

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

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 12/12/2024
RE: P2410; Winsome Commercial Lot Rezone to Residential

Project Description

A request by ProTerra Properties for approval of a Map Amendment (Rezoning) of 7.21 acres from CC (Commercial Community) to RR-2.5 (Residential Rural). The property is located at 16511 Early Light Drive, on the northwest corner of Hodgen Road and North Meridian Road. This item was heard as a consent item on November 21, 2024, by the Planning Commission. The vote was 9-0 for a recommendation for approval to the Board of County Commissioners. There was no discussion. (Parcel No. 4119007001) (Commissioner District No. 1)

Notation

Please see the Planning Commission 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

Trowbridge moved / Moraes seconded for approval of the rezone application utilizing the resolution attached to the staff report, that this item be forwarded to the Board of County Commissioners for their consideration. The motion for Approval was approved (9-0). The item was heard as a consent agenda item.

Discussion

There was no discussion.

Attachments

1. Planning Commission Minutes from 11/21/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting - Thursday, November 21, 2024
El Paso County Planning and Community Development Department
Held at Centennial Hall, 200 S Cascade Ave, Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: Thomas Bailey, Sarah Brittain Jack, Jim Byers, Jay Carlson, Eric Moraes, Bryce Schuettpelez, Tim Trowbridge, Christopher Whitney, and Jeffrey Markewich.

PC MEMBERS PRESENT AND NOT VOTING: None.

PC MEMBERS ABSENT: Becky Fuller and Wayne Smith.

STAFF PRESENT: Meggan Herington, Justin Kilgore, Kari Parsons, Kylie Bagley, Lisa Elgin, Joe Sandstrom, Elizabeth Nijkamp, Charlene Durham, Daniel Torres, Bret Dilts, Lori Seago, and Erika Keech.

OTHERS PRESENT AND SPEAKING: Cindy Landsberg, Rick Van Wieren, Matthew Grubacich, Bryan Bagley, Charles Blasi, Matt Dunston, Harold Larson, Bruce Sidebotham, Maria Edh, Chris Sparkes, Darcy Schoening, Judy Williamson, Robin Wright, Allison Catalano, Steve King, Mitch LaKind, Laura Lucero, Christie Beverly, Christi Beyer-Tarver, Bernard Humbles, Skyler Smith, Michael Schmidt, Jacques Lemond, Kenneth Kimple, and Angela Larson.

1. REPORT ITEMS

Ms. Herington advised the board that the next PC hearing will be on Dec. 5, 2024. That agenda will include a legislative LDC Amendment. A measure was passed in 2022 regarding Natural Medicine. The State tasked local jurisdictions with defining the time, place, and manor, which needs to be established before the end of the year. Due to the short amount of time, PCD will be asking the board to make a recommendation at the next hearing. She then discussed the revised minutes that had been presented to the board. She suggested adding a time to further discuss the minutes on the Dec. 5, 2024, agenda.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

Ms. Cindy Landsburg spoke about a future proposal, Buc-ee's, adjacent to the Monument Ridge East proposal. She spoke about how Monument was originally designed to preserve the natural environment (no streetlights, compact developments, etc.). She is concerned by the changes happening in that area of the County.

BOCC Report Packet

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3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on November 7, 2024.

DISCUSSION: Board Members requested a scheduled time to discuss the changes to the minutes.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (8-1)

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Carlson, Moraes, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (1) Markewich.

B. P2410

ELGIN

**MAP AMENDMENT (REZONING)
WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL**

A request by Proterra Properties for approval of a Map Amendment (Rezoning) of 7.21 acres from CC (Commercial Community) to RR-2.5 (Residential Rural). The property is located at 16511 Early Light Drive, on the northwest corner of Hodgen Road and North Meridian Road. (Parcel No. 4119007001) (Commissioner District No. 1)

NO PRESENTATION, PUBLIC COMMENT, OR DISCUSSION.

PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P2410, FOR A MAP AMENDMENT (REZONING), WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL, UTILIZING THE ATTACHED RESOLUTION WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) Bailey, Brittain Jack, Byers, Carlson, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

4. CALLED-UP CONSENT ITEMS

(NONE)

5. REGULAR ITEMS

A. P249

PARSONS

**MAP AMENDMENT (REZONING)
SCHMIDT RS-5000**

A request by Turkey Canon Quarry Inc., and Sugar Daddys, LLC, for approval of a Map Amendment (Rezoning) of 23.02 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The property is located north of Vanderwood Road, west of Vollmer Road, and east of Black Forest Road. (Parcel Nos. 5200000577 and 5200000570) (Commissioner District No. 1)

****This item was heard in a combined presentation with P248. All discussion was combined.**

**MAP AMENDMENT (REZONING)
SCHMIDT RM-12**

A request by Turkey Canon Quarry Inc. for approval of a Map Amendment (Rezoning) of 34.98 acres from RR-5 (Residential Rural) to RM-12 (Residential Multi-Dwelling). The property is located north of Vanderwood Road, west of Vollmer Road, and east of Black Forest Road. (Parcel No. 5200000577) (Commissioner District No. 1)

COMBINED STAFF & APPLICANT PRESENTATIONS.

DISCUSSION: Ms. Parsons addressed concerns raised in written public comment; the detention pond proposed to the southeast will remain, and the existing berm will be addressed during the Preliminary Plan stage of the process. **Mr. Carlson** asked about the density within the southern PUD zoning. Ms. Parsons later answered that lots ranged from 5,400 to 8,400 sq ft. RM-12 zoning would require 3,500 sq ft lot sizes for single-family attached or detached dwellings. The LDC requires that townhomes each be on their own lots. **Mr. Markewich** asked for clarification regarding the benefits of annexation as it pertains to utilities, which was answered by Ms. Barlow. Cottonwood Creek improvements were briefly discussed; the floodplain will not be impacted by the subject proposal, but they are proposing a bridge for Marksheffel Boulevard over the creek. The existing permit for mining operations remains valid, but the property is in the reclamation process and the applicant is proposing a change in use. **Mr. Moraes** confirmed the design of townhomes/single-family attached units and expressed a struggle with finding compatibility if the RM-12 rezoning ultimately resulted in multi-family units (which would be allowed). Ms. Barlow indicated that apartments are not in their plan and RM-12 would not support the high-density complexes typically designed with apartment communities.

PUBLIC COMMENTS: None in favor. **Mr. Rick Van Wieren** opposed the increase in density. He discussed the inconsistent transition from a suburban neighborhood to higher density (proposed), and then rural lots to the north. He referred to the plan as “death by 1,000 cuts” to the rural character of the Black Forest Road corridor. **Mr. Matthew Grubacich** disagreed with the statement that there will be minimal impact to traffic. He would rather see acreage lots. **Mr. Bryan Bagley** opposed the rezoning to RM-12. He did not agree that the rezoning would be consistent or compatible with the neighborhood. He further mentioned a lack of buffer or transition between the proposed development and the existing residents to the north. **Mr. Charles Blasi** opposed the lack of transition between the proposed RM-12 and the RR-2.5 lots to the north. He mentioned a desire to retain the existing berm. He requested sound mitigation adjacent to the road expansion.

APPLICANT REBUTTAL: Provided by Ms. Andrea Barlow with N.E.S. She discussed a neighborhood meeting held prior to the adjacent rezoning to RM-30 where future plans were discussed. Regarding the traffic study, the one she referenced in her presentation was “subject to improvements”, meaning only the capacity of existing roads and intersections was reviewed. The future expansion of Marksheffel to a 4-lane arterial roadway will alleviate current traffic concerns and accommodate growth. The berm that has been discussed is within the right of way and regardless of the mining reclamation process, will need to be removed to allow construction of the road. She then discussed the various changes to the area and how compatibility is discretionary. She believes the proposed zoning is compatible due to the arterial roadways and surrounding suburban development.

PLANNING COMMISSION DISCUSSION: Ms. **Brittain Jack** asked about the existing berm, and Ms. Barlow indicated in her rebuttal that the berm would need to be removed for construction of the road. **Mr. Moraes** asked if apartments were developed on RM-12 zoning anywhere in the County. Ms. Parsons stated that all apartment projects she had been part of were within RM-30 zoning. **Mr. Markewich** and **Mr. Bailey** discussed the Planning Commission's role in the land use process. **Mr. Whitney** sympathized with the neighbors' perspectives but explained that they could only consider the criteria of approval. **Mr. Carlson** stated that he views the RS-5000 as compatible with the southern development and he sees no issue with the RM-12 zoning because of the 106' wide roadway creating a separation adjacent to the rural lots to the north. **Mr. Moraes** stated that he does not think the RM-12 is compatible with the surrounding character, even with a 106' wide road. He would have supported the entire parcel being rezoned to RS-5000 instead. **Mr. Markewich** agreed.

PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER P249, FOR A MAP AMENDMENT (REZONING), SCHMIDT RS-5000, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) Bailey, Brittain Jack, Byers, Carlson, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.
IN OPPOSITION: (0) None.

PC ACTION: TROWBRIDGE MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER P248, FOR A MAP AMENDMENT (REZONING), SCHMIDT RM-12, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (5-4).

IN FAVOR: (5) Bailey, Brittain Jack, Byers, Carlson, and Trowbridge.
IN OPPOSITION: (4) Markewich, Moraes, Schuettpelz, and Whitney.

****Mr. Carlson** was excused due to a schedule conflict. There were eight (8) voting members moving forward.

C. P246

BAGLEY

**MAP AMENDMENT (REZONING)
MONUMENT RIDGE RS-6000**

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 18.97 acres from PUD (Planned Unit Development), CC (Commercial Community), C-1(Commercial), and RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). The property is located directly east of Monument Hill Road and west of Misty Acres Boulevard, one-quarter of a mile south of the intersection of I-25 and County Line Road and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 712201014, 7102200013, 7102200008, 7102200006, and 7102201001) (Commissioner District No. 1)

****This item was heard in a combined presentation with P245 and SP241.**

D. P245

BAGLEY

**MAP AMENDMENT (REZONING)
MONUMENT RIDGE EAST RM-12**

A request by Vertex Consulting Services for approval of a Map Amendment (Rezoning) of 40.51 acres from PUD (Planned Unit Development), C-1 (Commercial), CS (Commercial Services), and CC (Commercial Community) to RM-12 (Residential, Multi-Dwelling). The property is located directly east of Monument Hill Road and west of Misty Acres Boulevard, one-quarter of a mile south of the intersection of I-25 and County Line Road and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 7102200006, 7102200010, and 7102201013) (Commissioner District No. 1)

****This item was heard in a combined presentation with P246 and SP241.**

E. SP241

BAGLEY

**PRELIMINARY PLAN
MONUMENT RIDGE EAST PRELIMINARY PLAN**

A request by Vertex Consulting Services for approval of a 59.48-acre Preliminary Plan depicting 37 single-family lots and 21 multi-family lots. The property is located directly southeast of the intersection of Interstate 25 and County Line Road, southwest of the intersection of County Line Road and Doewood Drive, and one-half of a mile north of the intersection of Monument Hill Road and Misty Acres Boulevard. (Parcel Nos. 712201014, 7102200013, 7102200008, 7102200010, 7102200006, and 7102201001) (Commissioner District No. 1)

COMBINED STAFF & APPLICANT PRESENTATIONS.

DISCUSSION: During the engineering portion of the presentation, **Mr. Moraes** asked if the County had any reservations about taking a highway frontage road and running it through a suburban neighborhood. Mr. Dilts referred to a presentation slide to explain that the curves of the realigned road (running east to west through the proposal) would have speed limits of 25 mph and be reduced to an urban collector type of roadway. Mr. Moraes had concerns that the MTCP calling for the road in that placement may have made sense when the land was zoned commercial, but it doesn't make sense if rezoned to residential. **Mr. Markewich** confirmed that commercial development (current zoning) on the lot would have a greater traffic impact than the proposed residential. **Mr. Carlson** discussed the comparison between the current zoning and proposed rezoning in terms of density. **Mr. Moraes** asked for more information regarding sidewalks and walkability due to proximity with the school. Ms. Ruiz discussed internal sidewalks on the Preliminary Plan. Mr. Dossey indicated there are no sidewalks currently along Monument Hill Road or Misty Acres Boulevard. The County may require one to be constructed. **Mr. Moraes** pointed out that clear imagery of the proposed districts were not included in the applicant's Letter of Intent.

Some of the applicant's complaints from the review process were discussed. Mr. Dossey stated the Preliminary Plan provides more detail than a PUD. Potential future major amendments to the Preliminary Plan, if approved, would need to appear before the Board again. **Mr. Markewich** then asked if Mr. Dossey's requested changes to the Preliminary Plan conditions of approval had been addressed. Rewording was discussed. Rather than removal, the applicant requested that conditions

5 and 6 be revised to only include the RM-12 area. **Mr. Byers** discussed the applicant's criticism of a landscape plan request from County staff. He doesn't think the intent was as intensive as the applicant interpreted it to be and thinks the situation may be slightly misrepresented. Ms. Bagley clarified that the request for landscaping information would not have applied to single-family detached areas. **Ms. Herington** then gave clarification regarding how County staff followed the requirements of the LDC. She read LDC 8.4.1 (F), "*Lot Layout, Design and Configuration. Divisions of land shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; ...*" Because staff did not receive the information requested, they felt that they could not make a finding that it met those sections of the LDC. She further read the LDC definition for multi-family, "*Dwelling, Multifamily — A structure containing 3 or more dwelling units designed for or used exclusively as a residence by 3 or more families...*" Staff was unsure of what the applicant was requesting during the review process. She stated that the declaration made during the presentation (that the intention is to build single-family attached structures) is the first time staff has heard that commitment. She pointed out the reason for different requests for different project types (i.e., Rezoning versus Preliminary Plan).

Mr. Byers mentioned that Douglas County had previously been opposed to improvements at Misty Acres Boulevard where it met County Line Road. He asked if Douglas County was supportive of the traffic improvements presented by the applicant's engineer. Ms. Nijkamp replied that her team is working with Douglas County. She knew they would like to maintain the alignment to the north, so El Paso County is trying to maintain that alignment to the south as well. **Mr. Moraes** confirmed that Douglas County would be a review agency for the improvements.

PUBLIC COMMENTS: In favor: **Mr. Matt Dunston** spoke about the character of the area. He likes the proposal when compared to the potential options under current zoning. He believes redesigning the road through the proposal will make it less dangerous. **Mr. Harold Larson** discussed the zoning change from commercial to residential, which he appreciates. He is satisfied with the 15,000 sq ft lots adjacent to the existing homes. He encouraged other members of the public to work with the developer regarding finer details. **Mr. Bruce Sidebotham** discussed current misuse of the property and stated vacant suburban land is unproductive land until it is developed. He believes the residential design is compatible with existing uses and the Douglas County open space. **Ms. Maria Edh** expressed support for the proposal, especially when compared to the commercial alternatives. **Mr. Chris Sparkes** also supported residential rezoning to replace the commercial alternatives. He also supported increasing density as it abuts major roadways. **Ms. Darcy Schoening** believes the proposal meets the criteria of approval. She stated opposition is coming from emotional or political motivators and that the project was denied in Monument to "make an example out of the developer."

In opposition: **Ms. Judy Williamson** asked if local school arrival and dismissal times were considered in the traffic study. **Mr. Robin Wright** supports rezoning to residential but is concerned about the density of the RM-12. He questioned what the gateway of El Paso County should look like. He suggested maintaining the RS-6000 throughout the entire property, but he was told the RM-12 was included so the developer could recoup cost of investment. **Ms. Allison Catalano** expressed agreement with Steve King's letter found in the project file. She read directly from the Your El Paso Master Plan introduction, page 9, "Sense of Place" and other environmental considerations. In regard to compatibility with Douglas County's open space, she read directly from the Douglas

County letter found in the project file which raised concerns with the RM-12. She further mentioned page 19 in the Master Plan relating to the Tri-Lakes Key Area. She stated that if the proposal aligned with the character of the surrounding area, there wouldn't be so many people in opposition. She agreed with rezoning to residential but has issue with the RM-12. **Mr. Steve King**, Monument Mayor Pro Tem, referenced the Monument denial resolution found in the project file and explained that the proposal did not meet their Master Plan, nor could they supply water to it or the related proposal on the west side. He stated that property rights apply to the zoning rights granted and available currently, not the rights you want in the future. He dislikes the approach of straight zoning and would have liked to see a PUD. He finished by reiterating that the area is the gateway to the County, is heavily treed with wildlife, and has unique environmental features. He also discussed the proposed intersections and driving conditions. **Mr. Mitch LaKind**, Monument Mayor, reiterated that the Monument denial was not for political reasons. He spoke about Monument Police Department MOU's and IGA's across the Tri-Lakes Area that result in frequent coverage of services in unincorporated areas of the County. He does not believe the police force is staffed for the proposed increase in density. The Town will not receive revenue to assist in the increased calls for service to the area; the Monument taxpayers would have to foot the bill. Residential development is desired, but not at the density proposed. He asked that a PUD be considered so there would be more conformity with the surrounding area. **Ms. Laura Lucero** opposed the density of the RM-12 zoning. She then brought up the Douglas County letter regarding drainage found in the project file. She expressed concerns about traffic egress in case of emergency. **Ms. Christie Beverly** expressed opposition to the density and stated she thinks it should remain single-family detached. She has concerns about traffic and drainage. She doesn't think the Preliminary Plan is complete or ready to be approved. **Ms. Christi Beyer-Tarver** opposed the high density and clearing of trees. She thinks the proposal will overwhelm local schools. If the housing is low-income, that would statistically increase crime and burden local services. **Mr. Bernard Humbles** spoke about the character of the neighborhood. He opposed housing other than single-family detached. **Mr. Skyler Smith** spoke on behalf of **Mr. Michael Schmidt**. He read a letter which was also sent to County staff and is found in the project file. **Mr. Jacques Lemond** questioned the impact the proposal would have on adjacent property values. **Mr. Kenneth Kimple** reiterated opposition to the density of the RM-12 zoning. He discussed the traffic impact due to a lack of commercial services in the area. **Ms. Angela Larson** spoke about the character of the neighborhood.

APPLICANT REBUTTAL: Provided by Mr. Dossey with Vertex Consulting Services. He presented past aerial imagery of adjacent development where trees were removed. He stated home values would drop if a strip club were built. He stated the existing character of the neighborhood is commercial. He believes people don't like the proposal because they aren't in control of it. He discussed how it is typical to transition high density decrease to less density as it moves away from major roadways, which is what has been proposed. He stated that the comprehensive plan for the Town of Monument includes the subject property and plans for it to be mixed-use. He disagreed with the comments that the proposal would decrease people's peaceful enjoyment of their properties. He stated the applicant plans to preserve trees to re-plant in the proposals landscaping. Regarding the impact of Monument first responders serving the property, he stated future residents would likely shop in Monument, offsetting the cost. If the entire property were zoned RS-6000, it would allow for 290 dwelling units. He further stated straight zoning does not require open space or public landscaping. The schools did not raise concerns about capacity issues. He then discussed why the proposal would be fire-wise. He discussed compatibility with the existing residential use.

Mr. Moraes asked if the traffic study was conducted during school drop-off or pick-up times. Mr. Jeff Hodsdon with LSC Transportation Consultants Inc. answered that typical traffic studies near school areas would include 3 peak times, which include peak school times. He stated that their traffic study ultimately included 2 peak times because their study showed no significant increase in results heading north. School peak volumes were considered but they did not count the High School entrances. Mr. Moraes expressed concerns if Misty Acres becomes the main collector road in the area. Mr. Dossey then showed a preliminary landscape plan that had been submitted and addressed why he believes the proposal is in conformance with the Master Plan.

PLANNING COMMISSION DISCUSSION: Mr. Schuettpelz asked why the suggestion of rezoning to PUD would be beneficial. Ms. Bagley answered that a PUD would provide more information with conceptual plans, including landscaping and trails. It would also address requirements for usable open space. Having more information included would give comfort to neighbors. **Mr. Schuettpelz** asked if the same density and layout could have been achieved under PUD zoning, which Ms. Bagley confirmed. **Mr. Moraes** believes a PUD would have been a better option. He read about the purpose and intention of PUD zoning from the LDC. He then discussed the major entrances to El Paso County and how he would have liked to see something different in this area. He would have liked to see more innovation. **Mr. Markewich** believes the current proposal protects the current residents from something “crazy”. He discussed property rights and the consideration of criteria for approval. He expressed disappointment that an agreement was not made between the applicant and Town of Monument so that revenue and first responder concerns could have been addressed. **Mr. Trowbridge** agreed that rezoning to residential is better than the existing commercial zoning in the area. He agreed with Mr. Moraes’ desire for a more innovative package. He doesn’t love the RM-12 zoning and the size of that piece. He further mentioned the natural features. **Ms. Brittain Jack** expressed excitement for improvements to the intersection at County Line Road and I-25.

PC ACTION: BRITTAIN JACK MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5C, FILE NUMBER P246, FOR A MAP AMENDMENT (REZONING), MONUMENT RIDGE RS-6000, UTILIZING THE ATTACHED RESOLUTION WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Markewich, Moraes, Schuettpelz, Trowbridge, and Whitney.
IN OPPOSITION: (0) None.

PLANNING COMMISSION DISCUSSION: Mr. Markewich stated he understands concerns about the density of the RM-12 zoning, but that million-dollar houses next the highway wouldn’t sell. He stated the character of the existing neighborhood wouldn’t be able to extend throughout the full area. **Mr. Moraes** mentioned criteria for approval of a Map Amendment (Rezoning) number 3, compatibility with land uses in all directions. He does not see RM-12 as being compatible. **Mr. Whitney** agreed with Mr. Moraes’ comment regarding incompatibility of RM-12 zoning. **Mr. Byers** explained that he did not hear compelling justification for the density of RM-12, and he does not see compatibility. Marketability is not part of the criteria for approval. **Mr. Trowbridge** stated he does not feel the RM-12 zoning is compatible. **Mr. Bailey** expressed that he does believe the RM-12 is compatible and a better option than the property’s current zoning.

PC ACTION: MARKEWICH MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5D, FILE NUMBER P245, FOR A MAP AMENDMENT (REZONING), MONUMENT RIDGE EAST RM-12, UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED (4-4) RESULTING IN NO RECOMMENDATION BEING FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS.

IN FAVOR: (4) Bailey, Brittain Jack, Markewich, and Schuettpelz.

IN OPPOSITION: (4) Byers, Moraes, Trowbridge, and Whitney.

PLANNING COMMISSION DISCUSSION: Mr. Markewich asked to discuss modification of the conditions of approval. Ms. Herington clarified that staff did not modify the resolution or make changes based on the applicants request and if the board would like anything changed, staff would need more direction. **Mr. Trowbridge** suggested removing condition number 8 and made a motion to do so, which passed. **Mr. Schuettpelz** asked his fellow board members if revision of other conditions of approval should be considered. No one suggested to make further amendments. **Mr. Whitney** explained that he cannot support a Preliminary Plan which includes an element (RM-12) that he disagrees with. **Mr. Moraes** and **Mr. Trowbridge** agreed.

PC ACTION: SCHUETTPELZ MOVED / MARKEWICH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5E, FILE NUMBER SP241, FOR A PRELIMINARY PLAN, MONUMENT RIDGE EAST, UTILIZING THE ATTACHED RESOLUTION WITH NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICANCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION.

TROWBRIDGE MOVED / WHITNEY SECONDED TO REVISE THE MOTION MADE BY MR. SCHUETTPELZ, REMOVING CONDITION NUMBER EIGHT (8) FROM THE RESOLUTION. THE MOTION TO REVISE THE MOTION PASSED (8-0).

THE REVISED MOTION TO RECOMMEND APPROVAL OF SP241, FOR A PRELIMINARY PLAN, MONUMENT RIDGE EAST, UTILIZING THE REVISED RESOLUTION WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICANCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (5-3).

IN FAVOR: (5) Bailey, Brittain Jack, Byers, Markewich, and Schuettpelz.

IN OPPOSITION: (3) Moraes, Trowbridge, and Whitney.

6. NON-ACTION ITEMS

(NONE)

MEETING ADJOURNED at 4:30 P.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

THORNTON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2410

WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL

WHEREAS, ProTerra Properties, Mr. Joe Desjardin, did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 21, 2024; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of ProTerra Properties, Mr. Joe Desjardin, for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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.

MORAES seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 21st day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


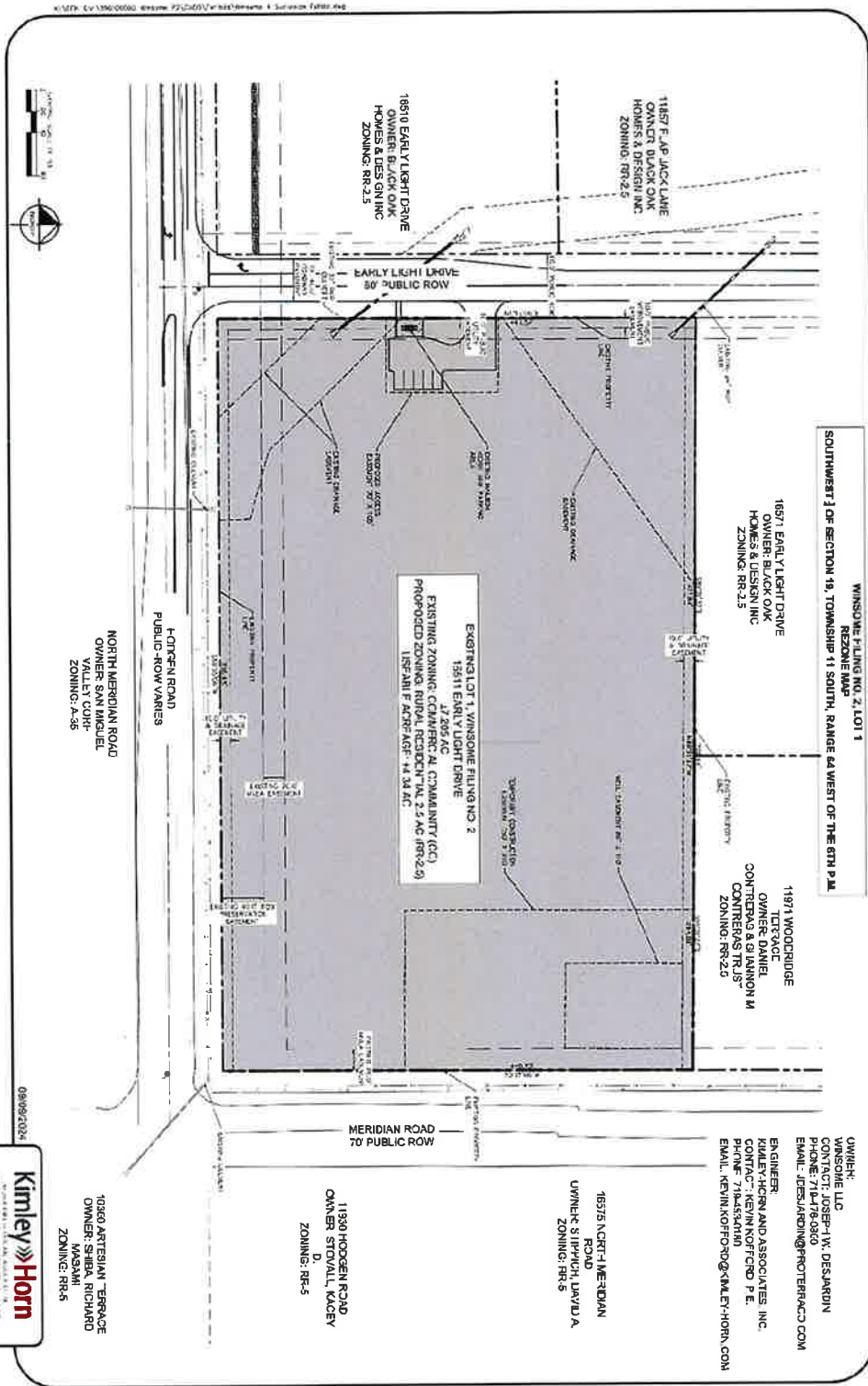
By: 
Chair

EXHIBIT A
LOT 1 WINSOME FIL NO 2

EXHIBIT B



COMMISSIONERS:
HOLLY WILLIAMS, DISTRICT 1
CARRIE GEITNER, DISTRICT 2

STAN VANDERWERF, DISTRICT 3
LONGINOS GONZALEZ, JR., DISTRICT 4
CAMI BREMER, DISTRICT 5

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Lisa Elgin, Planner
Joseph Sandstrom, Associate Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: P2410
Project Name: Winsome Commercial Lot Rezone to Residential
Parcel Number: 4119007001

OWNER:	REPRESENTATIVE:
Winsome, LLC 1864 Woodmoor Drive, Suite 100 Monument, CO 80132	Joe Desjardin/Proterra Properties 1864 Woodmoor Drive, Suite 100 Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date:	11/21/2024
Board of County Commissioners Hearing Date:	12/12/2024

EXECUTIVE SUMMARY

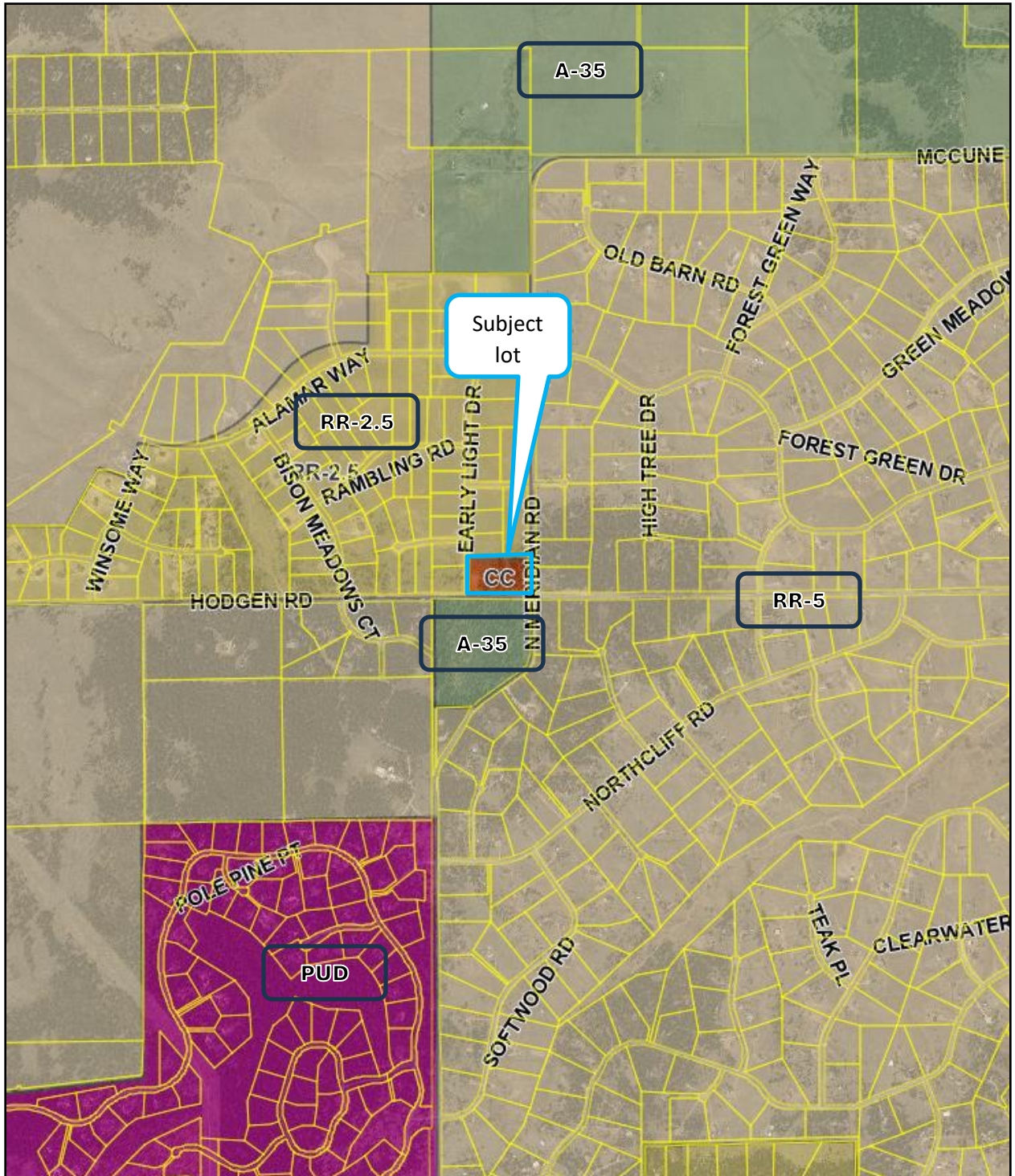
A request by Proterra Properties for approval of a Map Amendment (Rezoning) of 7.21 acres from CC (Commercial Community) to RR-2.5 (Residential Rural). The property is located at 16511 Early Light Drive, on the northwest corner of Hodgen Road and North Meridian Road. (Parcel No. 4119007001) (Commissioner District No. 1)

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VICINITY MAP



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A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no Waivers associated with this request.

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

B. APPROVAL CRITERIA

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (As Amended):

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

C. LOCATION

North:	RR-2.5 (Residential Rural)	Single-family Residential/Vacant
South:	A-35 (Agricultural)	Vacant
East:	RR-5 (Residential Rural)	Single-family Residential
West:	RR-2.5 (Residential Rural)	Vacant

D. BACKGROUND

The applicant is requesting a rezone of 7.21 acres from CC (Commercial Community) Zone District to RR-2.5 (Residential Rural) Zone District. Currently, the lot is vacant. The lot is a part of Winsome Filing No. 2. The applicant is requesting this change to be consistent with the existing surrounding Zone Districts of RR-2.5 and RR-5 (Residential Rural).

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

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On July 9, 2019, the Board of County Commissioners approved the Winsome Preliminary Plan (PCD File No. SP-18-006). The Plan encompasses 766.66 acres and consists of 143 single-family residential lots, 1 commercial lot, open space and drainage tracts, and public rights-of-way.

On July 9, 2019, the Board of County Commissioners approved two (2) concurrent rezoning requests to rezone portions of the property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and CC (Commercial Community) (PCD File Nos. P-18-006 and CC-18-001, respectively).

On December 21, 2021, the Board of County Commissioners approved a Winsome Preliminary Plan Amendment (PCD File No. SP-21-002) to increase the total number of single-family residential lots from 143 to 146.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 7.21 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: CC (Commercial Community)	Proposed Zoning District: RR-2.5 (Residential Rural)
Maximum Density	-	-
Minimum Lot Size	-	2.5 acres
Minimum Width at Front Setback	-	200 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	15 feet
Maximum Lot Coverage	-	-
Maximum Height	40 feet	30 feet

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot

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development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

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

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

Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The applicant is requesting to rezone the property from the CC (Commercial Community) to RR-2.5 (Residential Rural) to allow for contiguous rural residential development, which is located to the west, north, and east of the subject lot. The lots to the west and north are also in the Rural Placetype area, while the lots to the east are in the Large-lot Residential Placetype area. The application conforms to the following principle and goal:

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Core Principle 1: *Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.*

Goal 1.1 – *Ensure compatibility with established character and infrastructure capacity.*

b. Area of Change Designation: Minimal Change: Undeveloped

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

Analysis:

If the proposed rezone is approved, the subject lot will take on the same rural residential characteristics of the lots to the west, north, and east. The land to the south is still zoned A-35 (Agriculture).

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

2. Water Master Plan Analysis

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

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

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

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

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

The Plan identifies the current demand for Region 4a to be 725 acre-feet per year (AFY) (Figure 5.1) with a current supply of 725 AFY (Figure 5.2). The projected demand in 2040 for Region 4a is at 958 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4a is at 1,170 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 445 AFY is anticipated for Region 4a.

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

3. Other Master Plan Elements

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of the rezone application.

2. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0350G which has an effective date of December 7, 2018.

3. Drainage and Erosion

The property is located within the West Kiowa Creek Drainage Basin (KIKI0200) which is unstudied with no associated drainage or bridge fees.

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The property generally drains to the north and according to the letter of intent, the applicant intends to make minimal changes to the existing natural landscape and will maintain natural drainage patterns. No adverse drainage impacts are anticipated due to the rezoning of this property.

4. Transportation

This property is located directly northwest of the Hodgen Road and Meridian Road intersection. Both roads are classified as Minor Arterials in the El Paso County Major Transportation Corridors Plan and are County owned and maintained.

A traffic memo was submitted for this Map Amendment. The traffic generation of the proposed use is approximately 10 average daily trips (ADT) in comparison to the 1,300 ADT that would have been generated by the previous commercial use. Access to the property will be from Early Light Drive, which is a public county maintained rural local road. There are no roadway improvements recommended by the traffic memo.

The El Paso County 2024 Major Transportation Corridors Plan shows multiple proposed county road upgrade projects on Hodgen Road between Goshawk Drive and Eastonville Road and on Meridian Road between Latigo Boulevard and Hodgen Road. This rezone project is not responsible for these improvements.

The property will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. The site will be serviced by individual wells.

2. Sanitation

Wastewater will be provided by onsite septic systems.

3. Emergency Services

The property is within the Falcon Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

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4. Utilities

Electricity will be provided by Mountain View Electric Association (MVEA). MVEA was sent a referral and has no objection to the rezone application.

5. Metropolitan Districts

Winsome Metropolitan Districts Nos. 1 and 4 maintain the drainage ponds and trails.

6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

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.

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2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 12 adjoining property owners on November 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Letter of Intent
Rezone Map
Draft Resolution

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Winsome Filing No. 2

LOT 1 REZONE
LETTER OF INTENT
PCD FILE NO.: P2410
OCTOBER 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

Winsome LLC
Attn: Joe DesJardin
1864 Woodmoor Dr. Ste. 100
Monument, CO 80132
Email: jdesjardin@proterraco.com
Phone: (719) 476-0800

PLANNING/ENGINEERING

Kimley-Horn & Associates, Inc.
Attn: Kevin Kofford, PE
2 North Nevada Avenue, Suite 900
Colorado Springs, CO 80903
Email: kevin.kofford@kimley-horn.com
Phone: (719) 453-0181

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for the map amendment (rezone) is for Lot 1 of Winsome Filing No. 2, Parcel No. 4119007001. The proposed parcel is located to the northwest of Meridian Road and Hodgen Road, as shown in Figure 1. The overall acreage of the property in the proposed rezone is ±7.21 and currently zoned CC (Commercial Community). The requested rezone is RR-2.5 (Residential Rural 2.5-acre).

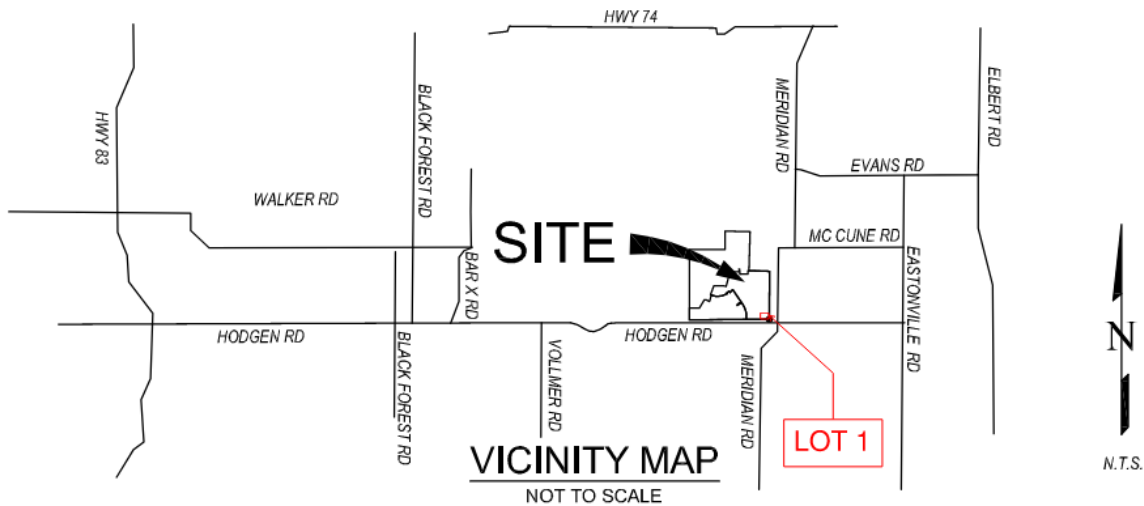


Figure 1. Vicinity Map

REQUEST

Winsome LLC (Owner/ Applicant) requests a rezone of Lot 1 of Winsome Filing No. 2 from CC (Commercial Community) to RR-2.5 (Residential Rural 2.5-acre).

JUSTIFICATION

The parcel is currently zoned (CC) Commercial Community, and the owner intends to rezone to RR-2.5 (Residential Rural 2.5-acre) to be consistent with the existing surrounding parcels zoned for RR-2.5 and RR-5. This approach conforms to the El Paso County Master Plan as well as existing and permitted land uses.

ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-2.5 (Residential Rural 2.5 acre) zone, including requirements of the Code summarized below. Please note that the site does not fall within any overlay zoning district.

- Maximum density: N/A
- Minimum Lot Size
 - Area: 2.5 acres
 - Width (at front setback line): 200 feet
- Structural Setbacks (from property boundary or right-of-way):
 - Front: 25 feet
 - Side: 15 feet
 - Rear: 25 feet
- Max Lot Coverage: N/A
- Max Height: 30 feet
- Internal Landscaping Requirements:
 - N/A

MAP AMENDMENT (Sec. 5.3.5.B) Criteria for Approval

In approving a Map Amendment, the following findings shall be made:

- 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.
 - There are no Small Area Plans associated with the site. Although Small Area Plans are no longer used within the county, it must be acknowledged as it is referenced in the Land Development Code.
 - The application for zone change is in conformance with “Your El Paso County Master Plan”
 - Within the “Your El Paso County Master Plan” the site is within the “Minimal Change: Undeveloped Area” area of change, “Rural” placetype, and adjacent to the “Forested Area” key area (to be discussed).
- 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 requested Rezone is in compliance with applicable statutory provisions.
 - The request is not asking for relief or modifications to the standards per the zone criteria listed within the LDC.
 - The request will not restrict the application of the current zoning regulations related to bulk, height, size, locations of facilities or limit standard setbacks, etc.

- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.
 - The proposed land use of RR-2.5 is adjacent (North and West) to existing RR-2.5 and is in compliance with “Your El Paso County Master Plan”. Adjacent properties are zoned RR-5 to the east, RR-2.5 to the North and West, and A-35 to the South. The site will consider future residential buffers as uses are identified.
- 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.
 - Site is suitable for intended use as “Residential Rural 2.5 acre” as identified and as a “Supporting Land Use”.
 - The Site offers direct access to Early Light Drive and the surrounding neighborhood.
 - The Site is adequately sized and flexible enough to accommodate the development criteria stated with the development code.

YOUR EL PASO COUNTY MASTER PLAN

The applicant requests approval of the rezoning based on findings of compliance with the following Master Plan Goals:

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

- Gas service will be provided by Black Hills Energy. No change to the current distribution.
- Electric service will be provided through Mountain View Electric. No change to the current distribution.
- Wastewater services will be provided by way of onsite septic systems. No direct impact on regional wastewater systems.
- The Site will be serviced by individual wells and water rights. No impact to regional service providers and systems today.

Goal 2.1 – Promote Development of a mix of housing types in identified areas.

- RR-2.5 continues to support diversification of housing types in rural residential areas
- The surrounding areas range from RR-5 to A-35 and this rezone would provide adequate residential housing as part of the goal to diversify housing types.
- A CC zones lot would not promote rural residential development in this area and would increase traffic.

Goal 2.2 – Preserve the character of rural and environmentally sensitive areas.

- RR-2.5 is consistent with the surrounding neighborhood and would promote the rural character better than the current CC zoning.

- CC zoning has higher traffic volumes and greater impervious areas than a RR 2.5 zoning.

Goal 5.4 – Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

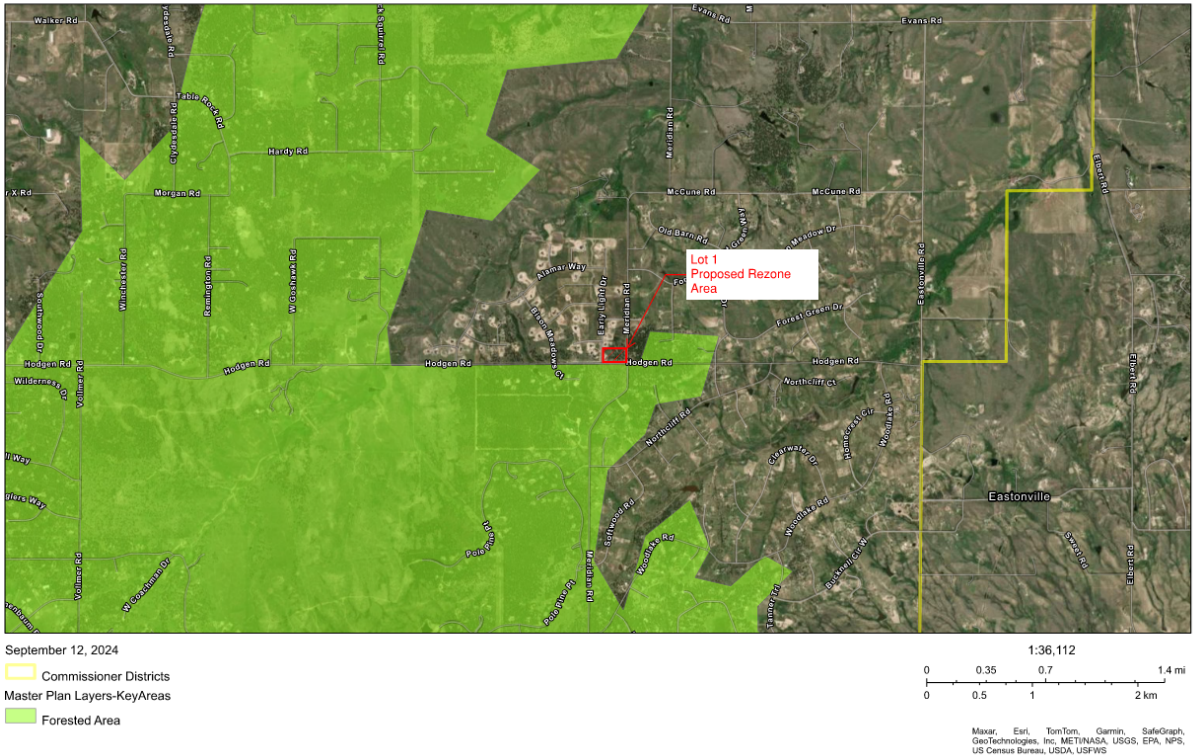
- The currently CC zoned lot would use a higher quantity of water and would have a higher impervious area resulting in increased runoff.
- RR-2.5 allows for larger lot sizes with a higher permeable area to promote infiltration and uses less water domestically.

Goal 9.1 – Consider the environmental impacts related to natural resource conservation, air quality, water quality, wildlife habitat, and waste management during any planning process.

- CC zoning has higher traffic volumes which can have environmental, and wildlife habitat impacts due to the nature of commercial developments.
- RR-2.5 promotes to beautify El Paso County given the Rural Residential Lots have the potential to provide landscaping and greater open space.

KEY AREAS

Winsome Filing No. 2, Lot 1

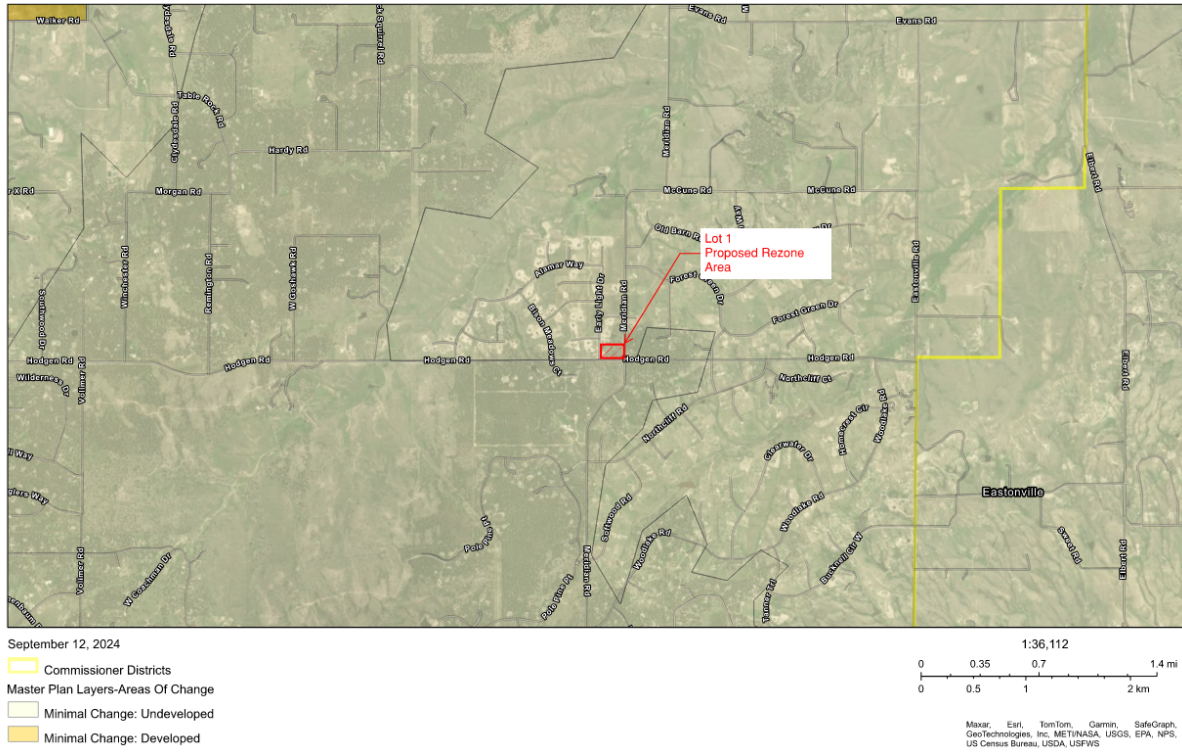


Per El Paso County GIS, Lot 1 of Winsome Filing No. 2 is not located within an explicit key area. However, the proposed rezone area is located adjacent to the “Forested Area” key area classification of key areas. This key area outlines portions of the County where natural forests are the predominant feature. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the forest. Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community.

The intent of the rezone is to continue this trend towards sustainable residential housing in the rural areas. The proposed rural residential would allow for a healthy balance in the area to preserve the existing natural state of the environment.

AREAS OF CHANGE

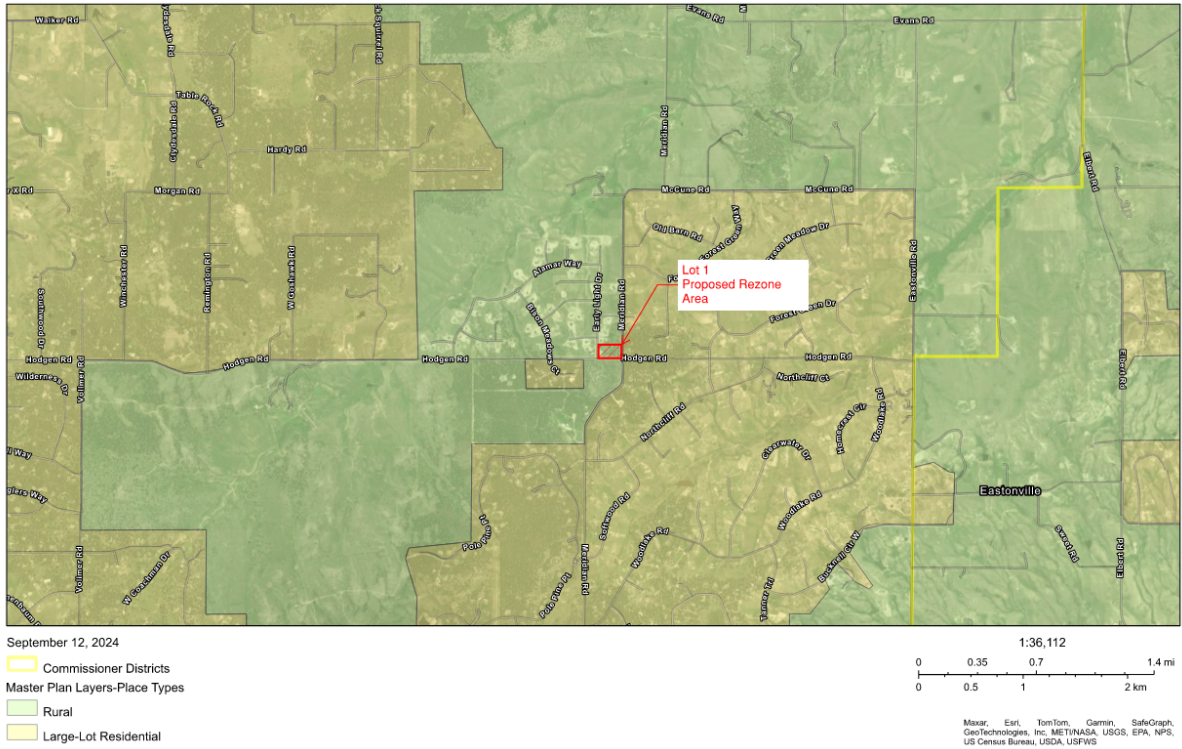
Winsome Filing No. 2, Lot 1



Lot 1 for Winsome Filing No. 2 is located in the Minimal Change: Undeveloped area. It is understood that these areas are defined by a lack of development and presence of significant natural areas. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments. The intent of the rezone is to support the priority of rural and natural environments through a rural residential approach.

PLACETYPES

Winsome Filing No. 2, Lot 1



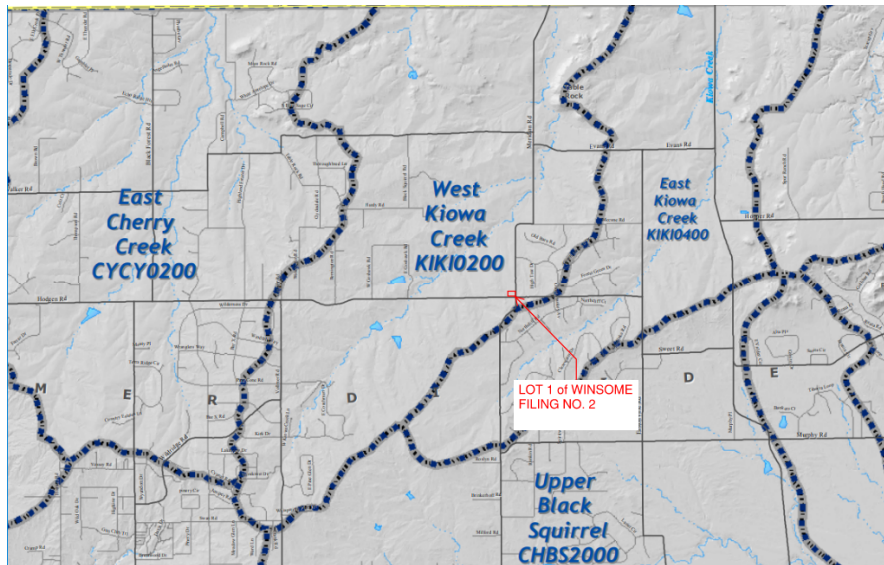
Lot 1 for Winsome Filing No. 2 is located in the Rural placetype, according to the County Maps, but is located within the greater Winsome Subdivision, which conforms with a large lot placetype. Additionally, there are large lot placetypes on the subdivisions to the east and west of the greater Winsome Subdivision, thus we assume that this parcel is intended to be associated into the Large Lot Placetype. RR-2.5 meets this intent of the large lot placetype, given the existing surroundings zoned for rural residential. Commercial may be considered as a limited use in the area but would be adjacent to existing rural residential neighborhoods. The rezone would have no impact on any currently approved sketch plans.

PLACETYPES	LAND USES																			
	Agriculture	Farm/Homesstead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Retail	Tourism Service	Entertainment Commercial	Office	Light Industrial/Arts	Heavy Industrial/Business Park	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility
Rural	●	●	○													●			○	
Large-Lot	○			●					○	○						○				
Suburban				●	○	○			○	○						○			○	
Urban Residential				●	●	●	○	○	○	○			○			○			○	
Rural Center				●	○	○		●	●	●									●	
Regional Center					○	●	○	●	●	●		●	○						○	
Employment Center								○	○	○			●	●	●					
Regional Open Space																	●	●		
Mountain Interface				○					○	○	○	○				●	●		○	
Military				○	○	●		○	○	○		○	●	●		○	○		○	
Utility																○				●

● **Primary Land Use:** More prominent and play a pivotal role in characterizing that placetype
 ○ **Supporting Land Use:** Less prevalent and serve to support the primary land use.

NATURAL OR PHYSICAL SITE FEATURES

The existing site has defined natural features consistent with existing natural forest and open space consisting of native grasses and vegetation. The intended land use is rural residential 2.5-acre lot. The intent is to make minimal changes to the existing natural landscape to ensure natural drainage patterns are maintained. There are no floodplain limitations. The site is within the West Kiowa Creek Drainage Basin.

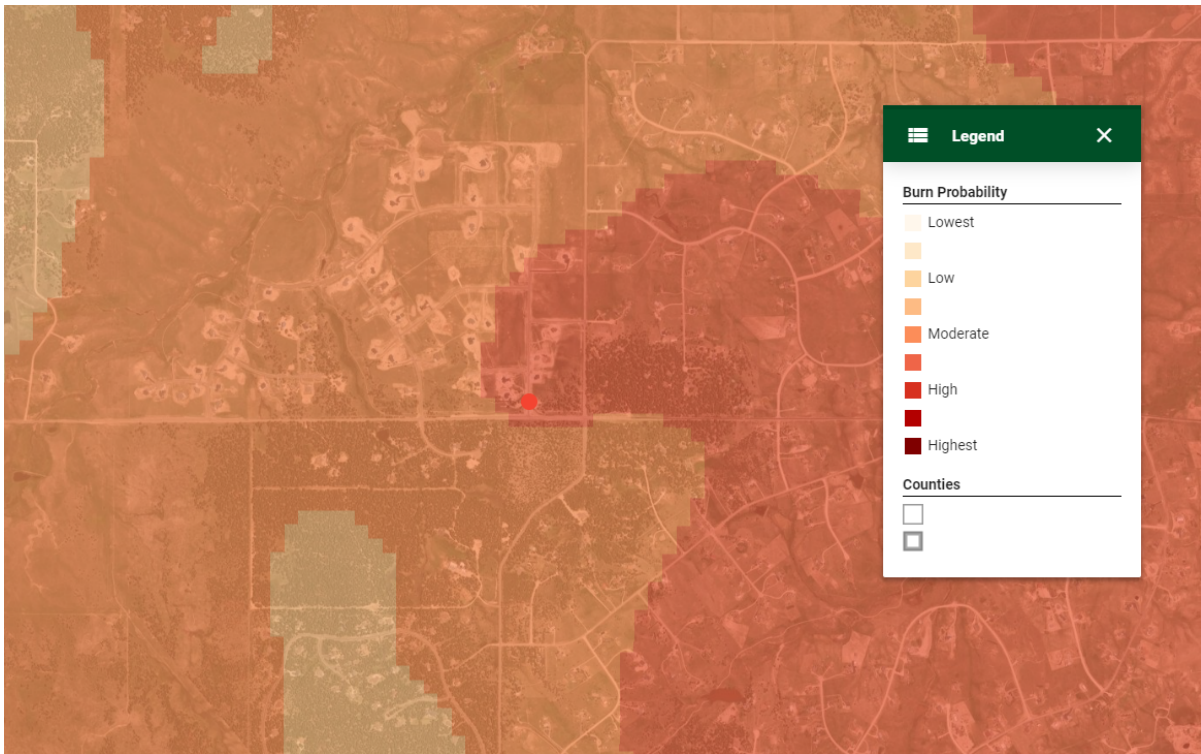


The area is identified as minimal flood hazard “Zone X” per the National Flood Hazard Layer FIRMette (08041C0350G) dated 12/7/2018.



WILDFIRE CONSIDERATIONS

- The site is mapped as moderate-high per the Colorado Public Wildfire Risk Viewer
- Fire mitigation efforts are expected to be made in accordance with the overall future development on this site.



COMMUNITY OUTREACH

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- Adjacent owner notification letters will be sent out to adjacent property owners upon initial submittal by the county.
- Upon internal approval by county staff owner will post signs provided by the county in notice of Planning Commission and Board of County Commissioner Meetings.
- No additional community outreach has been conducted on the zone change to date.

A SUMMARY OF ANTICIPATED TRAFFIC GENERATION AND ACCESS

In summary, the traffic compliance memo findings indicate that the proposed project rezone will not create a negative traffic impact upon the public streets near or adjacent to the project site.

The findings of the traffic memo are summarized below:

- The single-family home land use is anticipated to generate less traffic than what was

previously approved for the lot. See Table 1: Trip Generation.

- The existing roadway network is sufficient to handle the project’s traffic.
- The findings from the previously approved TIS for the subdivision are still valid.

Table 1: Trip Generation (ITE Trip Generation, 11th Edition)

ITE Code	Land Use	Size	Average Daily Trips		AM Peak Hour Trips					PM Peak Hour Trips						
			Rate	Total	Rate	% In	In	% Out	Out	Total	Rate	% In	In	% Out	Out	Total
Previous Study																
826*	Retail	30.0 KSF	44.32	1,330	6.84	48%	98	52%	107	205	2.71	44%	36	56%	46	82
Current Proposal																
210	Single-Family Housing	1 DU	9.43	9	0.70	25%	0	75%	1	1	0.94	63%	1	37%	0	1
Difference					-1,321											

KSF = Thousand Square Feet
 DU = Dwelling Units
 * ITE Trip Generation, 9th Edition

*For more detailed information, please reference Winsome Filing No. 2 Traffic Compliance Memo (Kellar Engineering, September 9, 2024)

**WINSOME FILING NO. 2, LOT 1
REZONE MAP**
SOUTHWEST ¼ OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.

16571 EARLY LIGHT DRIVE
OWNER: BLACK OAK
HOMES & DESIGN INC
ZONING: RR-2.5

11971 WOODRIDGE
TERRACE
OWNER: DANIEL
CONTRERAS & SHANNON M
CONTRERAS TRUST
ZONING: RR-2.5

11857 FLAP JACK LANE
OWNER: BLACK OAK
HOMES & DESIGN INC
ZONING: RR-2.5

16510 EARLY LIGHT DRIVE
OWNER: BLACK OAK
HOMES & DESIGN INC
ZONING: RR-2.5

EXISTING LOT 1, WINSOME FILING NO. 2
16511 EARLY LIGHT DRIVE
±7.205 AC
EXISTING ZONING: COMMERCIAL COMMUNITY (CC)
PROPOSED ZONING: RURAL RESIDENTIAL 2.5 AC (RR-2.5)
USEABLE ACREAGE: ±4.34 AC

16575 NORTH MERIDIAN
ROAD
OWNER: STIPPICH, DAVID A.
ZONING: RR-5

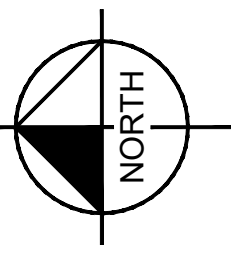
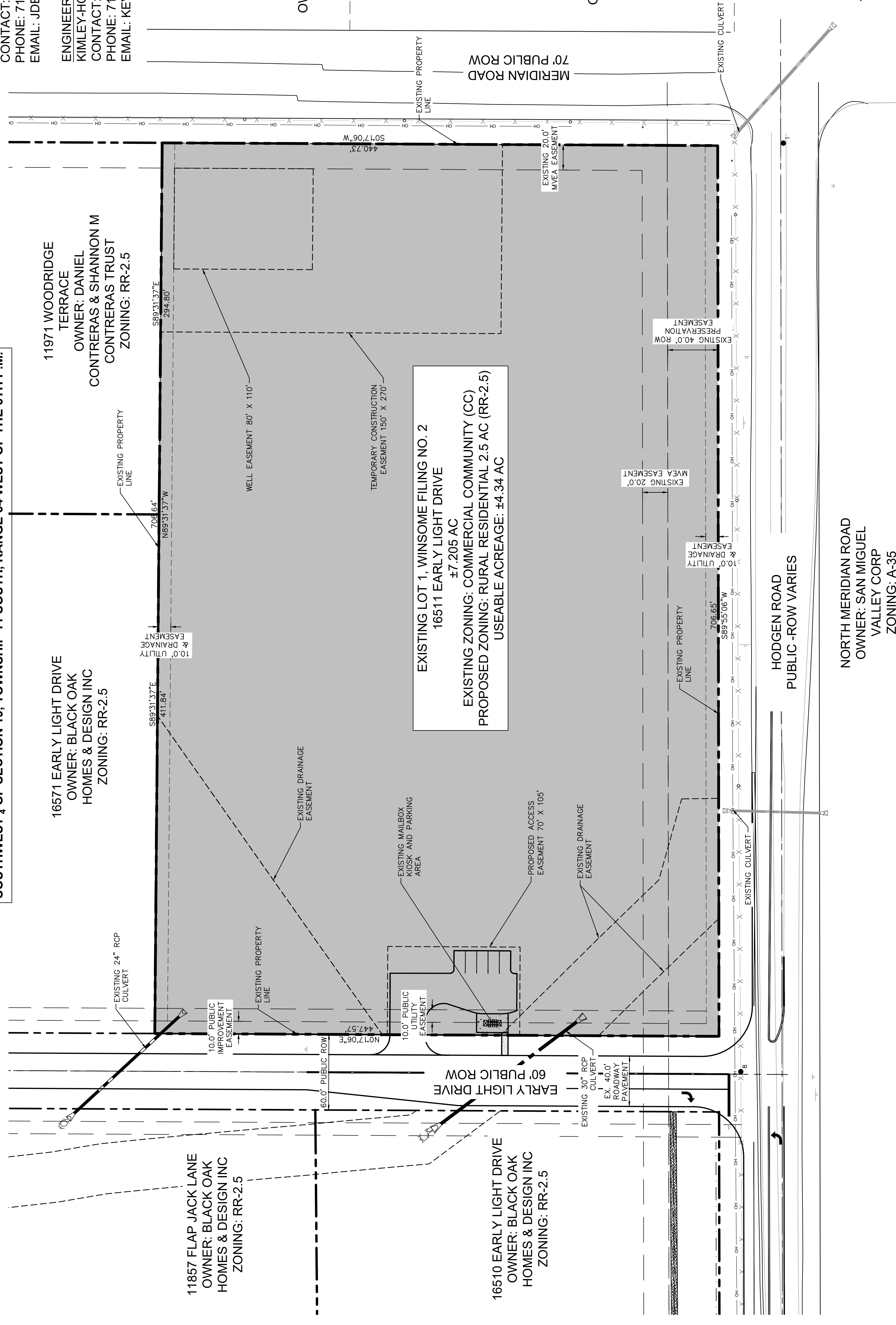
11930 HODGEN ROAD
D.
OWNER: STOVALL, KACEY
ZONING: RR-5

NORTH MERIDIAN ROAD
OWNER: SAN MIGUEL
VALLEY CORP
ZONING: A-35

16360 ARTESIAN TERRACE
OWNER: SHIBA, RICHARD
MASAMI
ZONING: RR-5

OWNER:
WINSOME LLC
CONTACT: JOSEPH W. DESJARDIN
PHONE: 719-476-0800
EMAIL: JDESJARDIN@PROTERRACO.COM

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
CONTACT: KEVIN KOFFORD, P.E.
PHONE: 719-453-0180
EMAIL: KEVIN.KOFFORD@KIMLEY-HORN.COM



09/09/2024



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

APPROVAL OF MAP AMENDMENT (REZONING)
WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL (P2410)

WHEREAS ProTerra Properties 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 and depicted in Exhibit B, attached hereto and incorporated by reference from the CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 21, 2024, 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 December 12, 2024; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of ProTerra Properties 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 CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

DONE THIS 12th day of December 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

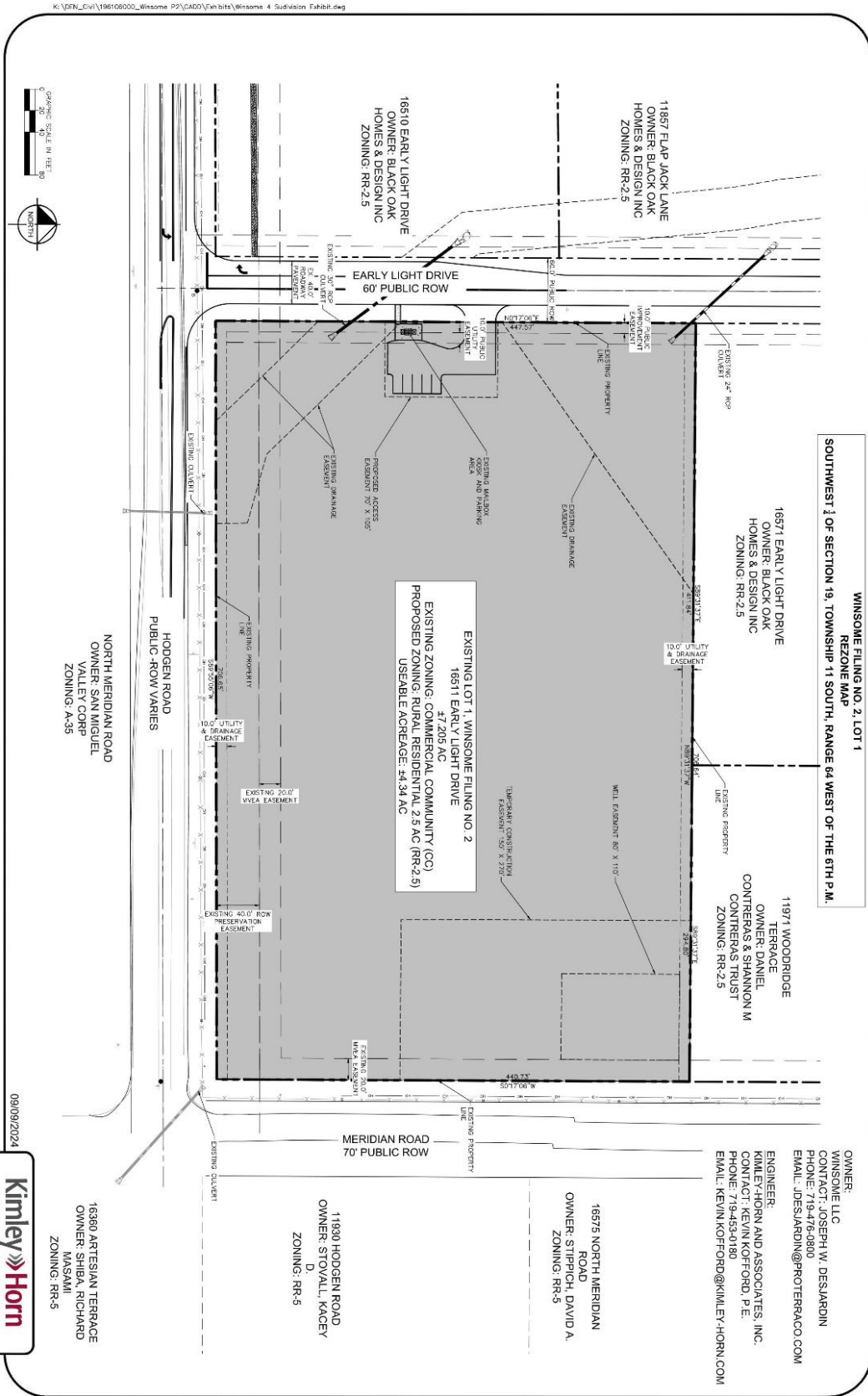
By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 1 WINSOME FIL NO 2

EXHIBIT B



WINSOME FILING NO. 2, LOT 1
REZONE MAP
SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.

OWNER:
WINSOME LLC
CONTACT: JOSEPH W. DESJARDIN
PHONE: 719-476-0800
EMAIL: JDESJARDIN@PROTERRACO.COM

ENGINEER:
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