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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 Commissioners
FROM: Planning & Community Development
DATE: 1/26/2023
RE: CS-22-003, 4-Way Commercial Rezoning, The O'Neil Group

Project Description

The applicant is requesting to rezone the property from PUD to CS (Commercial Service) to develop the land immediately adjacent to the eastern drainageway with mini-warehousing, boat and recreational vehicle storage, and outdoor storage. The applicant's letter of intent states the CS zoning district would allow for greater flexibility to utilize the land based upon the market's needs.

Notation

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

Planning Commission Recommendation and Vote

Ms. Brittain Jack Moved, and Mr. Patterson Seconded for Approval of the Called-up consent item Number 2B, CS-22-003, for a map amendment (Rezone), 4-Way Commercial Rezoning, Amending the Resolution Attached to the Staff Report to reflect a Modified Four (4) Conditions and Two (2) Notations, Removing Condition Number 5, and that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-2)**.

The item was heard as a called-up consent agenda item, it was pulled at the request of the applicant's representation.

Discussion

Ms. Merriam had questions regarding the water finding as it pertained to the area being adjacent to residential and agricultural uses. A request was made by Mr. Trowbridge for the applicant's representation to discuss drainage in their presentation. Ms. Merriam also asked for clarification on the widening of Hwy 24 at Garrett Road. Mr. Hodsdon from LSC Transportation Consultants Inc. gave a brief summary on traffic and CDOT projects. Applicant's representation requested that condition Number 5 be removed as it could be interpreted differently in the future and the requirement for subdivision action is already in the LDC. Staff offered alternative language, verified by the COA, to clarify and was agreeable to also making Condition 5 a Notation. Ms. Fuller requested that staff make the BoCC aware of the discussion and recommendation of the removal of Condition 5 with the recommendation of the Planning Commission. Mr. Moraes and Ms. Merriam voted against the motion to approve. Mr. Moraes stated that he though it was an identified problem and Ms. Merriam stated she was against the rezoning, regardless of the condition.

Attachments

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

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PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, January 19th, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, ERIC MORAES, JOSHUA PATTERSON, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ.

PC MEMBERS ABSENT: TOM BAILEY.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, CHARLENE DURHAM, CHRISTIAN HAAS, LEKISHIA BELLAMY, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: NONE.

1. REPORT ITEMS

A. Planning Department. Next PC Hearing is Thursday, February 2nd, 2023, at 9:00 A.M.

DISCUSSION

Mr. Kilgore introduced a new planner, Lekishia Bellamy.

Mr. Risley asked if Ms. Bagley was still on leave?

Mr. Kilgore responded that Ms. Bagley would likely return in early March.

B. Call for public comment for items not on hearing agenda. NONE.

2. CONSENT ITEMS

A. Adoption of Minutes of meeting held January 5th, 2023.

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

B. CS-22-003

HOWSER

MAP AMENDMENT (REZONE) 4-WAY COMMERCIAL REZONING

A request by The O'Neil Group for approval of a map amendment (rezoning) of 67.14 acres from PUD (Planned Unit Development) to CS (Commercial Service). If the request for map amendment (rezoning) is approved, the applicant will be required to submit any applicable preliminary plans, final plats, and site development plans prior to the initiation of any uses. The applicant may also be required to submit application(s) for preliminary plan(s) and/or final plat(s) if future subdivision of the property is proposed. The 67.14-acre property is located directly west of the intersection of Highway 24 and Stapleton Road. The subject property encompasses land that is situated on the north and south side of Stapleton Road and is within Section 28 and 33, Township 12 South, Range 64 West of the 6th P.M. (Parcel No. 42000-00-399) (Commissioner District No. 2).

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

C. PUDSP-21-005

HOWSER

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN WATERBURY FILING NOS. 1 AND 2

A request by 4-Way Ranch Joint Venture, LLC for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 198 single-family residential lots and eleven (11) tracts. The Waterbury PUD and Preliminary Plan was approved by the Board of County Commissioners on January 15, 2013 (BoCC Resolution No. 13-44). The previously approved plan included an alley-loaded residential product, which the current request proposes to remove in favor of a traditional lot layout. The current proposal also includes modifications to the previously approved road layout. If the proposed PUD and Preliminary Plan are approved, the applicant will be required to receive approval for final plat(s) prior to commencement of construction. The 61.86-acre property is located at the northwest corner of the intersection of Stapleton Road and US Highway 24 and within Sections 28, 29, and 33, Township 12 South, Range 64 West of the 6th P.M. (Parcel Nos. 42000-00-366; 42000-00-368; 42000-00-417) (Commissioner District No. 2).

DISCUSSION

Ms. Fuller asked if Mr. Howser could clarify how many parcels were already approved and what is changing in this PUD from the previously approved PUD? Is this PUD more dense?

Mr. Howser answered there are 2 additional units. This project proposes 198 dwelling units where the previously approved plan proposed 196 dwelling units.

PC ACTION: TROWBRIDGE MOVED / FULLER SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, PUDSP-21-005 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN, WATERBURY FILING NOS. 1 AND 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND FIVE (5) NOTATIONS, AND WITH A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-1).

IN FAVOR: MR. RISLEY, MS. BRITTAIN JACK, MR. CARLSON, MS. FULLER, MR. MORAES, MR. PATTERSON, MR. TROWBRIDGE, AND MR. WHITNEY.

IN OPPOSITION: MS. MERRIAM.

COMMENT: MS. MERRIAM stated she did not think enough information was provided concerning the water sufficiency finding. MS. SEAGO responded that communications from water providers are part of the information provided on EDARP, which is public record, and are relied upon when the County Attorney provides their water review.

3. CALLED-UP CONSENT ITEMS

2B. CS-22-003

HOWSER

MAP AMENDMENT (REZONE) 4-WAY COMMERCIAL REZONING

A request by The O'Neil Group for approval of a map amendment (rezoning) of 67.14 acres from PUD (Planned Unit Development) to CS (Commercial Service). If the request for map amendment (rezoning) is approved, the applicant will be required to submit any applicable preliminary plans, final plats, and site development plans prior to the initiation of any uses. The applicant may also be required to submit application(s) for preliminary plan(s) and/or final plat(s) if future subdivision of the property is proposed. The 67.14-acre property is located directly west of the intersection of Highway 24 and Stapleton Road. The subject property encompasses land that is situated on the north and south side of Stapleton Road and is within Section 28 and 33, Township 12 South, Range 64 West of the 6th P.M. (Parcel No. 42000-00-399) (Commissioner District No. 2).

DISCUSSION

Mr. Howser asked Ms. Merriam if there was a specific question he might be able to focus on?

Ms. Merriam asked about a sufficient water finding.

Mr. Howser stated that a finding of water sufficiency is not required for a rezoning. He believes the applicant will petition for the property to be serviced by a different water district in the future, but that cannot happen until rezoning is approved.

Ms. Merriam asked for more information regarding 4-Way Ranch Metro #1 being listed as the Metropolitan District in the staff report.

STAFF PRESENTATION, APPLICANT PRESENTATION

Ms. Merriam stated her question regarding water findings was related to the suitability and compatibility with the surrounding area. Water is her main concern as it relates to the criteria of

approval. This is a corner of residential/agriculture, and this is a proposal for commercial. How will this be developed in a compatible way?

Mr. Trowbridge asked that Ms. Ruiz (the applicant's representative, Vertex Consulting) address the drainage through the property as she goes through her presentation.

PRESENTATION CONTINUED

Ms. Fuller asked how much acreage of the previous PUD was designated residential use?

Ms. Ruiz showed an image of the currently approved PUD which shows "Mixed Use" to include residential but does not identify residential specifically.

Ms. Merriam clarified that this rezone to commercial would eliminate the previously approved PUD with the list of different uses.

Ms. Ruiz confirmed that rezoning would remove the PUD zoning designations.

Ms. Merriam asked if ownership of the property had changed since the PUD was approved?

Ms. Ruiz stated ownership had changed.

PRESENTATION CONTINUED

Ms. Merriam asked if there would be a transition between existing rural and the proposed commercial? Right now, there are cows on this land. What would that look like?

Ms. Ruiz stated she can't answer that at this stage because that application has not been submitted. She then referenced a slide of her presentation which depicts buffering requirements of the Land Development Code (LDC).

Ms. Merriam understood that those specific concerns might not have exact answers at this stage, but that's what causes her to have concerns about the suitability.

PRESENTATION CONTINUED

Ms. Merriam asked for more information regarding the widening of Hwy 24 at Garrett Rd. Will that continue northeast to Stapleton Rd? Is there information on that related to this suitability?

Ms. Ruiz answered that a traffic study had been submitted with the rezone application. PCD staff included a condition of approval that identifies the applicant would need to contribute to the roadway improvements as necessary.

Ms. Merriam acknowledged that the applicant will be doing their part but asked if the road was going to be made into a 4-lane roadway. Will there be a light at the intersection of Garrett Rd?

Mr. Hodsdon, with LSC Transportation Consultants, Inc, answered that he is not aware of immediate plans to widen all the way to the Stapleton Rd area, and that the widening currently under construction goes to the central core of the Falcon area. There was a planning study done

a few years ago, that included this area of Hwy 24, which outlines the future of the highway. The section of the highway relevant to this project is north and east to the area Ms. Merriam is referring to. Signalization is on CDOT's future priority list for Hwy 24 and the Stapleton intersection. It will be completed in order as funding becomes available. They collect funding from area developments as they occur and put it into escrow to go towards the cost of installation.

PRESENTATION CONTINUED

Ms. Ruiz read PCD staff's recommended condition of approval number 5. Because the parcels are both legal divisions of land and neither the LDC nor statute requires that a subdivision be submitted for consideration and approval before the BOCC, the applicant requests the condition be removed.

Mr. Risley asked PCD staff to address why that condition was recommended.

Ms. Herington verified that the PC members all were able to view the staff report in front of them. She then asked Mr. Howser to address the recommended condition.

Mr. Howser clarified that he has nothing else to add as part of his official staff presentation. He requested that the traditional staff presentation be concluded. He then addressed the concern regarding the fifth condition. He recognized that it is not a condition typically seen for a rezoning. The purpose was to provide additional notice to any potential, future property owners that the LDC may require a subdivision prior to a site development plan due to the road splitting the property. The road bisecting the property did not create two distinct parcels, which is not a typical situation. He did discuss the condition with the County Attorney, and it was suggested the language be amended to read, "*If required by the Land Development Code, the applicant shall submit and receive approval of any applicable subdivision applications prior to approval of any site development plans or initiation of any uses on the property.*" Amending the makes it clear that a subdivision would only be required pursuant to the requirements of the LDC. The intent is not for the interpretation that nothing can be built on the property until it has been subdivided, but to provide clarity in case the LDC requires subdivision in the future.

Mr. Risley stated it seemed logical and asked if the applicant was amenable to the new verbiage?

Ms. Ruiz answered that it would be their preference that the condition be removed because the LDC does not require subdivision. The concern is that any new PCD staff in the future may think subdivision if required when it's not. The staff report includes two instances that state, "A subdivision shall be required", and "A subdivision will be required." When PCD staff is completing research in the future, it might be interpreted that somehow, a subdivision was mandated by the PC or BOCC.

Ms. Fuller clarified that Ms. Ruiz is saying the staff report is incorrect by including the "shall be" and "will be" language. She thinks including the condition to protect a future, unknowing buyer is valid. If it's not relevant, couldn't a future buyer just point to the current LDC to show subdivision is or is not required and meet that condition?

Ms. Ruiz stated that is true, but added that when looking to interpret the condition of approval, researchers could look at the background section of the staff report and see that the language

states it is required. She stated she has seen when something is added as a notice to future property owners, that it's added more as a notation, rather than a condition of approval.

Ms. Herington added that the executive summary of the staff report states, "The applicant *may* also be required to submit application(s) for preliminary plan(s) and/or final plat(s) if future subdivision of the property is proposed." The entire staff report does not use the verbiage "shall". Since she joined the PCD Department, there have been multiple discussions with applicants and the County Attorney regarding the subdivision process, the definition of subdivision, and LDC versus state statute. She believes that is part of the reason the condition was added to this application.

Mr. Patterson stated he would not be in favor of keeping condition number 5 for the reasons mentioned. He foresees future complications as a very likely situation. He would support removing the condition as the applicant has requested.

Mr. Dossey, with Vertex Consulting and The O'Neil Group, (attending the meeting virtually) stated that he has not seen this condition on a commercial rezoning before during his time working with El Paso County. The controlling guidance is the LDC. To add a condition that supersedes the LDC doesn't make sense; Repeating the LDC doesn't make sense. At what point does one stop repeating the LDC?

Mr. Risley stopped Mr. Dossey to advise him that the PC was having a hard time understanding him though the TEAMS audio. He asked Ms. Ruiz to summarize his concerns.

Ms. Ruiz repeated Mr. Dossey's comments and asked if he had any further comments.

Mr. Dossey added that the entire property is under one ownership, and the owner could develop the land without going through subdivision, if they chose to do so, by developing as pad sites. The only time subdivision would need to occur, is if the owner transferred ownership of a specific legal description as a plat or future development tract. At that point, the LDC should control; It shouldn't be up to a condition of approval.

Ms. Ruiz summarized Mr. Dossey's comments.

Ms. Brittain Jack asked why the condition is being recommended now if it hasn't been required before?

Ms. Seago stated that part of the reason this condition was added was to address the unique configuration of the property. One does not often see a property completely bisected by right-of-way. Mr. Howser identified this looks like two separate pieces of property when it is not. She believes Mr. Howser's intent was to provide notice to potential future buyers that if they were to acquire the piece of land either north or south of the right-of-way independently, at that point, subdivision may be required under the LDC. While it does not appear to be the intent of the owner to sell a part of the property at this point, it is not uncommon for a buyer to acquire a piece of land not knowing it was an illegal lot or was misinformed about what would be required before building on that land. The condition's intent is not to impose anything not otherwise required by the LDC. It is up to the PC whether they wish to recommend this condition or not.

Mr. Carlson asked if the portion north of the right-of-way could be sold separately from the southern part?

Ms. Seago stated that the owner could in fact sell just the northern section of land and the County would not know if it had been sold. If the buyer then came to the PCD front counter wanting to submit a site development plan, staff would then need to advise them that the new parcel was created illegally, and it needs to go through a process to become a legalized parcel.

Mr. Carlson asked if there had to be a parcel number in order to purchase property?

Ms. Seago stated there has to be a legal description. A parcel number is just an Assessor's tool.

Ms. Herington added that all someone would need to do is create a legal description for the separate acreage and record that with the County Clerk and Recorder's office. It would then be a separate legal description, separate parcel number, that could then be sold as a standalone piece of property. The added condition is meant as a reminder for if that situation were to occur, it is an illegal subdivision and would need to come back through the County's planning process.

Ms. Seago added that the reason this condition has not been used before is because it is a rare occurrence that a single parcel is completely bisected by right-of-way.

Mr. Risley asked how the County acquired right-of-way bisecting a piece of property without triggering the creation of separate parcels? Does anyone have more information on the background of what occurred?

Ms. Seago stated she is not familiar with the background of the acquisition of this right-of-way.

Mr. Whitney asked Ms. Ruiz if the LDC requires subdivision in circumstances such as this?

Ms. Ruiz stated the LDC would refer to statute, which refers to the creation of parcels less than 35 acres in size.

Mr. Whitney stated he understands the preference to have no added condition at all to avoid the theory that it could cause an issue in the future. Does the underlying language allay the applicant's concerns? The condition may not be preferred, but does the added language address the applicant's concern?

Ms. Ruiz stated that if the intent is to provide notice to future property owners, it would be her opinion that the condition should be a notation.

Mr. Whitney asked Ms. Ruiz what the difference is between a condition and notation?

Ms. Herington stated that question can be addressed by County staff.

Ms. Seago answered that it is her understanding a condition of approval is required to be met for the approval to be affected. If it is not met or complied with, the applicant or property owner may have that approval overturned for failure to comply with the condition. A notation does not carry that same weight. It is a reminder, notice, or observation. A notation does not require compliance to effectuate the approval of the application.

Ms. Herington added that the reason staff requested a condition rather than a notation relates to the conversations with multiple applicants regarding state statute definition of subdivision and the definition of what a remnant parcel is in relation to subdivision. She believes there are several different definitions of remnant parcel, and staff is working with the County Attorney to clarify and establish better procedures on how to work through the subdivision process. Because there is outstanding disagreement on the definition of subdivision between the state statute and LDC, staff is attempting to clarify and reaffirm with this condition.

Mr. Whitney commended staff for wanting to notice individuals of a potential issue but wanted to understand why it was elevated to a condition rather than notation.

Ms. Herington clarified that the piece of land north of the right-of-way is less than 35 acres, so by following the definition of subdivision in statute and LDC, a subdivision would be required. It is staff's main concern that there could be a parcel less than 35 acres that does not meet the definition of subdivision. A note could potentially do it; staff just wants to assure that it is documented. Staff wants to make sure they are working through the details related to the possibility of a remnant parcel less than 35 acres, understanding there is a process they may need to go through in the future for that piece of land.

Mr. Trowbridge stated it seems like the County created this problem by acquiring the right-of-way that divided the property. Why should the PC put a condition on the property owner for a problem the County created?

Mr. Risley agreed and stated that is why he asked about the background.

Mr. Dossey (now physically present at the meeting) addressed Mr. Trowbridge's question. He stated the reason the property is bisected is due to the County acquiring the right-of-way. The property was not bisected before Stapleton Rd. The "problem" staff is identifying with a portion of the parcel north of Stapleton Rd. was not of the applicant's creation. If the applicant wanted to develop the entire site as pad sites and lease them, they could do that now. That would not require any planning action. If the goal is to notify people, when do you stop with that notice? They'll need to do a landscape plan, lighting plan, parking plan, etc. because this is a commercial development. Adding this condition seems to be rooted in fear. He doesn't think it's ever been the practice of the County to add conditions of approval based upon what could potentially happen, especially as it pertains to commercial.

Mr. Kilgore clarified that PCD staff is agreeable to making this a notation rather than a condition.

Mr. Schuettpelz stated he thinks having these details as a notation makes most sense to him. He understood Ms. Seago's explanation that a condition means a condition of approval whereas a notation is a notice. He heard staff explain the condition as a notice to potential future buyers.

Ms. Merriam agreed that it makes more sense as a notation. She asked staff about the County Parks Master Plan because the staff report referred to the Plan with the 2013 date when a new Plan was recently approved.

Mr. Risley stated he believes this application was submitted prior to the new Parks Master Plan was approved, so the 2013 version was referenced.

Mr. Howser confirmed that is correct.

Mr. Dossey commented on discrepancy within the staff report concerning whether subdivision is required, or “shall be”, “may be”, etc. He would request that it be consistent throughout the staff report. He thinks discrepancies can be interpreted in the most restrictive fashion. He stated the PC is authorized to make recommendations to the BOCC, and he requested they make the recommendation include that subdivision not be required, regardless of what the staff report says. Legally, it is not required under statute or the LDC.

Ms. Fuller stated she is in favor of keeping the condition with the revised language as amended in staff’s presentation because it is in line with the intention of informing the public. There should be no surprises, it should be a predictable process. The amended language seems like a reasonable solution. She suggests staff modify their staff report to be clear throughout.

Mr. Whitney added for clarification that staff stated they’d be agreeable that this be a notation.

Mr. Trowbridge stated he doesn’t think it should be a condition since the County created the problem. He would accept it being a notation, but also thinks it should be eliminated altogether.

Mr. Patterson stated he thinks the condition should be removed. It becomes confusing when things are over-complicated to protect people from incompetence.

Mr. Risley explained that the reason he asked about background of the property was because he believes this was a problem created by someone else in the past. He agrees with other board members, that it doesn’t seem right to put the burden of fixing this problem on a particular landowner. In his opinion, there can be a compromise if staff feels strongly there should be some type of notice to future property owners, by amending condition number 5 to be a notation.

PC ACTION: BRITAIN JACK MOVED / PATTERSON SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 2B, CS-22-003 FOR A MAP AMENDMENT (REZONE), 4-WAY COMMERCIAL REZONING, AMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT A MODIFIED FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, REMOVING CONDITION NUMBER 5, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-2).

Mr. Kilgore asked if Ms. Brittain Jack intended to amend condition number 5 to be a notation?

Ms. Brittain Jack stated she is making the motion to remove that condition.

Mr. Patterson agreed that was his understanding when he seconded the motion.

Ms. Fuller asked if she should vote against Ms. Brittain Jack’s motion if she feels the BOCC should take a closer look at condition 5 being a revised notation?

Mr. Risley advised that if the motion is approved, the PC’s recommendation to the Board would be that this application be approved with the 4 conditions and 2 notations suggested by Ms. Brittain Jack. The Board could look back at the record of this meeting if they chose to, to see how the PC arrived at their recommendation.

Ms. Seago added that it is up to Ms. Fuller whether the importance of including the condition or notation is enough for her to vote against the application overall. She can also vote in support of the motion and ask staff raise the issue at the BOCC hearing, include it in the minutes, etc.

Ms. Fuller stated she doesn't want to hold things up or create uncertainty. She understands applications need to move forward. She thinks this subject should be brought to the attention of the BOCC for their consideration.

Mr. Moraes is against the motion. Staff has identified a problem, and he doesn't think the problem should be ignored. He doesn't think this notation would be the same as advising that there will be landscaping issues or buffering issues, or anything else in the LDC. Those aren't issues. Someone created this problem, and it has been identified as a problem. He doesn't think adding it as a notation should cause an issue. The wording includes "applicable" subdivision. At this time, it's not applicable, but it may be at some point in the future. By getting rid of it, the PC is looking at the concern raised by staff and dismissing it because the applicant didn't bring it forward.

Mr. Risley reminded board members they are voting on the whole application, not this one condition.

Ms. Merriam stated she is against the rezone, regardless of the condition.

Mr. Trowbridge recognized there is a problem, but it was not caused by the applicant. Also, the condition/notation is treating the applicant as if they're going to be a bad actor in the future; That they're going to do something they shouldn't do. He stated this is wrong. It shouldn't be presumed that someone will do something they shouldn't. He is in favor of Ms. Brittain Jack's motion.

Mr. Patterson stated that this struck a chord with him. The County created a problem and in assigning a solution, the property owner is the one paying the price for incompetence. He stated this feels like a problem if the PC does not support stopping this condition in its tracks. The best way to protect the public is simplifying the process and letting things fall as they lay. It should be assumed that the property owners are upstanding and, if the property is sold, the buyer is a competent buyer.

Mr. Kilgore stated staff has clarifying comments.

Mr. Risley stated that per the Rule of Order, the opportunity for comment has passed.

IN FAVOR: MR. RISLEY, MS. BRITTAIN JACK, MR. CARLSON, MS. FULLER, MR. PATTERSON, MR. TROWBRIDGE, AND MR. WHITNEY.

IN OPPOSITION: MS. MERRIAM AND MR. MORAES.

COMMENT: MS. FULLER stated she would like the removed condition to be addressed and evaluated by the Board of County Commissioners. MS. MERRIAM had no comments regarding her nay vote. MR. MORAES indicated he would have otherwise approved of the rezone but is not in favor of removing the condition recommended by staff.

4. REGULAR ITEMS. NONE.

MEETING ADJOURNED at 10:18 AM.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-22-003
4-WAY COMMERCIAL REZONING

WHEREAS, The O'Neil Group 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 PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on January 19, 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, in approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of The O'Neil Group for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

3. Any subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.
4. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading/construction of the surrounding roads and intersections impacted by this development's traffic, including U.S. Highway 24, Stapleton Drive, Eastonville Road, and any other offsite impacts as identified in the applicable traffic impact analysis and as necessary to provide safe and adequate access to the development. With the respective final plats and development plans, the developer's design and/or financial responsibilities for offsite improvements may include a pro-rata share of the following, if not previously completed by others:
 - a. U.S. Highway 24/Stapleton Drive intersection: Design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - b. Eastonville Road/Stapleton Drive: Design, construction, contribution and/or escrow of funds as appropriate for intersection improvements and traffic signals, as warranted.
 - c. Eastonville Road: Construction, contribution, and/or escrow of funds for final grading and asphalt paving between Latigo Boulevard and Stapleton Drive.
 - d. Stapleton Drive/Dumont Drive intersection: Design and construction of intersection improvements.
 - e. Stapleton Drive:
 - i. Design, construction, contribution, and/or escrow of funds for the second two lanes from Eastonville Road to Highway 24.
 - ii. Design, construction, contribution and/or escrow of funds as appropriate to construct intersection improvements, including traffic signals, as warranted.
 - f. Other offsite impacts as identified in any new/updated traffic impact analysis for this development.

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.

Patterson seconded the adoption of the foregoing Resolution.


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

Brian Risley	<input checked="" type="radio"/> aye	no / abstain / absent
Thomas Bailey	aye / no / abstain	<input checked="" type="radio"/> absent
Tim Trowbridge	<input checked="" type="radio"/> aye	no / abstain / absent
Becky Fuller	<input checked="" type="radio"/> aye	no / abstain / absent
Sarah Brittain Jack	<input checked="" type="radio"/> aye	no / abstain / absent
Jay Carlson	<input checked="" type="radio"/> aye	no / abstain / absent
Eric Moraes	aye / <input checked="" type="radio"/> no	abstain / absent
Joshua Patterson	<input checked="" type="radio"/> aye	no / abstain / absent
Bryce Schuettpelez	aye / no / <input checked="" type="radio"/> abstain	absent
Christopher Whitney	<input checked="" type="radio"/> aye	no / abstain / absent
Brandy Merriam	aye / <input checked="" type="radio"/> no	abstain / absent

The Resolution was adopted by a vote of 7 to 2 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 19th day of January 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 

Brian Risley, Chair

DATED: January 19, 2023

EXHIBIT A

A tract of land in the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 00°32'40" E 1248.74 feet and S 89°27'20" W 756.12 feet from the Northeast Corner of the Northwest Quarter of said Section 33; thence

S 89°21'54" W 518.84 feet to a capped PLS 38254 rebar; thence

S 89°05'22" W 196.52 feet to a capped PLS 38254 rebar; thence

S 89°24'38" W 346.20 feet to a capped PLS 38254 rebar; thence

S 00°17'22" E 39.41 feet to capped PLS 38254 rebar; thence

N 89°52'17" W 237.85 feet to the Southwest Corner of Lot 13, 4 Way Ranch Filing No. 1 as platted in the El Paso County Records under Reception No. 206712416; thence

Along the Easterly Line of said Lots 13 and 14, 4 Way Ranch Filing No. 1, the following 13 courses,

Course 1: N 02°32'27" E 104.58 feet,

Course 2: N 17°20'56" W 90.67 feet,

Course 3: N 33°10'19" W 117.65 feet,

Course 4: N 46°32'54" W 111.92 feet,

Course 5: N 45°38'56" W 135.29 feet,

Course 6: N 37°49'00" W 77.43 feet,

Course 7: N 69°33'24" W 63.38 feet,

Course 8: N 81°58'46" W 73.71 feet,

Course 9: N 64°01'48" W 66.05 feet,

Course 10: N 40°22'05" W 60.18 feet,

Course 11: N 27°05'02" W 46.89 feet,

Course 12: N 03°48'16" E 78.58 feet,

Course 13: N 09°33'20" E 72.86 feet to the South right of way line of Stapleton Drive; thence

Along the Southerly Line of Stapleton Drive the following 9 courses,

Course 1: N 64°28'13" E 855.66 feet,

Course 2: On a curve to the right with a radius of 1275.00 feet, an arc distance of 1198.14 feet, chord being S 88°55'14" E 1154.54 feet,

Course 3: On a curve to the right with a radius of 20.00 feet, an arc distance of 33.70 feet, chord being S 13°43'29" E 29.85 feet,

Course 4: S 34°33'01" W 79.10 feet,

Course 5: S 55°26'59" E 100.11 feet,

Course 6: N 34°33'01" E 87.29 feet,

Course 7: On a curve to the right with a radius of 20.00 feet, an arc distance of 31.37 feet, chord being N 79°29'01" E 28.25 feet,

Course 8: On a curve to the right with a radius of 1275.00 feet, an arc distance of 266.18 feet, chord being S 49°36'31" E 265.70 feet,

Course 9: S 43°41'10" E 345.14 feet; thence

S 45°58'32" W 894.27 feet to the point of beginning, containing 51.6 acres.

Subject to easements and restrictions of record.

Description:

A tract of land in the Southwest Quarter of Section 28 and the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at the Northeast Corner of the Northwest Quarter of said Section 33; thence

S 00°32'40" E 531.35 feet along the East Line of the Northwest Quarter of said Section 33; thence

S 45°52'34" W 18.02 feet to the North right of way line of Stapleton Drive; thence

Along the North right of way line of Stapleton Drive the following 2 courses,

Course 1: N 43°41'10" W 344.15,

Course 2: On a curve to the left with a radius of 1405.00 feet, an arc distance of 1127.25 feet, chord being N 66°37'01" W 1097.26 feet; thence

N 00°02'16" E 472.31 feet; thence

S 33°06'23" W 38.23 feet; thence
S 47°20'54" E 86.31 feet; thence
S 64°11'25" E 94.79 feet; thence
S 80°44'44" E 101.96 feet; thence
S 61°15'34" E 141.09 feet; thence
N 82°37'58" E 108.63 feet; thence
S 88°02'18" E 52.46 feet; thence
S 80°29'21" E 62.10 feet; thence
S 64°44'27" E 28.07 feet; thence
S 72°25'24" E 39.10 feet; thence
N 80°32'12" E 53.40 feet; thence
N 62°41'35" E 59.14 feet; thence
N 68°54'08" E 67.16 feet; thence
N 81°40'20" E 79.00 feet; thence
N 89°54'58" E 64.36 feet; thence
S 50°43'58" E 50.43 feet; thence
N 38°28'19" E 283.60 feet; thence

On a curve to the right with a radius of 640.00 feet, an arc distance of 65.22 feet, chord being N 41°25'43" E 65.19 feet to the East Line of the Southwest Quarter of said Section 28; thence
S 00°26'34" E 685.50 feet to the point of beginning, containing 15.5 acres.

Subject to easements and restrictions of record.

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP, Planner III
Charlene Durham, PE Engineer III
Meggan Herington, AICP, Executive Director

RE: Project File #: CS-22-003
Project Name: 4-Way Commercial Rezoning
Parcel No.: 42000-00-399

OWNER:	REPRESENTATIVE:
KO1515, LLC P.O. Box 1385 Colorado Springs, CO 80901	The O'Neil Group 455 E. Pikes Peak Avenue, Suite 102 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	1/19/2023
Board of County Commissioners Hearing Date:	2/7/2023

EXECUTIVE SUMMARY

A request by The O'Neil Group for approval of a map amendment (rezoning) of 67.14 acres from PUD (Planned Unit Development) to CS (Commercial Service). If the request for map amendment (rezoning) is approved, the applicant will be required to submit any applicable preliminary plans, final plats, and site development plans prior to the initiation of any uses. The applicant may also be required to submit application(s) for preliminary plan(s) and/or final plat(s) if future subdivision of the property is proposed. The 67.14-acre property is located directly west of the intersection of Highway 24 and Stapleton Road. The subject property encompasses land that is situated on the north and south side of Stapleton Road.



A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by The O’Neil Group for approval of a map amendment (rezoning) 67.14 acres from PUD (Planned Unit Development) to CS (Commercial Service).

Waiver(s)/Deviation(s): There are no waivers/deviations associated with this rezone 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 Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

C. LOCATION

North:	PUD (Planned Unit Development)	Vacant
South:	A-35 (Agricultural) CS (Commercial Service)	Commercial and Residential Commercial and Residential
East:	PUD (Planned Unit Development) A-35 (Agricultural)	Commercial and Residential Residential
West:	RR-2.5 (Residential Rural)	Residential

D. BACKGROUND

The subject property was zoned A-35 (Agricultural) on March 25, 1999, during the County initiated zoning of Eastern El Paso County. The original 577-acre property was later rezoned RR-2 (Rural Residential) on July 10, 2003. The Land Development Code that was implemented in April 2007 renamed the RR-2 zoning district to RR-2.5 (Residential Rural). On March 13, 2008, the property was rezoned from RR-2.5 to



PUD (Planned Unit Development) with a mix of commercial uses, medical and professional office, and neighborhood commercial.

The applicant is requesting to rezone the property from PUD to CS (Commercial Service) to develop the land immediately adjacent to the eastern drainageway with mini-warehousing, boat and recreational vehicle storage, and outdoor storage. The applicant's letter of intent states the CS zoning district would allow for greater flexibility to utilize the land based upon the market's needs.

According to the applicant's letter of intent, the project will be constructed in multiple phases; however, at this time phasing is unknown. Due to the phased nature of the development, preliminary plan(s) and final plat(s) shall be required prior to initiation of any uses on the property.

If the map amendment (rezoning) application is approved, approval of subsequent subdivision applications and site development plans will be required prior to initiation of any uses on the property. The site development plans will need to provide a detailed depiction of the proposed use and compliance with all standards for the CS (Commercial Service) district.

Any subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

E. ANALYSIS

The applicant is proposing to rezone the property to CS (Commercial Service). Section 3.2 of the Code states the following as the intent of the CS zoning district:

“The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.”

According to the applicant's letter of intent, the owner does not desire to develop the site as planned pursuant to the existing PUD development plan and instead intends to develop the land with mini-warehousing and boat and recreational vehicle storage. The proposed uses are allowed uses by right within the CS zoning district.

1. Zoning Compliance

The density and dimensional standards for the CS zoning district are as follows:

- Minimum zoning district area: 2 acres¹¹



- Minimum lot size: N/A
- Setbacks
 - Front: 25 feet^{1,3,11}
 - Side: 25 feet^{1,2,3,11}
 - Rear: 25 feet^{1,2,3,11}
- Maximum height: 45 feet

¹ Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

³ Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

To initiate any uses on the property, the applicant will need to obtain subsequent site development plan approval. The site development plan will be reviewed to ensure that all proposed and existing structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

F. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Rural Center

Placetype Character:

Rural Centers often act as the heart of rural areas, providing a mix of uses to support rural residents (including those living in surrounding Rural and Large-Lot Residential placetypes) such as grocery and convenience stores, restaurants, commercial services, schools, places of worship, and post offices. Rural Centers are organized in compact blocks with a mix of



residential and nonresidential development that form a recognizable district or destination within the large rural expanses of El Paso County.

As a gathering place and town center for rural areas, development within the Rural Center placetype should be located along a community's main street or near the intersection of an area's most-frequented roadways. The Rural Center placetype is primarily auto oriented but may include pedestrian and bicycle infrastructure to provide for a walkable environment. Examples of existing Rural Centers include Peyton, Calhan, and Ellicott.

Recommended Land Uses:

Primary

- Restaurant
- Commercial Retail
- Commercial Service
- Institutional
- Single-family Detached Residential

Supporting

- Single-family Attached Residential
- Multifamily Residential



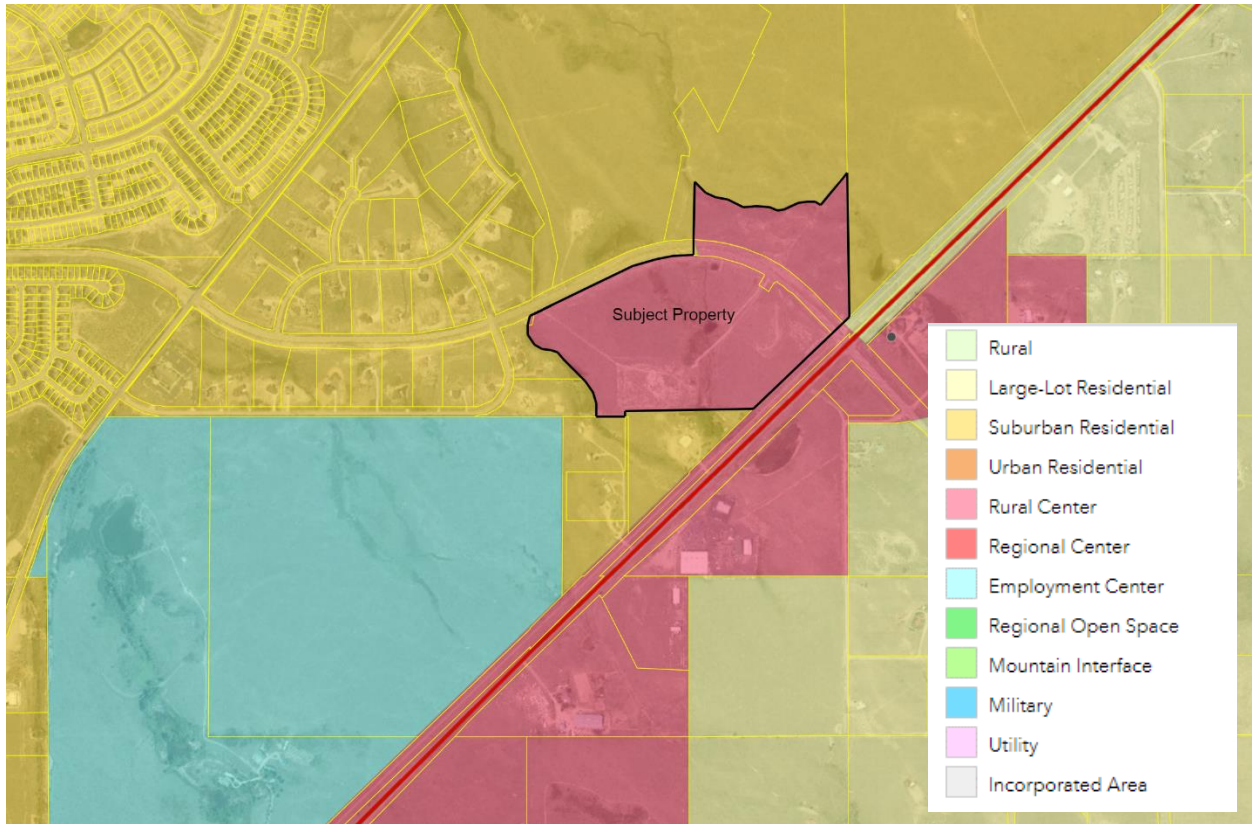


Figure G.1: Placetype Map

Analysis:

The Rural Centers placetype provides rural residents vital access to goods, services, and public facilities and serve as the cultural anchor for the community.

Goal LU3 – Encourage a range of development types to support a variety of land uses

Specific Strategies: As a gathering place and town center for rural areas, development within the Rural Center placetype should be located along a community’s main street or near the intersection of an areas most frequented roadways.

Objective ED1-6 – Large employers should be located on major roadways to improve connectivity and minimize their impact on daily traffic.

Goal ED3-3 – *Emphasize the development of grocery stores, restaurants (both drive-thru and sit-down), gas stations, pharmacies, and neighborhood-scale services along Highway 24.*

The proposed rezone would reallocate approximately 67.14 acres of underutilized land from the PUD zoning district to the CS zoning district, which would support commercial development. The applicant's letter of intent states that the owner intends to develop the land immediately adjacent to the eastern drainageway with mini-warehousing, boat and recreational vehicle storage, and outdoor storage. The CS zoning district would allow for greater flexibility to utilize the land based upon the market's needs.

The subject property is located along Highway 24, which the Master Plan emphasizes as a place for commercial development and neighborhood-scale services. West of the subject property is zoned RR-2.5 (Residential Rural). The rezone to CS would allow for commercial development to support the neighboring residences.

b. Area of Change Designation: Minimal Change: Developed and New Development

Minimal Change: Developed These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

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



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

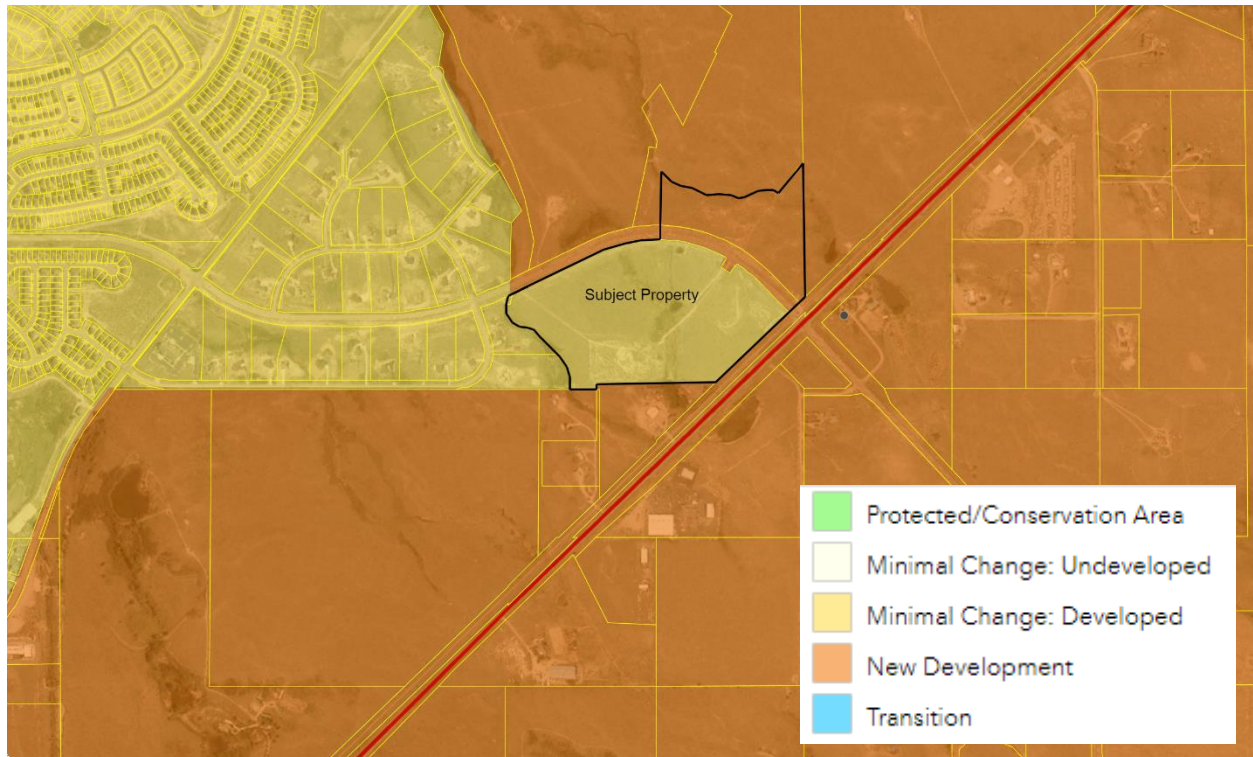


Figure G.2: Area of Change Map

Analysis:

The proposed rezone would bring commercial development to an underutilized commercial development as outlined in the previously approved PUD zoning district. It is likely that a rezone to CS would change the character of the area, which is consistent with the level of change expected in the Area of Change.

c. Key Area Influences:

The subject property is not located within a Key Area of Influence.

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

Most County residents travel to municipalities to purchase goods and services. The Economic Development Framework identifies areas to

expand commercial uses in unincorporated communities. This section includes policies and recommendations for increasing commercial development and improving customer access. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

Falcon has the most-established Regional Center in unincorporated El Paso County and largely serves all communities in the northeastern part of the region. It includes several substantial commercial retailers including Walmart and Safeway. Additionally, there are a number of strip centers that provide space for smaller commercial businesses include restaurants and professional services. Available land provides the opportunity for existing businesses to grow or new businesses to develop.

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.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development may be served by a central water system. The following has been included for informational purposes as it pertains to water demands and supplies in Region 3. The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 23 AFY is anticipated for Region 3.



A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request(s). A finding of water sufficiency is required with subsequent plat application(s). The area subject to the proposed map amendment (rezone) is proposed to be served with central water and wastewater. The applicant states in their letter of intent that uses which do not use a significant amount of water may use a well; however, they also identify that potential uses which use a significant amount of water will be required to utilize central services.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and US Fish and Wildlife were each sent a referral and have no outstanding comments.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Floodplain

The property is impacted by a designated 100-year floodplain (Zone A) as indicated by FEMA Flood Insurance Rate Map panel number 08041C0552G, 08041C0554G & 08041C0558G which have an effective date of December 7, 2018. A Letter of Map Revision (LOMR) is likely required with future subdivision of the site. Approved base flood elevation data and 100-year flood shall be shown on the plat.

3. Drainage and Erosion

The property is located within the Haegler Ranch (CHMS0200) and Geick Ranch (CHMS0400) drainage basins. The Haegler Ranch drainage basin is a studied basin and is included in the El Paso County drainage basin fee program. The Geick Ranch drainage basin does not have an approved drainage basin planning study and is not included in the El Paso County drainage basin fee program. Drainage and bridge fees are not assessed with map amendment (rezone) requests. Prior



to development, a drainage report and grading and erosion control plans will be required.

4. Transportation

The project site is bisected by Stapleton Drive and is on the west side of U.S. Highway 24 northeast of Falcon Colorado. Stapleton Drive is classified as a Principal Arterial roadway, currently with two lanes.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) identifies one roadway improvement project adjacent to the site, upgrades to Stapleton Drive (Project ID C12) to a 4-Lane Principal Arterial Road. Right-of-way dedication for the widened Stapleton Drive is mostly in place; however, additional right-of-way may be required with future subdivision requests and road construction if needed.

Development of the site is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended.

H. SERVICES

1. Water

Water is proposed to be provided by wells or by central services depending on the type of commercial user.

2. Sanitation

Wastewater is provided by onsite wastewater system or by central services depending on the type of commercial user.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has not responded regarding the rezoning application.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Colorado Springs Utilities (CSU) will provide natural gas service to the area included within the final plat. Both utility providers were sent referrals for the rezone; neither MVEA nor CSU have outstanding comments.

5. Metropolitan Districts

The subject property is located within the 4-Way Ranch Metro #1.



6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.
4. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading/construction of the surrounding



roads and intersections impacted by this development's traffic, including U.S. Highway 24, Stapleton Drive, Eastonville Road, and any other offsite impacts as identified in the applicable traffic impact analysis and as necessary to provide safe and adequate access to the development. With the respective final plats and development plans, the developer's design and/or financial responsibilities for offsite improvements may include a pro-rata share of the following, if not previously completed by others:

- a. U.S. Highway 24/Stapleton Drive intersection: Design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - b. Eastonville Road/Stapleton Drive: Design, construction, contribution and/or escrow of funds as appropriate for intersection improvements and traffic signals, as warranted.
 - c. Eastonville Road: Construction, contribution, and/or escrow of funds for final grading and asphalt paving between Latigo Boulevard and Stapleton Drive.
 - d. Stapleton Drive/Dumont Drive intersection: Design and construction of intersection improvements.
 - e. Stapleton Drive:
 - i. Design, construction, contribution, and/or escrow of funds for the second two lanes from Eastonville Road to Highway 24.
 - ii. Design, construction, contribution and/or escrow of funds as appropriate to construct intersection improvements, including traffic signals, as warranted.
 - f. Other offsite impacts as identified in any new/updated traffic impact analysis for this development.
5. The applicant shall be required to submit and receive approval of any applicable subdivision applications prior to approval of any site development plans or initiation of any uses on the property.

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 ten (10) adjoining property owners on January 3, 2023, of the Planning Commission and Board of County Commissioners hearings. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map



El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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



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**4-WAY RANCH COMMERCIAL
Map Amendment (Rezoning)
Letter of Intent**

August 22, 2022



The O'Neil Group
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Colorado Springs, CO 80903

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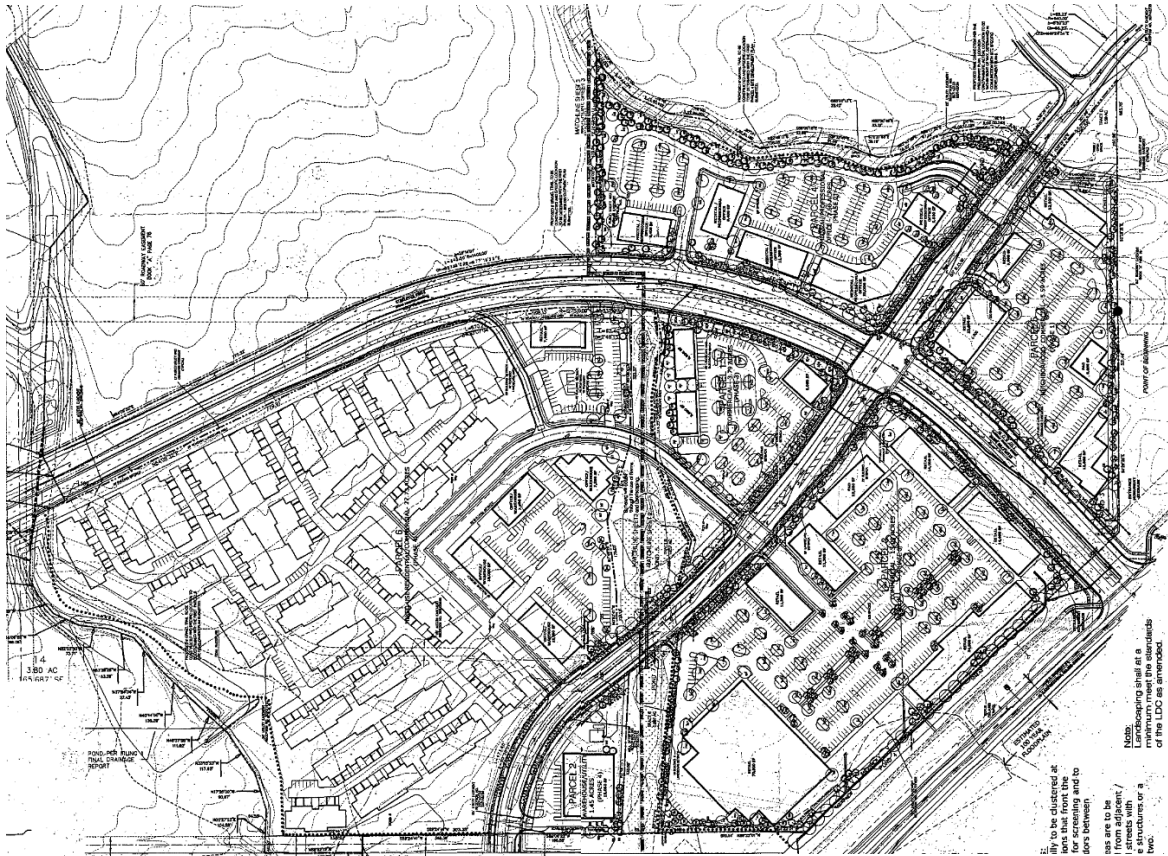
Matrix Design Group
2435 Research Parkway, Suite 300
Colorado Springs, CO 80920
Office: (719) 575-0100

Tax Schedule No: 42000-00-399

Acreage: 67.1 Acres

Site Location, Size, Zoning:

Matrix Design Group, on behalf of The O'Neil Group, is respectfully submitting a map amendment (rezoning) application for the proposed 4-Way Ranch Commercial project. The property is located west of Highway 24 and is bisected by Stapleton Road. The request includes rezoning 67.1 acres from the 4-Way Ranch PUD (Planned Unit Development) to the CS (Commercial Services) zoning district. The 4-Way Ranch PUD depicts the subject area as allowing for medical/professional offices, commercial, and mixed use residential (PCD File No. PUD07013):



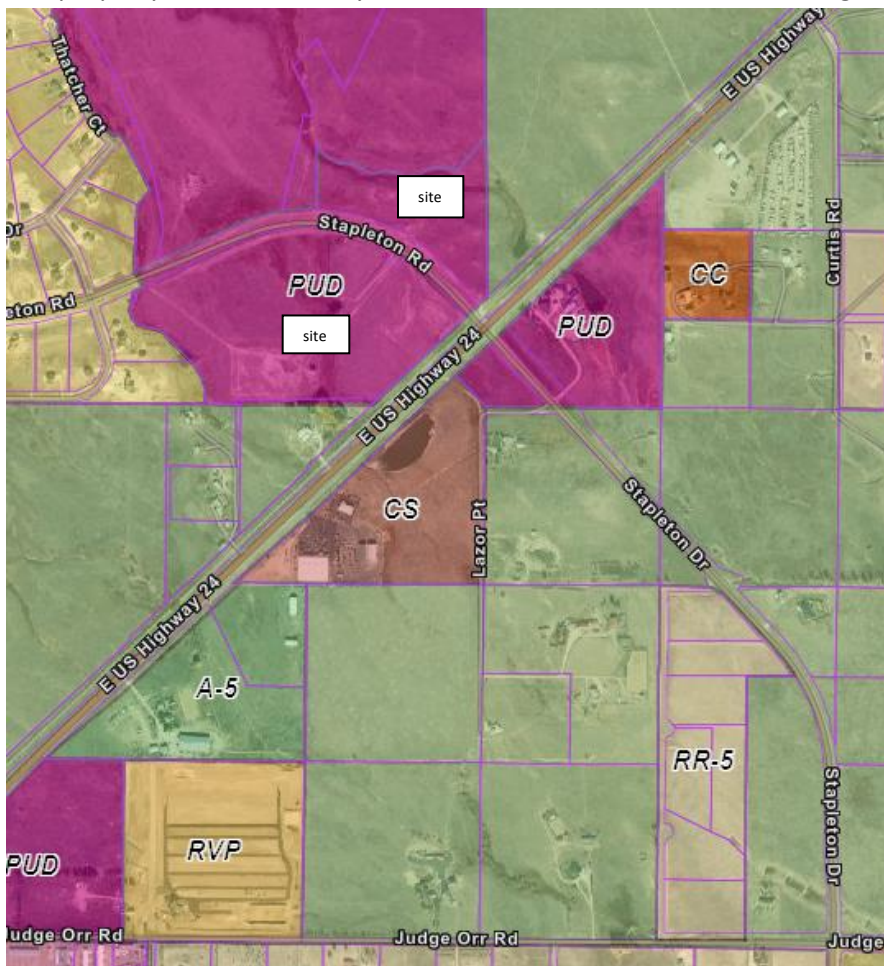
DEVELOPMENT STANDARDS

Uses Permitted in the Four Way Ranch PUD						
Use	Parcel #6	Parcel #1	Parcels #2	Parcel #3	Parcel #4	Parcel #5
Adult Care Home	X				X	X
Amusement Center, Indoor		X		X	X	X
Auto Repair		X		X		
Retail Bakery	X	X		X	X	X
Bar	X	X		X		X
Barber/Beauty Shop	X	X		X		X
Car Wash	X	X		X		X
Child Care Center	X	X		X	X	X
Club	X	X		X		X
Community Building	X	X		X	X	X
Convenience Store	X	X		X		X
Single/Multi Family Res. (4-12 du/ac)	X					X
Educational Institution	X	X		X		X
Equipment Rental			X			
Emergency Facility/Outpatient Surgery	X	X		X	X	X
Financial Institution	X	X		X	X	X
Funeral Home				S		
Gas Station	X	X		X		X
Health Club	X	X		X	X	X
Home Improvement Center		X		X		
Hospital	X			X	X	
Veterinary Hospital		X	X	X	X	X
Hotel	X	X		X		X
Laundromat	X	X		X		X
Library	X	X		X	X	X
Liquor Store	X	X		X		X
Medical Clinic	X	X		X	X	X
Mini-Warehouse	X		X			
Museum		X		X		
Mixed Use Residential Units	X					
Nursery, Retail	X		X	X		
Night Club	X	X		X		
Office, General	X	X	X	X	X	X
Public Park, Open Space	X	X	X	X	X	X
Religious Institution	X	X		X	X	X
Restaurant	X	X		X		X
Retail Sales	X	X		X	X	X
Shopping Center		X		X		
Store	X	X		X	X	X
Theater	X	X		X		X
Office/Warehouse/Showroom			X	X		
Utility Facility			X			
Special, Accessory and Temporary Uses						
Use	Parcel #6	Parcel #1	Parcels #2	Parcel #3	Parcel #4	Parcel #5
Amusement Center, Outdoor				S		
Auction	T			T		
Christmas Tree Sales	T	T		T		T
Construction Eq. Storage/Field Office	T	T	T	T	T	T
Educational Institution	X	X		X	S	X
Fireworks sales				T		
Peddler Sales	T	T		T	T	T
Seasonal Produce Sales	T	T		T		T

T - Temporary S - Special Use X - Allowed

The PUD zoning requires the development to be constructed as depicted in the above PUD plan. The owner does not desire to develop the site as planned and instead intends to develop the land immediately adjacent to the eastern drainageway with mini-warehousing, boat and recreational vehicle storage, and outdoor storage. The owner is choosing to request a rezone to a conventional zoning district in place of a PUD amendment to allow for greater flexibility to utilize the land based upon the needs of the market. The proposed CS map amendment (rezone) is consistent with those permitted uses within the approved PUD Plan as well as the Your El Paso Master Plan.

The property is surrounded by the RR-2.5, PUD, A-35, CS and CC zoning districts:



Request & Justification:

The purpose of this application is to request approval of a map amendment (rezone) of 67.1 acres from PUD to the CS (Commercial Services) zoning district. Future subdivision and site development plan requests will determine the final layout and design of the individual commercial developments. Section 3.2.5 of the Land Development Code identifies the purpose of the CS zoning district as “The CS zoning district is intended to accommodate retail, wholesale or service

commercial uses that serve the general public.” The rezone area is adjacent to two major transportation corridors, allowing for convenient access for the general public.

The proposed map amendment (rezone) meets the criteria for approval included within Section 5.3.5.B of the El Paso County Land Development Code:

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 proposed map amendment is in conformance with the Your El Paso County Master Plan as listed below beginning on page 5.

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 site is in compliance with all applicable statutory provisions and all statutory notification requirements will be fulfilled by El Paso County prior to the Board of County Commissioner hearing.

The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and

The approved 4-Way Ranch PUD depicted the area included within the map amendment as medical/professional offices, commercial, and mixed use residential. The map amendment area is adjacent to the A-35 (Agricultural) zoning district to the south, RR-2.5 (Rural Residential) to the west, 4-Way Ranch PUD to the north, and the CS (Commercial Services) and Silver Star PUD zoning districts to the east. The Silver Star PUD allows for commercial development (PCD File No. PUD-05-016).

The mix of existing uses surrounding the development include both residential and commercial development. To the west is the 4-Way Ranch residential development which consists of rural residential lots ranging in size from 2.5 to 5 acres. Adjacent to the south is Falcon Kennel (PCD File No. PPR-17-054), which allows for a commercial kennel operation to include breeding, grooming, training, and boarding with up to 60 runs. Southeast of the subject property is the Big R Retail Store, which is within the CS zoning district. Approximately one quarter of a mile north on Highway 24 is Falcon Storage which includes both warehousing as well as outdoor storage of automobiles and boats. South of the map amendment area, adjacent to Judge Orr Road is the Judge Orr Recreational Vehicle Park and Judge Orr Industrial PUD. Across Highway 24 to the east, adjacent to the Silver Star PUD, is a fitness center located within the CC zoning district. The proposed CS zoning is compatible with those existing and allowed commercial uses located to the north, south, and east.

The uses allowed within the CS zoning district are compatible with the adjacent rural residential development to the west with implementation of proper building siting as well as the installation of buffering and screening, such as additional setbacks, landscape buffers and/or privacy fencing. The floodplain, located immediately west of the map amendment

area, creates a natural buffer and transition between the residential and commercial development. A site development plan will be required prior to the initiation of any new use on the property. The specific siting of buildings, landscaping, and buffering will be determined at the time of the site development plan. The landscaping, setback, and screening requirements included within the Land Development Code promote adequate buffers and transitions to ensure use to use compatibility.

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.

Table 5-5 of the Land Development Code identifies the density and dimensional standards of the CS zoning district:

Zoning District	Zoning District Area	Minimum Lot Size	Minimum Setbacks			Maximum Lot Coverage	Maximum Height
	Minimum		Front	Rear	Side		
CS	2 acres ¹¹		25 ft ^{1,3,11}	25 ft ^{1,2,3,11}	25 ft ^{1,2,3,11}		45 ft

The area of the map amendment exceeds the 2-acre minimum zoning district area. Subsequent site development plan applications will demonstrate compliance with all setback and height requirements.

The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The zoning district includes a variety of permitted uses such as an automobile and boat storage yard, beauty shop, business event center, gas station, medical clinic, mini-warehousing, restaurant, or wholesale nursery.

While the zoning district permits uses with high water consumption and waste production, several of the permitted uses may be considered “dry uses”, such as automobile and boat storage. It is anticipated that well and septic will be utilized if the site develops with low water and wastewater uses. Other uses, such as a restaurant, would be required to be served by central water and wastewater. Water and wastewater will be further analyzed for each specific user at the time of site development plan and/or subdivision.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan.

That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the property that is proposed for zoning to the CS (Commercial Services) zoning district, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as either being within or in close proximity to a Key Area. The nearest Key Area to the subject property is the Potential Areas for Annexation Key Area, which is located over two (2) miles to the west. None of the Key Areas would be negatively impacted or otherwise affected by the zoning and the subsequent development of commercial uses on the property.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within both “Developed” (southern parcel) and “New Development” (northern parcel)

Page 21 of the Plan characterizes areas of “New Development” by stating:

“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.”

(Emphasis added)

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

(Emphasis added)

The subject property is currently undeveloped and is located immediately adjacent to two major roadway corridors, commercial development, and rural residential development. Because the existing PUD allows for similar uses to the proposed CS zoning district, there is no change in the previously approved development pattern. Furthermore, the permitted uses include are directly compatible with the allowed commercial uses immediately adjacent. The commercial uses will also

support the existing rural residential development in the vicinity, allowing for the character to be maintained.

Placetype Analysis

The subject property is shown on the Placetypes map of [Your El Paso Master Plan](#) as being within the Rural Center Placetype. Page 23 of the [Plan](#) identifies the following land uses as being Primary Land Uses within the Rural Center Placetype:

- Single-family Detached
- Restaurant
- Commercial Retail
- Commercial Services
- Institutional

In addition, the Placetype includes the following Supporting Land Uses:

- Single-family Attached
- Multi-family

The above list of acceptable land uses within the Rural Center Placetype directly support the proposed rezoning of the subject property to CS (Commercial Service). The CS zoning district allows for all primary land uses, with the exception single-family detached.

Suburban Residential Priority Development Area

As discussed above, the subject property is designated as being within Rural Center Placetype, similar to other select areas in the County. However, the subject property is further elevated within the Master Plan in terms of its economic development potential by being specifically identified as only one of the six Priority Development Areas. The Plan's description of the Highway 24 corridor states that "The County should emphasize Stapleton Road as a connectivity corridor that would provide important access to necessary goods and services in this community, generally supporting suburban residential development." This description further supports the land uses, proposed services, and associated financial projections necessary to support the proposed zoning.

Analysis of Goals, Objectives, and Specific Strategies

Below are Goals, Objectives, and Specific Strategies from [Your El Paso Master Plan](#) that are applicable to the proposed service plan and anticipated commercial land development.

Land Use

Goal LU3. Encourage a range of development types to support a variety of land uses.

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.

Land Use Specific Strategy- Priority: The New Development 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 should 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.

Land Use Specific Strategy-The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.

Land Use Specific Strategy-As a gathering place and town center for rural areas, development within the Rural Center placetype should be located along a community's main street or near the intersection of an area's most-frequented roadways.

Analysis:

The proposed zoning is necessary to support implementation of each of these goals, objectives, and strategies as they are applicable to the 4-Way Ranch Commercial Development. Those allowed uses within the CS zoning district are consistent with the recommendations of the Rural Center Placetype. Additionally, the proposed zoning district will not detract from the overall existing character, with proper implementation of buffers and transitions. The site is immediately adjacent to two major roadway corridors and intersection.

Consistency with the built form guidelines of the Rural Center placetype will be determined at a later stage of development in association with subsequent subdivision and site development plan applications, as appropriate. At a minimum the proposed development can be found to be consistent with the guideline that states that rural centers should be "should be located along a community's main street or near the intersection of an area's most-frequented roadways" as the site is location along Highway 24 and Stapleton Road.

Economic Development

Goal ED3: Encourage the development of commercial districts in underserved areas.

Objective ED3-1: Continue promoting commercial development to serve increasing residential neighborhoods in the Falcon area.

Objective ED3-3: Emphasize the development of grocery stores, restaurants (both drive-thru and sit-down), gas stations, pharmacies, and neighborhood-scale services along Highway 24.

Objective ED3-5: Prioritize commercial development within or near rural communities and within the Rural Center placetype to limit barriers to shopping districts and employment centers.

Objective ED1-6: Large employers should be located on major roadways to improve connectivity and minimize their impact on daily traffic.

Economic Development Specific Strategy- Prioritize the development of Rural Center in the Highway 24 Commercial Priority Development Area to serve adjacent Suburban Residential to the north of Highway 24 and the Large-Lot Residential to the south, which should also provide some general commercial directly adjacent to Meadow Lake Airport to support the employee population.

Analysis:

The property included within the proposed map amendment is located on two major roadways, Highway 24 and Stapleton Road. The CS zoning district furthers objective ED3-3 by allowing for a grocery store, restaurant, gas station, pharmacy, and neighborhood-scale services.

Community Facilities Specific Strategy- Onsite Wastewater System (OWS) greater than 2,000 gallons per day should connect to a designated management agency's wastewater system if it is economically and technically feasible. OWS systems of less than 2,000 gallons per day that serve homes or small businesses should be encouraged to connect to a designated agency's system when it becomes accessible and continue to be reviewed by the local County health department where it will be constructed. p. 103

Analysis:

As mentioned above, central service will be required if the area develops with high water and wastewater demand, otherwise the Plan supports the utilization of onsite wastewater treatment systems.

The analysis above demonstrates compliance with the primary components of the Your El Paso Master Plan (2021).

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan states that "The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process." For that reason, water supply should be discussed even as early as the rezoning stage. This does not mean that a full water sufficiency finding should be made since sufficiency findings in El Paso County are made at either the preliminary plan or final plat stage of development, both of which are part of the subsequent subdivision stage of development.

The subject property is located within Planning Region 3 of the Water Master Plan, pursuant to Figure 3-1 on page 25. Region 3, known as the Falcon Region, is made up of 13 central water providers, including several larger providers such as Woodmen Hills Metropolitan District, Paint Brush Hills Metropolitan Districts, and Meridian Service Metropolitan District. The property is also located within the boundaries of the Upper Black Squirrel Designated

Groundwater Basin, and it lies atop three Denver Basin Aquifers: the Denver, Arapahoe, and Laramie-Fox Hills formations.

The Plan states the following with respect to Region 3:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the north and south sides of Falcon Highway directly east of Falcon.”

The Plan specifically identifies 4-Way Ranch as being anticipated for growth within Region 3.

Table 5-4 of the Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supplies for Region 3 amounts to 7,164 AF of water per year and that the forecasted demand is 8,307 AF per year, resulting in a forecasted supply need of 1,143 AF per year. The proposed development may utilize groundwater wells, dependent upon the needs of the specific users. Any potential future interconnections with neighboring districts would certainly encourage conjunctive use. All districts in this area rely on the same water, and all are required to meet CDPHE potable water regulations.

As discussed above, several of the permitted uses are higher demanding water uses and such uses will require greater planning and review prior to receiving a positive water sufficiency finding at the subdivision stage of development or prior to receiving site development plan approval. For the reasons stated above, the applicant requests that the proposed service plan be found to be in compliance with the Water Master Plan.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2013) depicts the Rock Island Trail along Highway 24. The trail has been constructed and the proposed development will have no impact upon the existing trail.

The Plan generally depicts this area as being part of the Judge Orr Road Candidate Open Space Land. The drainage and floodplain areas within the zoning area are anticipated to remain open and undisturbed. If El Paso County expresses a desire to obtain this open space

area, the applicant is willing to enter into discussions regarding the County taking ownership and maintenance of the corridors.

The proposed map amendment is in general compliance with the El Paso County Parks Master Plan.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan. Additional evaluation of such compliance will need to be provided at a later stage of development, including extensive evaluation at the preliminary plan, final plat, and/or site development plan with respect to the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

Baseline Considerations:

1. *Is there a desirability or demand within the community for this use?*

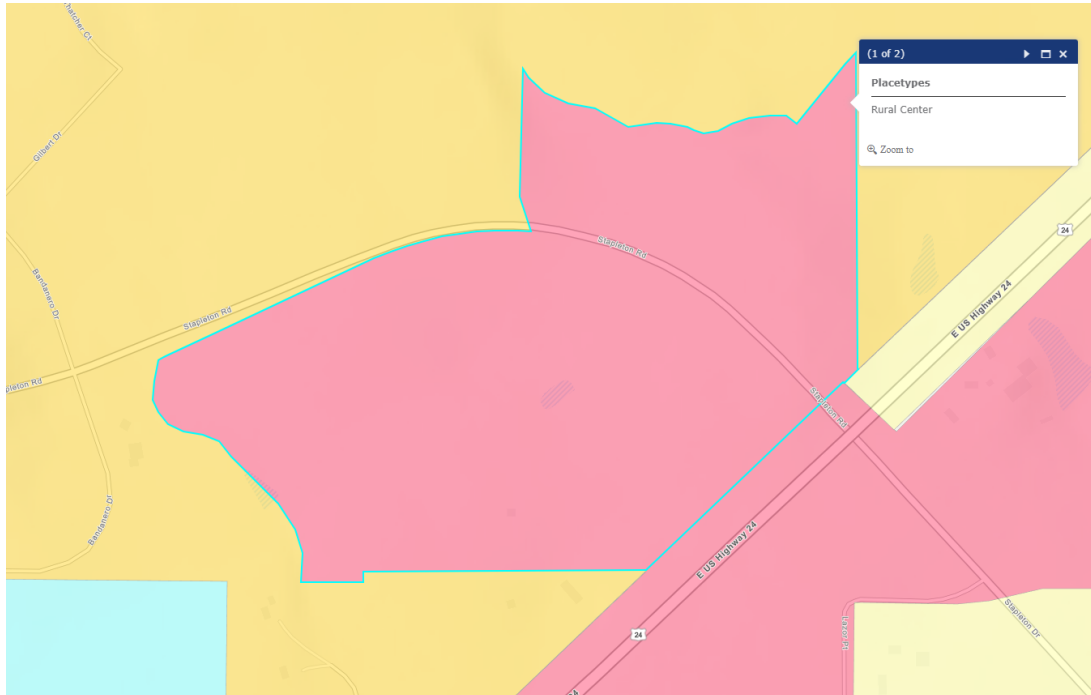
The proposed 4-Way Ranch Commercial Rezone would help to fulfill desirability and demand for additional Commercial Retail and Commercial Services within El Paso County as well as serve the residential dwelling units existing and proposed within the area. As illustrated in the recently approved Your El Paso County Master Plan, the place-based approach is not focused on the use of a specific parcel, but rather is concerned with the collective mix of uses that establish a place within the El Paso County community. The Commercial component of 4-Way Ranch was always planned for and intended to be on the subject parcel per the approved 4-Way Ranch PUD Development Plan.

2. *Does the market support the need for the use? Would the use be viable if built right now?*

There is a demand for the proposed Commercial land use to serve the residential units within 4-Way Ranch as well as the growing areas adjacent to the proposed commercial parcels.

3. *Would the use be providing necessary housing or essential goods and/ or services?*

The proposed 4-Way Ranch Commercial will incorporate commercial retail and commercial services into the community. The subject parcel is currently defined as a **Rural Center placetype** in the Your El Paso Master Plan. Rural Center includes primary land uses of restaurant, commercial retail, commercial service, institutional and single-family detached residential. The Rural Centers placetype provides rural residents vital access to goods, services, and public facilities and serve as the cultural anchor for the community. The proposed rezone supports this place type.



The proposed 4-Way Ranch Commercial is also located in the Highway 24 **Suburban Residential Priority Development Area**. This area states that “Immediate adjacency to Highway 24 should also be utilized for larger commercial development, not only to support neighborhoods but also to capture commuters.”

County Systems Considerations:

1. *Is there existing infrastructure to which the development can connect? If so, what infrastructure exists? If not, are there existing or proposed plans to extend infrastructure to this area?*

The proposed 4-Way Ranch Commercial will utilize existing infrastructure where accessible including roadways and previously approved access locations.

2. *Does the development trigger the need for such infrastructure?*

The proposed development may trigger the need for new infrastructure or require expansion of existing facilities meeting **Goal LU4: Continue to encourage policies that ensure “development pays for itself”**. The extension of existing utilities and facilities into this site will be determined with future, more detailed developments based on expected demand for the proposed uses.

3. *Does the proposal trigger the need for pedestrian or multimodal connections and are those connections being provided?*

The proposed 4-Way Ranch Commercial will require a public street roadway to be designed and built to El Paso County Standards. Internal sidewalk connections will be provided as necessary to connect to existing pedestrian and/or trail systems within the adjacent area.

This supports **Goal TM2** *Promote walkability and bike-ability* by continuing the construction of trail corridors connecting this development with adjacent neighborhoods.

Total Number of Residential Units, Density, and Lot Sizes:

No residential units are proposed.

Total Number of Industrial or Commercial Sites:

The rezone proposes Commercial Services (CS) for the entire 67.1-acre parcel. Number of commercial lots to be determined with future preliminary plan submittals.

Phasing Plan and Schedule of Development:

The project will be constructed in multiple phases; however, at this time phasing is unknown. Future subdivision and site development plan submittals will further detail the commercial development and proposed phasing.

Areas of Required Landscaping:

The proposed internal landscape design (5%), adjacent residential district buffering, and streetscape planting requirements shall comply with the EPC LDC. The landscape design will be shown in more detail at the time of preliminary plan submittal. There are no landscape waivers being requested at this time and there are no open space requirements as part of commercial development.

Types of Proposed Recreational Facilities:

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

Traffic Engineering:

Vehicular access as illustrated on the PUD Development Plan with all roadways to be public, built to El Paso County standards. Main access points are proposed on Stapleton Road. Access to Highway 24 is not proposed. Road impact fees to be calculated at time of building permit as may be required.

Proposed Services:

1. Water/ Wastewater: Well/Septic
2. Gas: Colorado Springs Utilities
3. Electric: Mountain View Electric
4. Fire: Falcon Fire Protection District
5. School: Falcon School District #49
6. Roads: El Paso County Road and Bridge
7. Police Protection: El Paso County Sheriff's Department

Impacts associated with the Rezone Application:

Floodplain: The western property line is located within a designated FEMA floodplain as determined by the flood insurance map, community map number '08041C0554G' effective date December 7, 2018. The site is also located within community map numbers '08041C0552G', '08041C0556G', and '08041C0558G'.

Site Geology: A Soils and Geology Study will be performed and submitted at time of subdivision.

Wetlands: The site does contain potential wetlands at the NE and SW property boundaries. A wetland analysis will be performed and submitted with subsequent subdivision and/or site development plan applications.

Air Pollution: By adhering to current air quality regulations, any air pollution emanating from the development will be negligible. The site has very little vegetation and contains mostly native turfgrass which may result in higher-than-normal amounts of dust during windy days. However, the proposed development will provide irrigated turf areas and/or native seeding to help alleviate the dust issues. Construction practices will adhere to El Paso County health department, as well as state department codes and regulations

Water Pollution: By adhering to current wastewater and stormwater regulations, any water pollution emanating from the development will be negligible. An erosion and sedimentation plan will be in place prior to construction.

Noise Pollution: Vehicular movement is expected to be the only major source of noise pollution emanating from the site after construction is complete. The proposed development is surrounded by similar land uses and the effects of noise generated from the site will have little or no impact on other surrounding areas.

Visual Assessment: The natural mountain backdrop of the Rampart Range is perhaps the best natural feature of 4-Way Ranch Commercial with sweeping views in nearly all directions. The scenic view shed is impaired somewhat by intervening development; however, the panoramic views remain quite spectacular.

Vegetation, Wildlife Habitats and Migration Routes:

Proposed landscaping will include low water use plant material, and where possible, the plant material will be native to the Colorado Springs region.

The Colorado Division of Wildlife note the following as also present in the area.

- Prairie Dog
- Mule and White-Tailed Deer
- Pronghorn Antelope
- Fox species
- Coyote
- Rabbits

- Raptors
- Songbirds
- Numerous Small Mammals

Due to the construction activity and adjoining development, it is not anticipated that the application will have significant impacts on wildlife in the area.

The U.S. Fish and Wildlife Service's IPaC mapper and website database (<https://ecos.fws.gov/ipac/>) was used to determine the potential of migratory birds within the area. The IPaC mapper listed several migratory birds that may be affected by 4-Way Ranch; however, this list may also include birds occurring outside this area's FWS office jurisdiction. Breeding migratory birds do receive statutory protection; however, the site contains very few if any trees. In addition, there are no critical habitats found to be present on the site.

LEGAL DESCRIPTION:

PARCEL 1: A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 33 TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS S 00°32'40" E 1248.74 FEET AND S 89°27'20" W 756.12 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE S 89°21'54" W 518.84 FEET TO A CAPPED PLS 38254 REBAR; THENCE S 89°05'22" W 196.52 FEET TO A CAPPED PLS 38254 REBAR; THENCE S 89°24'38" W 346.20 FEET TO A CAPPED PLS 38254 REBAR; THENCE S 00°17'22" E 39.41 FEET TO CAPPED PLS 38254 REBAR; THENCE N 89°52'17" W 237.85 FEET TO THE SOUTHWEST CORNER OF LOT 13, 4 WAY RANCH FILING NO. 1 AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 206712416; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 13 AND 14, 4 WAY RANCH FILING NO. 1, THE FOLLOWING 13 COURSES,

COURSE 1: N 02°32'27" E 104.58 FEET,
 COURSE 2: N 17°20'56" W 90.67 FEET,
 COURSE 3: N 33°10'19" W 117.65 FEET,
 COURSE 4: N 46°32'54" W 111.92 FEET,
 COURSE 5: N 45°38'56" W 135.29 FEET,
 COURSE 6: N 37°49'00" W 77.43 FEET,
 COURSE 7: N 69°33'24" W 63.38 FEET,
 COURSE 8: N 81°58'46" W 73.71 FEET,
 COURSE 9: N 64°01'48" W 66.05 FEET,
 COURSE 10: N 40°22'05" W 60.18 FEET,
 COURSE 11: N 27°05'02" W 46.89 FEET,
 COURSE 12: N 03°48'16" E 78.58 FEET,
 COURSE 13: N 09°33'20" E 72.86 FEET TO THE SOUTH RIGHT OF WAY LINE OF STAPLETON DRIVE; THENCE

ALONG THE SOUTHERLY LINE OF STAPLETON DRIVE THE FOLLOWING 9 COURSES,

COURSE 1: N 64°28'13" E 855.66 FEET,
 COURSE 2: ON A CURVE TO THE RIGHT WITH A RADIUS OF 1275.00 FEET, AN ARC DISTANCE OF 1198.14 FEET, CHORD BEING S 88°55'14" E 1154.54 FEET,
 COURSE 3: ON A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET, AN ARC DISTANCE OF 33.70 FEET, CHORD BEING S 13°43'29" E 29.85 FEET,
 COURSE 4: S 34°33'01" W 79.10 FEET,
 COURSE 5: S 55°26'59" E 100.11 FEET,
 COURSE 6: N 34°33'01" E 87.29 FEET,
 COURSE 7: ON A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET, AN ARC DISTANCE OF 31.37 FEET, CHORD BEING N 79°29'01" E 28.25 FEET,
 COURSE 8: ON A CURVE TO THE RIGHT WITH A RADIUS OF 1275.00 FEET, AN ARC DISTANCE OF 266.18 FEET, CHORD BEING S 49°36'31" E 265.70 FEET,
 COURSE 9: S 43°41'10" E 345.14 FEET; THENCE S 45°58'32" W 894.27 FEET TO THE POINT OF BEGINNING, CONTAINING 51.6 ACRES.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PROPERTY LINE CURVE DATA						
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD	TANGENT
C1	1198.14	1275.00	53°50'31"	S 88°55'14" E	1154.54	647.43
C2	33.70	20.00	96°33'00"	S 13°43'29" E	29.85	22.43
C3	31.37	20.00	89°51'21"	N 79°29'01" E	28.25	19.95
C4	266.11	1275.00	11°57'30"	S 49°36'31" E	265.63	133.54
C5	1127.25	1405.00	45°58'09"	N 66°37'01" W	1097.26	595.94
C6	65.22	640.00	5°50'19"	N 41°25'42" E	65.19	32.64

4-WAY COMMERCIAL ZONE CHANGE MAP


LEGAL DESCRIPTION:

PARCEL 2: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 33 TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE S 00°32'40" E 531.35 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE S 45°52'34" W 18.02 FEET TO THE NORTH RIGHT OF WAY LINE OF STAPLETON DRIVE; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF STAPLETON DRIVE THE FOLLOWING 2 COURSES,

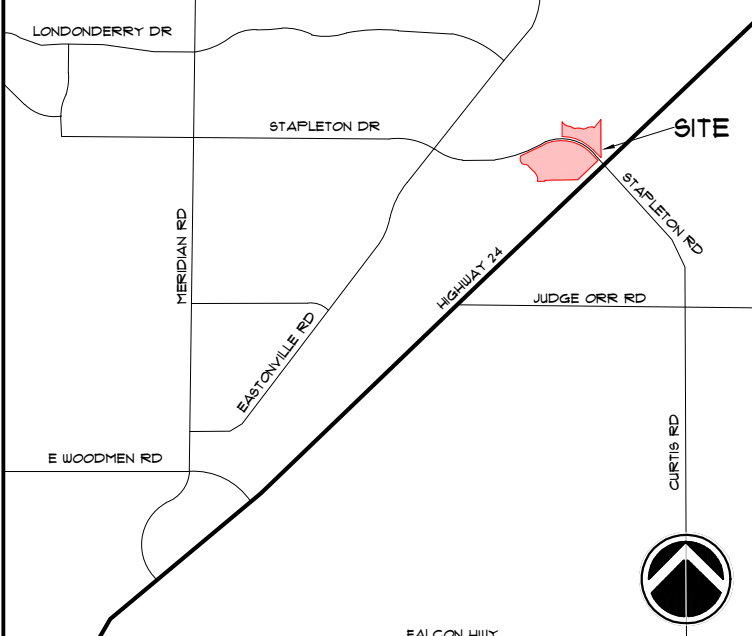
COURSE 1: N 43°41'10" W 344.15,
 COURSE 2: ON A CURVE TO THE LEFT WITH A RADIUS OF 1405.00 FEET, AN ARC DISTANCE OF 1127.25 FEET, CHORD BEING N 66°37'01" W 1097.26 FEET; THENCE N 00°02'16" E 472.31 FEET; THENCE S 33°06'23" W 38.23 FEET; THENCE S 47°20'54" E 86.31 FEET; THENCE S 64°11'25" E 94.79 FEET; THENCE S 80°44'44" E 101.96 FEET; THENCE S 61°15'34" E 141.09 (S) N 68°54'08" E 67.16' (S); THENCE N 82°37'58" E 108.63 FEET; THENCE S 88°02'18" E 52.46 FEET; THENCE S 80°29'21" E 62.10 FEET; THENCE S 64°44'27" E 28.07 FEET; THENCE S 72°25'24" E 39.10 FEET; THENCE N 80°32'12" E 53.40 FEET; THENCE N 62°41'35" E 59.14 FEET; THENCE N 68°54'08" E 67.16 FEET; THENCE N 81°40'20" E 79.00 FEET; THENCE N 89°54'58" E 64.36 FEET; THENCE S 50°43'58" E 50.43 FEET; THENCE N 38°28'19" E 283.60 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 640.00 FEET, AN ARC DISTANCE OF 65.22 FEET, CHORD BEING N 41°25'43" E 65.19 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE S 00°26'34" E 685.50 FEET TO THE POINT OF BEGINNING, CONTAINING 15.5 ACRES.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CONSULTANTS:
 PLANNER/ LANDSCAPE ARCHITECT/ CIVIL ENGINEER:

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

OWNER/DEVELOPER:
 THE O'NEIL GROUP
 455 E PIKES PEAK AVE, SUITE 102
 COLORADO SPRINGS, CO 80903

APPROVAL:

VICINITY MAP:


PROJECT:
4-WAY COMMERCIAL
EL PASO COUNTY, COLORADO
SEPTEMBER 2022

REVISION HISTORY:

NO.	DATE	DESCRIPTION	BY
1	11/10/22	REV1 RESPONSE TO COMMENTS	AV

DRAWING INFORMATION:
 PROJECT NO: 22.1288.002
 DRAWN BY: AV
 CHECKED BY: JA
 APPROVED BY: JA
 SHEET TITLE:

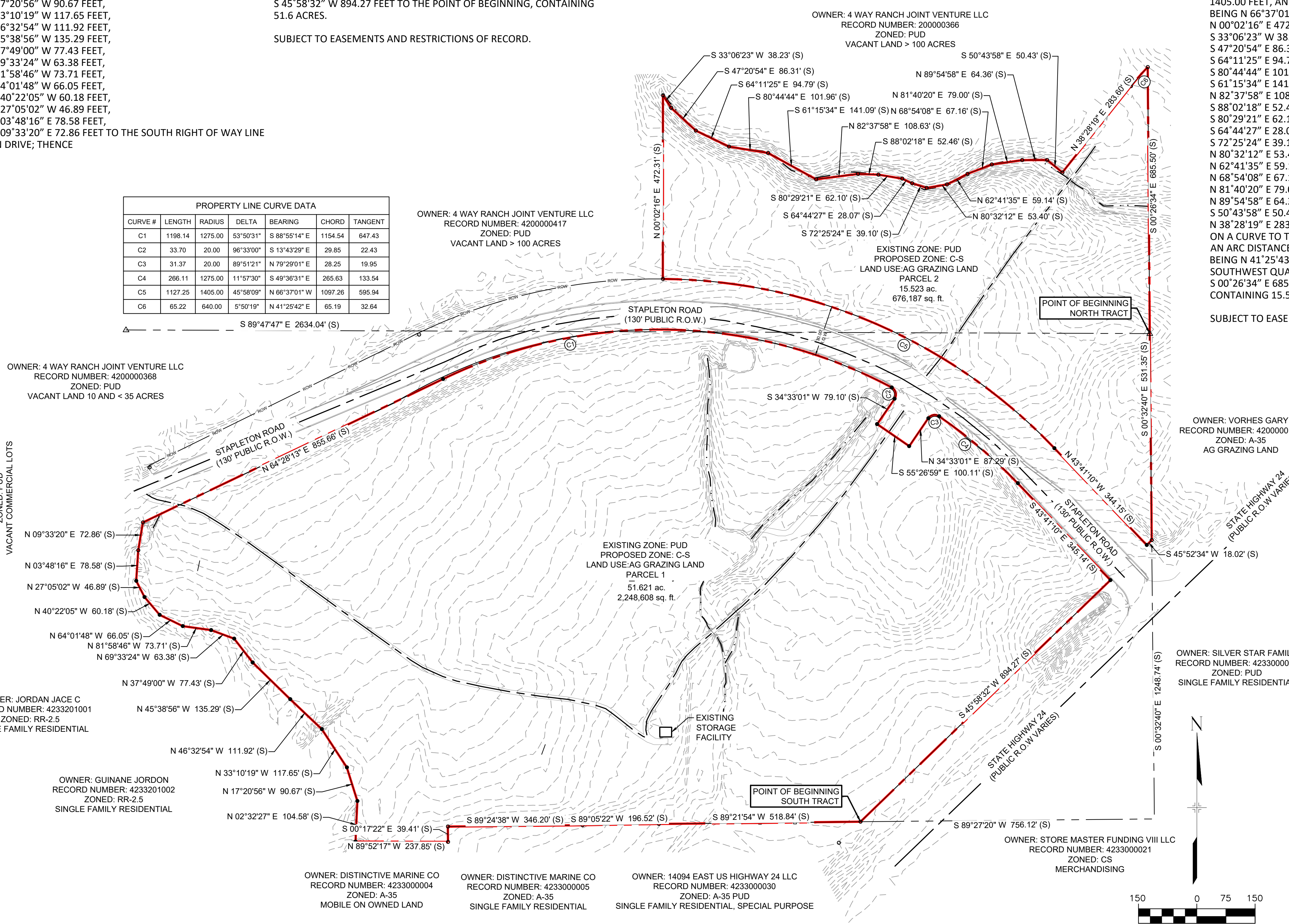
ZONE MAP

ZC01

SHEET 01 OF 01

PCD FILE NO.: CS-22-003

FILE LOCATION: S:\02_1288_002_4 WAY RANCH COMMERCIAL REZONE\500 CAD\505 EXHIBITS\2022-09-02_ZONECHANGE.MXD



RESOLUTION NO. 23-

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

APPROVAL OF MAP AMENDMENT (REZONE) TO CS
4-WAY COMMERCIAL REZONING (CS-22-003)

WHEREAS, The O'Neil Group 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 PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 19, 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 February 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, 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 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 The O'Neil Group 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 PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district ;

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

CONDITIONS

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

district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. Any subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.
4. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading/construction of the surrounding roads and intersections impacted by this development's traffic, including U.S. Highway 24, Stapleton Drive, Eastonville Road, and any other offsite impacts as identified in the applicable traffic impact analysis and as necessary to provide safe and adequate access to the development. With the respective final plats and development plans, the developer's design and/or financial responsibilities for offsite improvements may include a pro-rata share of the following, if not previously completed by others:
 - a. U.S. Highway 24/Stapleton Drive intersection: Design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - b. Eastonville Road/Stapleton Drive: Design, construction, contribution and/or escrow of funds as appropriate for intersection improvements and traffic signals, as warranted.
 - c. Eastonville Road: Construction, contribution, and/or escrow of funds for final grading and asphalt paving between Latigo Boulevard and Stapleton Drive.
 - d. Stapleton Drive/Dumont Drive intersection: Design and construction of intersection improvements.
 - e. Stapleton Drive:
 - i. Design, construction, contribution, and/or escrow of funds for the second two lanes from Eastonville Road to Highway 24.
 - ii. Design, construction, contribution and/or escrow of funds as appropriate to construct intersection improvements, including traffic signals, as warranted.
 - f. Other offsite impacts as identified in any new/updated traffic impact analysis for this development.

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.

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

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

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A tract of land in the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 00°32'40" E 1248.74 feet and S 89°27'20" W 756.12 feet from the Northeast Corner of the Northwest Quarter of said Section 33; thence

S 89°21'54" W 518.84 feet to a capped PLS 38254 rebar; thence

S 89°05'22" W 196.52 feet to a capped PLS 38254 rebar; thence

S 89°24'38" W 346.20 feet to a capped PLS 38254 rebar; thence

S 00°17'22" E 39.41 feet to capped PLS 38254 rebar; thence

N 89°52'17" W 237.85 feet to the Southwest Corner of Lot 13, 4 Way Ranch Filing No. 1 as platted in the El Paso County Records under Reception No. 206712416; thence

Along the Easterly Line of said Lots 13 and 14, 4 Way Ranch Filing No. 1, the following 13 courses,

Course 1: N 02°32'27" E 104.58 feet,

Course 2: N 17°20'56" W 90.67 feet,

Course 3: N 33°10'19" W 117.65 feet,

Course 4: N 46°32'54" W 111.92 feet,

Course 5: N 45°38'56" W 135.29 feet,

Course 6: N 37°49'00" W 77.43 feet,

Course 7: N 69°33'24" W 63.38 feet,

Course 8: N 81°58'46" W 73.71 feet,

Course 9: N 64°01'48" W 66.05 feet,

Course 10: N 40°22'05" W 60.18 feet,

Course 11: N 27°05'02" W 46.89 feet,

Course 12: N 03°48'16" E 78.58 feet,

Course 13: N 09°33'20" E 72.86 feet to the South right of way line of Stapleton Drive; thence

Along the Southerly Line of Stapleton Drive the following 9 courses,

Course 1: N 64°28'13" E 855.66 feet,

Course 2: On a curve to the right with a radius of 1275.00 feet, an arc distance of 1198.14 feet, chord being S 88°55'14" E 1154.54 feet,

Course 3: On a curve to the right with a radius of 20.00 feet, an arc distance of 33.70 feet, chord being S 13°43'29" E 29.85 feet,

Course 4: S 34°33'01" W 79.10 feet,

Course 5: S 55°26'59" E 100.11 feet,

Course 6: N 34°33'01" E 87.29 feet,

Course 7: On a curve to the right with a radius of 20.00 feet, an arc distance of 31.37 feet, chord being N 79°29'01" E 28.25 feet,

Course 8: On a curve to the right with a radius of 1275.00 feet, an arc distance of 266.18 feet, chord being S 49°36'31" E 265.70 feet,

Course 9: S 43°41'10" E 345.14 feet; thence

S 45°58'32" W 894.27 feet to the point of beginning, containing 51.6 acres.

Subject to easements and restrictions of record.

Description:

A tract of land in the Southwest Quarter of Section 28 and the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at the Northeast Corner of the Northwest Quarter of said Section 33; thence

S 00°32'40" E 531.35 feet along the East Line of the Northwest Quarter of said Section 33; thence

S 45°52'34" W 18.02 feet to the North right of way line of Stapleton Drive; thence

Along the North right of way line of Stapleton Drive the following 2 courses,

Course 1: N 43°41'10" W 344.15,

Course 2: On a curve to the left with a radius of 1405.00 feet, an arc distance of 1127.25 feet, chord being N 66°37'01" W 1097.26 feet; thence

N 00°02'16" E 472.31 feet; thence

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S 33°06'23" W 38.23 feet; thence
S 47°20'54" E 86.31 feet; thence
S 64°11'25" E 94.79 feet; thence
S 80°44'44" E 101.96 feet; thence
S 61°15'34" E 141.09 feet; thence
N 82°37'58" E 108.63 feet; thence
S 88°02'18" E 52.46 feet; thence
S 80°29'21" E 62.10 feet; thence
S 64°44'27" E 28.07 feet; thence
S 72°25'24" E 39.10 feet; thence
N 80°32'12" E 53.40 feet; thence
N 62°41'35" E 59.14 feet; thence
N 68°54'08" E 67.16 feet; thence
N 81°40'20" E 79.00 feet; thence
N 89°54'58" E 64.36 feet; thence
S 50°43'58" E 50.43 feet; thence
N 38°28'19" E 283.60 feet; thence

On a curve to the right with a radius of 640.00 feet, an arc distance of 65.22 feet, chord being N 41°25'43" E 65.19 feet to the East Line of the Southwest Quarter of said Section 28; thence
S 00°26'34" E 685.50 feet to the point of beginning, containing 15.5 acres.

Subject to easements and restrictions of record.