

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

August 22, 2022



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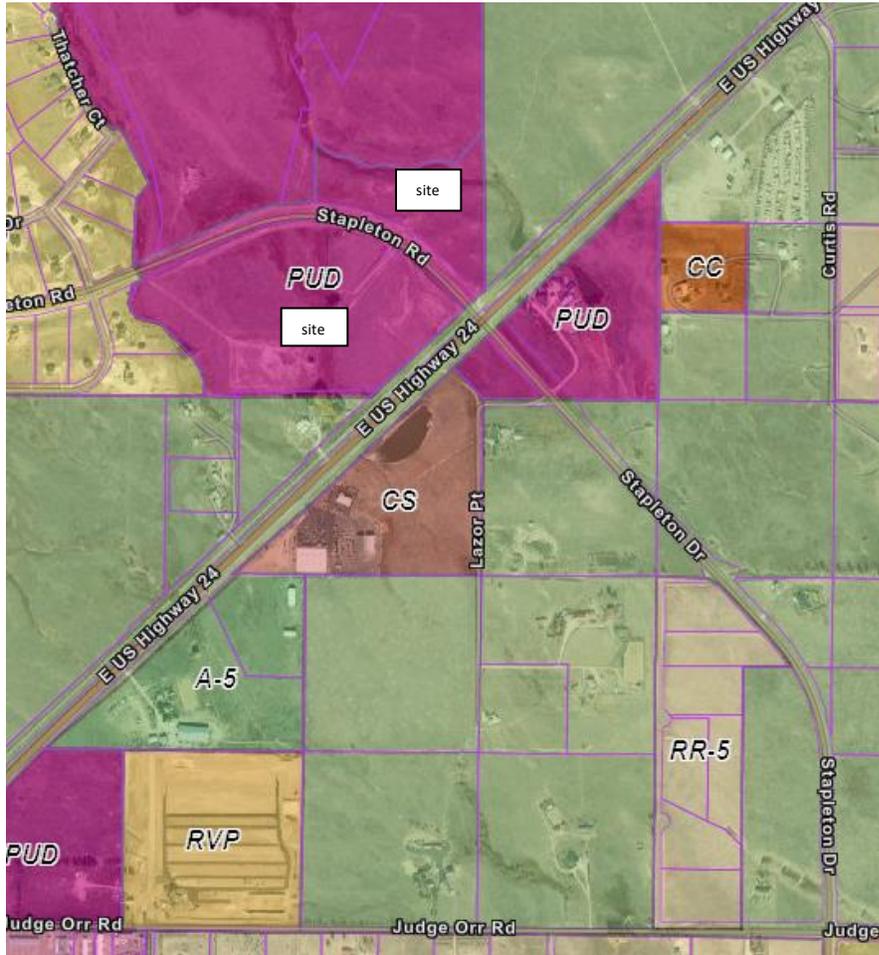
Tax Schedule No: 42000-00-399

Acreage: 68.2 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 68.2 acres from the 4-Way Ranch Zoning and Conceptual PUD (Planned Unit Development) to the CS (Commercial Services) zoning district. The 4-Way Ranch Zoning and Conceptual PUD, recorded on May 02, 2011, depicts the subject area as allowing for medical/professional offices, commercial, and mixed use residential. The conceptual PUD has since been removed from the Land Development Code, and requires a subsequent rezoning application to either a site specific PUD zoning district or to a conventional zoning district. The proposed CS map amendment (rezone) is consistent with those permitted uses within the approved conceptual 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 68.2 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 My 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 Conceptual 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 Conceptual 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).

A mix of existing uses surround 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 conceptual 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 Employment Center 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 industrial and 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 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?*

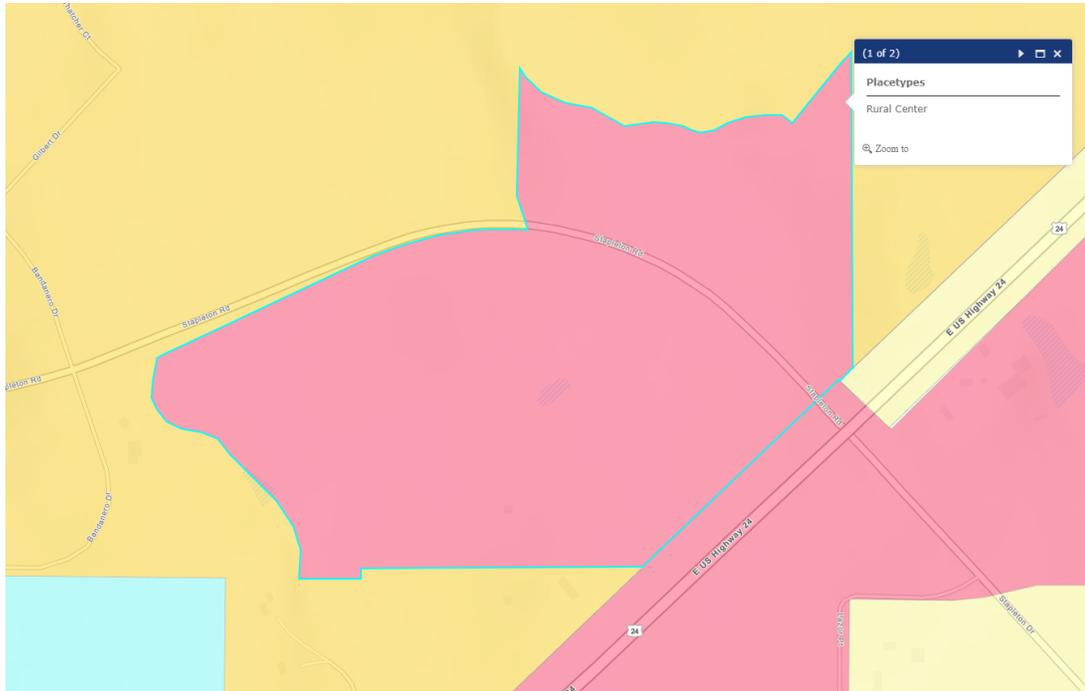
The proposed 4-Way Ranch Commercial Rezone would help to fulfill desirability and demand for additional Commercial Retail and Commercial Services within El Paso County as well as serve the residential dwelling units existing and proposed within the area. As illustrated in the recently approved Your El 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 68.2-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.