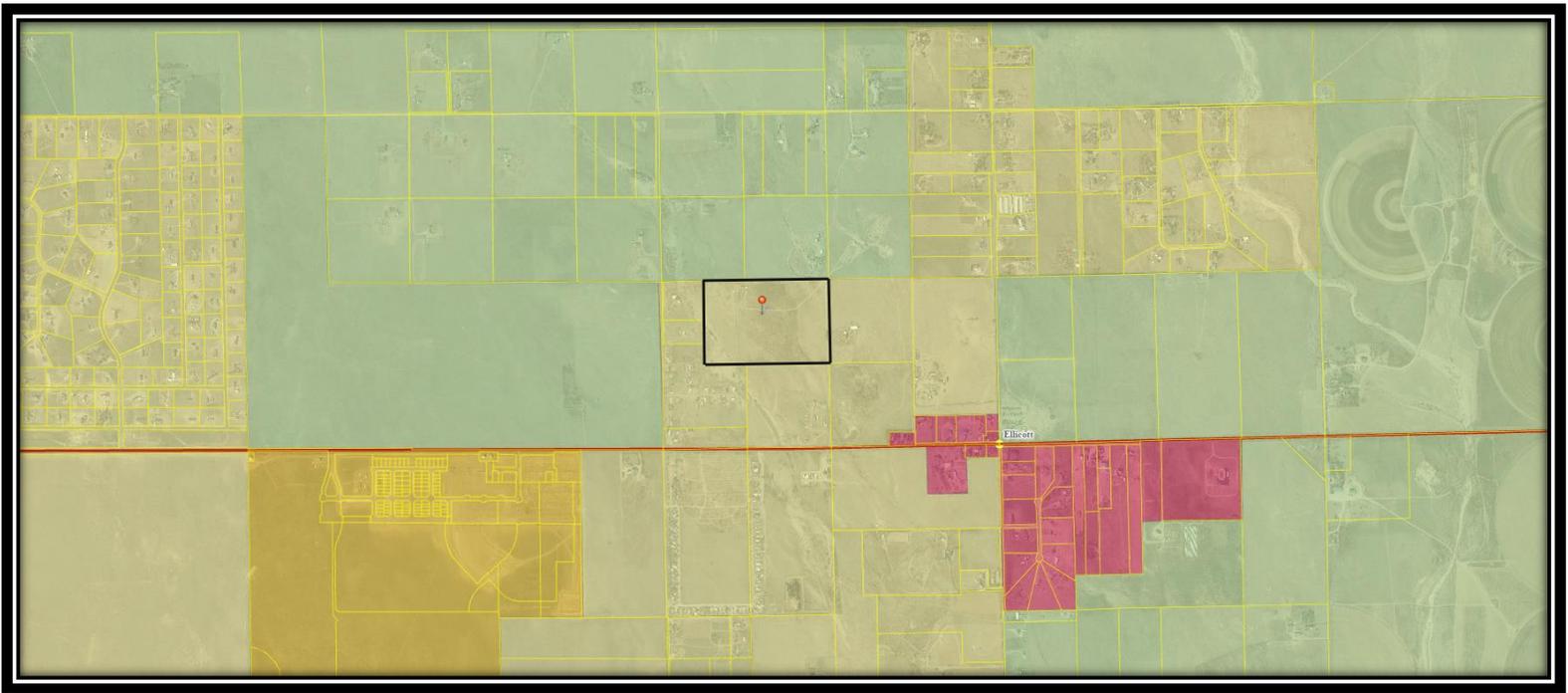


COLORADO SPRINGS, CO 80910
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Map Exhibit #1: Context



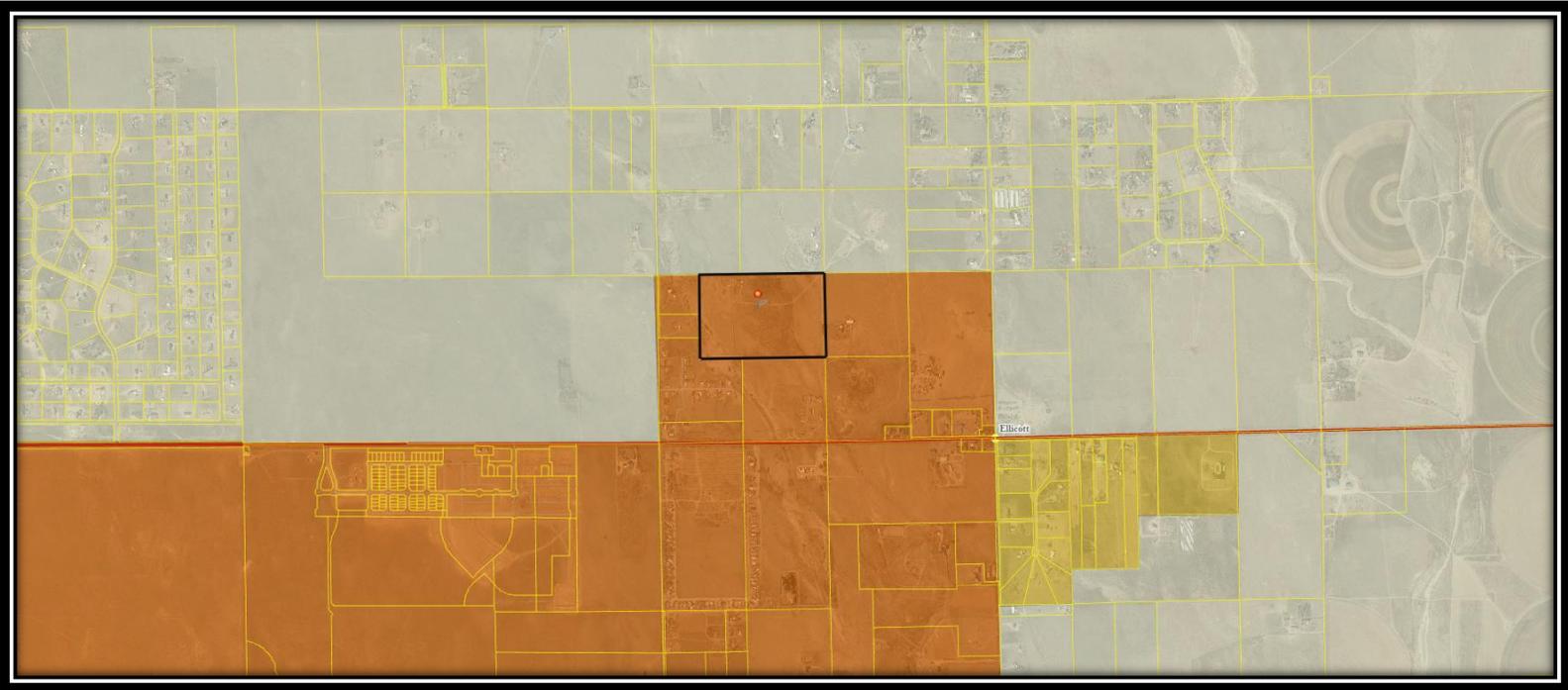
Map Exhibit #2: Placetype



Legend

- | | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |

Map Exhibit #3: Area of Change



Legend

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



3898 Maizeland Road
Colorado Springs, CO 80909

Phone: 719-528-6133
Fax: 719-528-6848

Surveying • Planning

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LETTER OF INTENT

REVISED 3-8-2024

October 24, 2023

**El Paso County Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910**

Attn: **Ashlyn Mathey/Current Planner**

Re: **Rezone Letter of Intent – KRISTIN ESTATES
PCD FILE NO. P2312; APN 34120-00-026; 23218 HIGHWAY 94**

LAND DEVELOPMENT CONSULTANTS, INC. is representing GWH, LLC in this application for a rezone from A-35 Agricultural to RR-5 Rural Residential for 10 rural residential lots.

This site is located on the North side of US Highway 94 just East of North Log Road. It is currently being used for 2 modular type residences and has been since before the County zoned the property. It is surrounded by a variety of uses; mobile home park on the Southwest zoned A-35; agricultural/outside storage on the South zoned A-35; rural residential on the North and East zoned A-35 and rural residential on the West zoned RR-5.

The owner's property consists of a total of 60.00 acres and is currently zoned A-35. Their request is to rezone the property to the RR-5 rural residential zone. This will allow them to develop the land for 10 residential lots.

The property will be served by an wells and septic systems. Electric service is provided by Mountain View Electric Association. Fire protection is provided by ELLICOTT FIRE PROTECTION DISTRICT.

The existing access point on Highway 94 will continue to be used and an Access Permit will be applied for from Colorado Department of Transportation. A traffic Study has been completed to be submitted with that Access Permit.

The EL Paso County Master Plan is not specific as to the zoning boundaries of property as it is advisory in nature, and notes that a majority of real estate in Eastern El Paso County is zoned RR-5 and that that designation has been used as a "holding pattern" for properties until future development needs and requests arise. We find nothing within the Master Plan that would prohibit a zone change to the property. **The Master Plan depicts this parcel as "New Development" within the area of change. The placetype is depicted as "Large-Lot Residential". Lastly the parcel is located in a priority development area.**

Once the property is re-zoned, development of the property will be per the specific requirements of the El Paso County Land Development Code and the Engineering Criteria Manual as they pertain to

the requested RR-5 Zone. The current plan for physical development of the site is to upgrade the existing gravel road for rural residential traffic. The existing road is a private road and the intent is to keep it private. There is an existing 60 feet wide, non-exclusive easement for ingress/egress and public utilities that was recorded 11-6-1996. There will be a Private Road Maintenance Agreement put in place with the Subdivision process and the recording of the Final Plat. We will submit a Waiver Request for no direct access to a public road for the proposed lots. The submittal for the subdivision plat will include a proposed name for the private road.

This application is in general conformance with the El Paso County Master Plan. Anticipating future needs the rezoning of the Property from A-35 to RR-5 would be beneficial to the growing Ellicott Community through the development and provision of residential home sites. This will provide local workers the ability to live in the area they work, reducing commuter times and traffic to and from Colorado Springs. For the community the best use of this site would be re-zoning to RR-5.

This property was zoned A-35 when all of Eastern El Paso County was initially zoned. During the years following that the Ellicott community has been steadily growing to the point that there is adjoining property that has been zoned RR-5 and nearby property being developed in high density PUD zone. In conclusion, this zone change complies with all of the Criteria for Approval in Chapter 5 of the Land Development Code.

El Paso County Water Master Plan anticipates that this area of the county would be reliant on water supplied by private wells, and septic systems to treat wastewater. The El Paso County Master Plan notes that, "With the exception of telephone service, electricity, and some roads, urban services are limited in most of the Planning Area. Within a 20-year planning horizon, contiguous development is not expected to extend east from the City of Colorado Springs to the Planning Area, nor is it likely that Colorado Springs will extend extra-territorial services. If urban services become available, they will result from some combination of local start-up facilities, gradual upgrades to existing services, or extensions of services from outside the Planning Area." This project would be consistent with the Plan in those regards.

There is a FEMA flood plain, Zone AE, on the Western side of the property. This flood plain will be located and shown on the Final Plat as a No Build area. As these lots will be a minimum of 5 acres each and the land is relatively flat, there will be no overlot grading for the houses and the private road is already existing, there will be little to no impact on the floodplain land or any protected species habitat, if any exists, within this property.

A notice to adjacent owners was mailed on 11-21-2023, advising them of this proposal and referring them to El Paso County Planning and Community Development Department for further information.

This rezoning is in compliance with the applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116

Owner:
GWH, LLC
719-445-9195
6547 N. Academy Blvd.
Colorado Springs, CO 80918
Applicant:

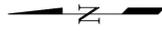
Land Development Consultants, Inc.
Daniel L. Kupferer 719-528-6133
3898 Maizeland Road
Colorado Springs, CO 80909

Thank you for your consideration,

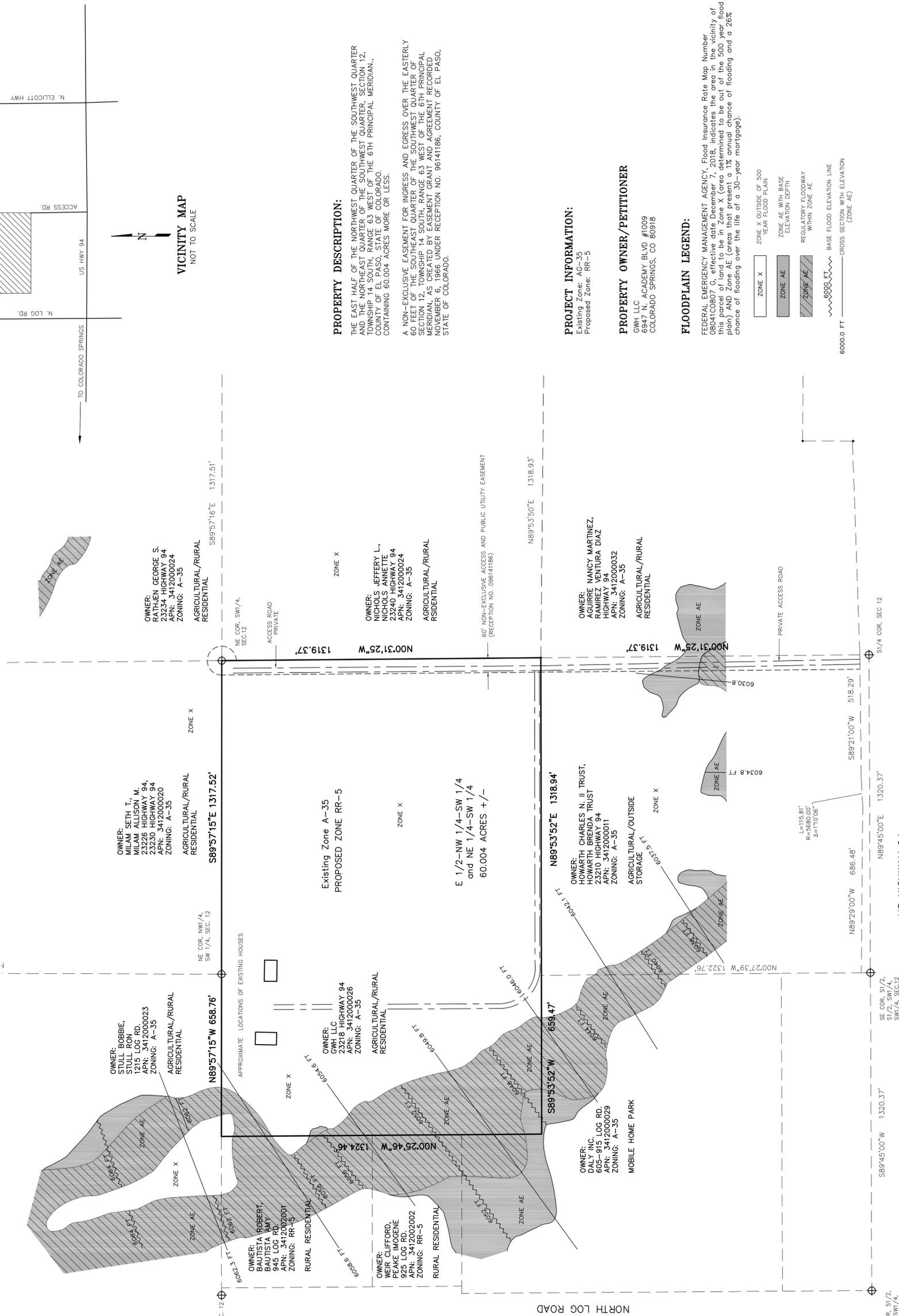
LDC, Inc. by Daniel L. Kupferer
dkupferer@ldc-inc.com

REZONE MAP

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST, 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



SCALE 1" = 200'



OWNER: STULL BOBBIE, STULL RON
1215 LOG RD.
N. LOG HWY 94
APN: 341200023
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: MILAM SETH T., MILAM M.
23206 HIGHWAY 94
23230 HIGHWAY 94
APN: 341200020
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: RATHEN GEORGE S., RATHEN S.
23206 HIGHWAY 94
APN: 341200024
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: NICHOLS JEFFERY L., NICHOLS ANNETTE
23206 HIGHWAY 94
APN: 341200024
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: AGUIRRE NANCY MARTINEZ, AGUIRRE VENTURA DIAZ
HIGHWAY 94
APN: 341200032
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: DAILY INC.
605-915 LOG RD.
APN: 341200029
ZONING: A-35
MOBILE HOME PARK

OWNER: BAUTISTA ROBERT, BAUTISTA AMY
945 LOG RD.
APN: 341200001
ZONING: RR-5
RURAL RESIDENTIAL

OWNER: WEIR CLIFFORD, PEAKE IMOGENE
925 LOG RD.
APN: 341200202
ZONING: RR-5
RURAL RESIDENTIAL

OWNER: GWH LLC
23218 HIGHWAY 94
APN: 341200026
ZONING: A-35
AGRICULTURAL/RURAL RESIDENTIAL

OWNER: HOWARTH CHARLES N. II TRUST, HOWARTH BRENDA TRUST
23210 HIGHWAY 94
APN: 341200011
ZONING: A-35
AGRICULTURAL/OUTSIDE STORAGE

OWNER: HOWARTH CHARLES N. II TRUST, HOWARTH BRENDA TRUST
23210 HIGHWAY 94
APN: 341200011
ZONING: A-35
AGRICULTURAL/OUTSIDE STORAGE

OWNER: HOWARTH CHARLES N. II TRUST, HOWARTH BRENDA TRUST
23210 HIGHWAY 94
APN: 341200011
ZONING: A-35
AGRICULTURAL/OUTSIDE STORAGE

VICINITY MAP

NOT TO SCALE



W/4 COR. SEC. 12

NE COR. NW/4, SW 1/4, SEC. 12

NE COR. SW/4, SEC. 12

TO COLORADO SPRINGS

US HWY 94

APPROXIMATE LOCATIONS OF EXISTING HOUSES

ACCESS ROAD PRIVATE

60' NON-EXCLUSIVE ACCESS AND PUBLIC UTILITY EASEMENT (RECEPTION NO. 036141186)

6000.0 FT

REVISIONS

No.	Description	By	Date
1	ADD FLOODPLAIN INFORMATION	DAS	03-12-24

DESIGNED BY: XXXX
DRAWN BY: HFW
CHECKED BY: DLK
DATE: 1/10/2022

H SCALE: XX
V SCALE: XX

PROJECT INFORMATION:
Existing Zone: AG-35
Proposed Zone: RR-5

PROPERTY OWNER/PETITIONER:
GWH LLC
6947 N. ACADEMY BLVD #1009
COLORADO SPRINGS, CO 80918

FLOODPLAIN LEGEND:
ZONE X: ZONE X OUTSIDE OF 500 YEAR FLOOD PLAIN
ZONE AE: ZONE AE WITH BASE ELEVATION DEPTH
ZONE AE: REGULATORY FLOODWAY WITHIN ZONE AE
5000 FT: BASE FLOOD ELEVATION LINE
6000.0 FT: CROSS SECTION WITH ELEVATION (ZONE AE)

PROPERTY DESCRIPTION:
THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, CONTAINING 60.004 ACRES MORE OR LESS.
A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 60 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, WAS GRANTED BY DEED DATED NOVEMBER 6, 1966 UNDER RECEPTION NO. 96141186, COUNTY OF EL PASO, STATE OF COLORADO.

FLOODPLAIN LEGEND:
FEDERAL EMERGENCY MANAGEMENT AGENCY Flood Insurance Rate Map Number 080410087 (effective date December 7, 2018) indicates the area in the vicinity of this parcel of land to be in Zone X (area determined to be out of the 500 year flood plain) AND Zone AE (areas that present a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage).

Project No.: 22030

Sheet: 1 of 1

COUNTY FILE P2312

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONING)
23218 HIGHWAY 94 REZONE PROJECT (P2312)

WHEREAS, GWH, LLC. did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, 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 the El Paso County Planning Commission on May 2, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Map Amendment (Rezoning) application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 23, 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. 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.
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 Board of County Commissioners of El Paso County, Colorado, hereby approves the Map Amendment (Rezoning) of 23218 Hwy 94 – Rezone Project;

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

CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) (PCD File No. P2312). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

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 the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 23rd day of May 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

The East Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, County of El Paso, State of Colorado,
Containing 60.004 Acres, more or less.

A non-exclusive easement for ingress and egress over the Easterly 60 feet of the Southeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, as created by Easement Grant and Agreement recorded November 6, 1966 under Reception No. 96141186, County of El Paso, State of Colorado

