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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Kylie Bagley, Planner II
Edward Schoenheit, Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: CS-21-003
Project Name: Circle K at New Meridian and Highway 24 Rezone
Parcel No.: 53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004,
53124-04-003, 53124-05-003 and 53124-05-005

OWNER:	REPRESENTATIVE:
Diamond Shamrock Refining Co and Randy and Vicki Gibbs 6810 N Meridian Road Peyton, CO 80838	Circle K Stores Inc. 5500 S. Quebec St. Suite 100 Phoenix, AZ 85028

Commissioner District: 2

Planning Commission Hearing Date:	10/20/2022
Board of County Commissioners Hearing Date:	11/1/2022

EXECUTIVE SUMMARY

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99-acre property is located northeast of the intersection of New Meridian Road and Highway 24 and southwest of the intersection of Old Meridian Road and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M.

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OFFICE: (719) 520 – 6300



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A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service).

Waiver(s)/Deviation(s): A waiver request for a private road connecting New Meridian Road and Meridian Sol Drive (Old Meridian Road). All access for the two new lots would be from this private road. A deviation request is expected for access spacing of this private access road from Hwy 24.

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

B. Planning Commission Summary

Request Heard: As a Consent item at the October 20, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9-0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: Advertised on September 28, 2022 in the Shopper's Press.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

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;



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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.

D. LOCATION

North:	PUD (Planned Unit Development)	Commercial and Residential
South:	City of Colorado Springs	Vacant
East:	CC (Commercial Community)	Commercial Uses
West:	PUD (Planned Unit Development)	Multi-Dwelling Residential

E. BACKGROUND

The applicant is proposing to rezone the subject property from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The subject property consists of seven (7) parcels, both platted and unplatted, containing 8.99 acres. There is a subdivision application in review with the County to plat the subject property into two lots. If the rezone is approved the applicant intends to build a gas station along Highway 24.

In order to initiate any new commercial uses on the property, the applicant will need to obtain site development plan approval.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 8.99 acres to the CS (Commercial Service) zoning district. Section 3.2 of the Code states the following as the intent of the CS zoning district:

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



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The applicant intends to use the property for commercial uses that serve the public, which is consistent with the intent of the CS zoning district.

2. Zoning Compliance

The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum lot size: None
- Minimum width at the front setback line: None
- Minimum setback requirement: 25 feet for front, rear, and side yard * ** ***

- Maximum lot coverage: None
- Maximum height: 45 feet

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

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

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

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

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If the map amendment (rezoning) application is approved, approval of a site development plan will be required prior to construction. The site development plans will need to provide a detailed depiction of the proposed use and compliance with all standards for the CS (Commercial Service) district. The subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

G.MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Regional Center

Placetype Character:

The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses. This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-work-play environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments.

This placetype includes large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers. Multifamily apartments provide commercial businesses direct access to potential customers.

Regional Centers are major commercial destinations for residents and are easily accessible from major transportation routes throughout the County. Regional Centers in El Paso County are surrounded by Urban Residential,



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Suburban Residential, and Employment Center placetypes. In addition, Regional Centers can also be extensions of commercial areas within incorporated municipalities such as the Gleneagle area.

Recommended Land Uses:

Primary

- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment
- Multifamily Residential

Supporting

- Office
- Institutional
- Mixed Use
- Single-family Attached Residential

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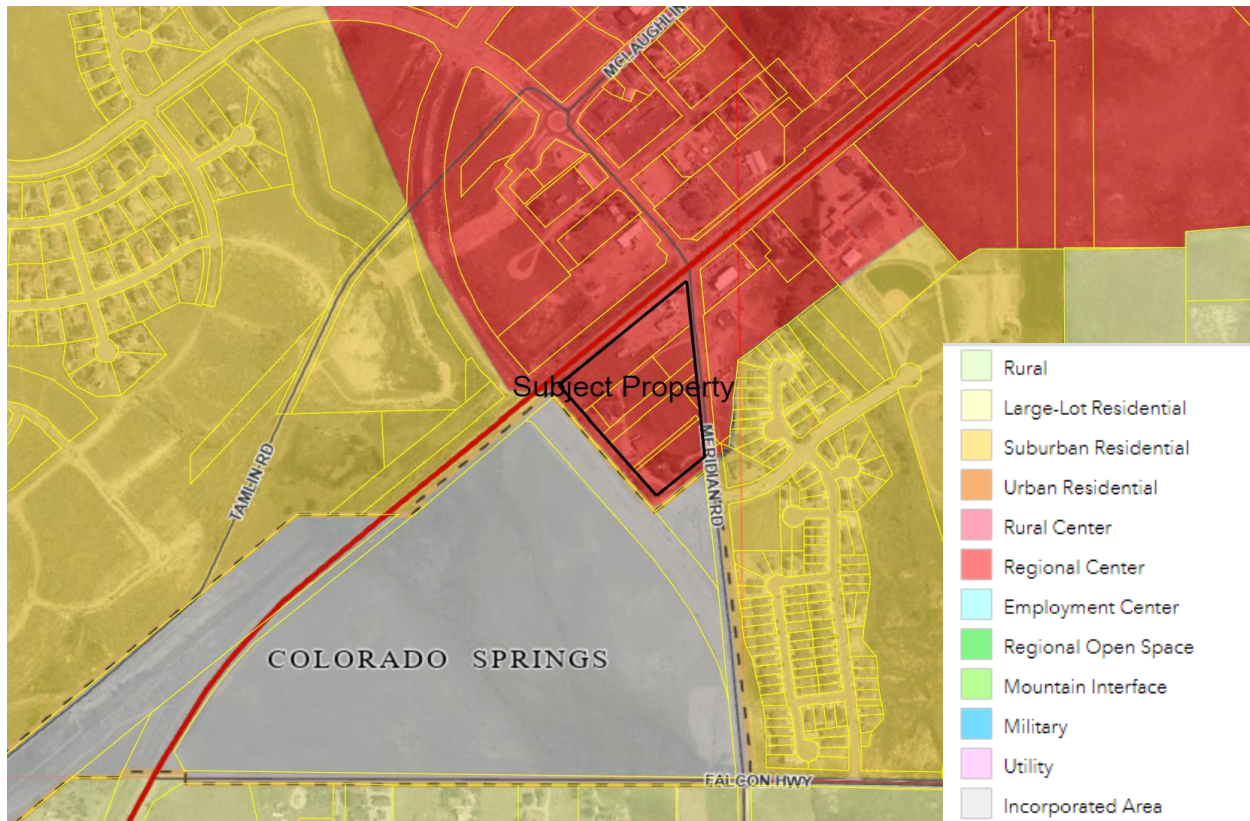


Figure G.1: Placetype Map

Analysis:

The Regional Center placetype is a commercial destination for County residents to purchase goods, procure services, and enjoy a variety of entertainment options.

Objective LU4-2 – *The Regional Center placetype should include large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers.*

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

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

The proposed rezone would reallocate approximately 8.99 acres of underutilized land from the RR-5 and C-2 zoning district to the CS zoning district, which would support commercial development. If the rezone is approved the applicant intends to construct a gas station adjacent to Highway 24.

b. Area of Change Designation: Transition

Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.

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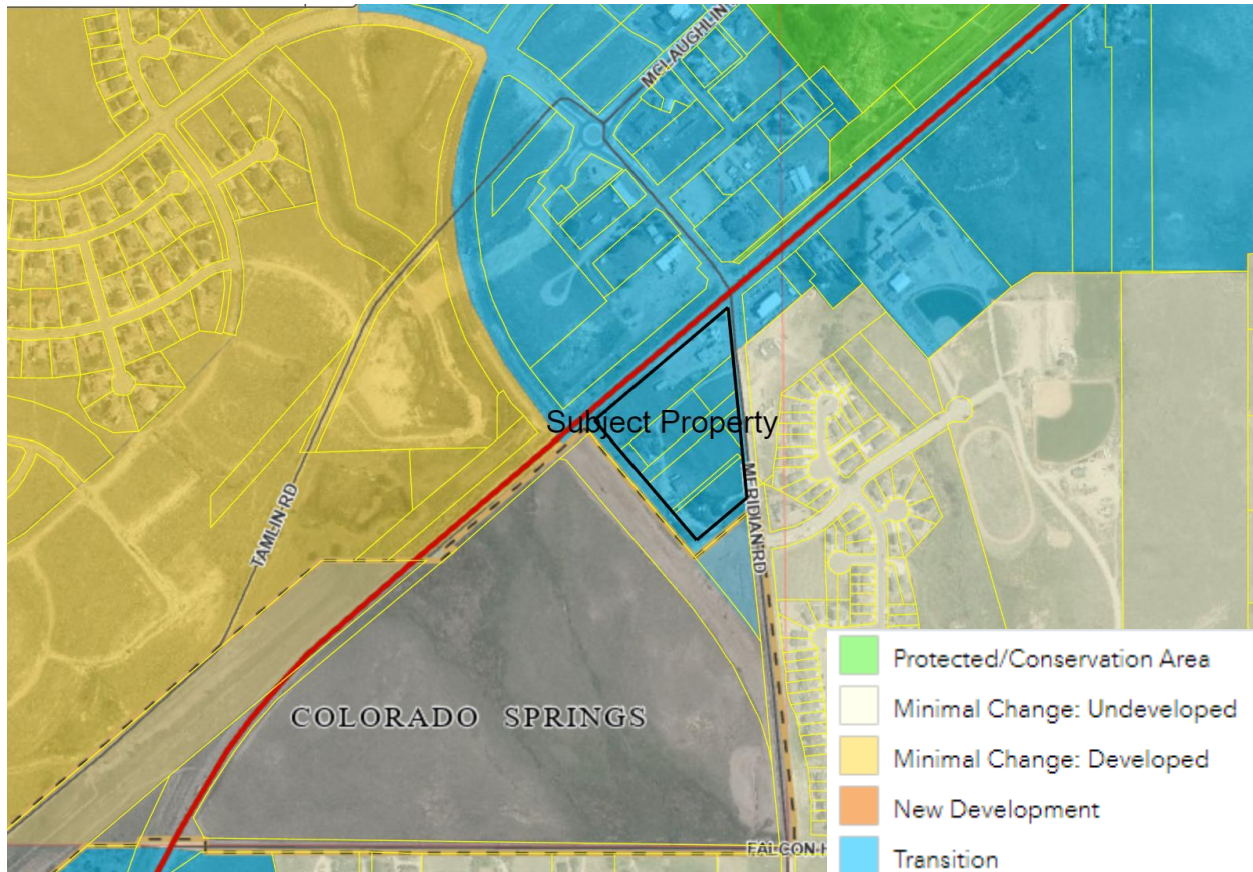


Figure G.2: Area of Change Map

Analysis:

The proposed rezone would bring commercial development to an underutilized commercial and residential development.

c. Key Area Influences: Areas Likely to be Annexed

A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado



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Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

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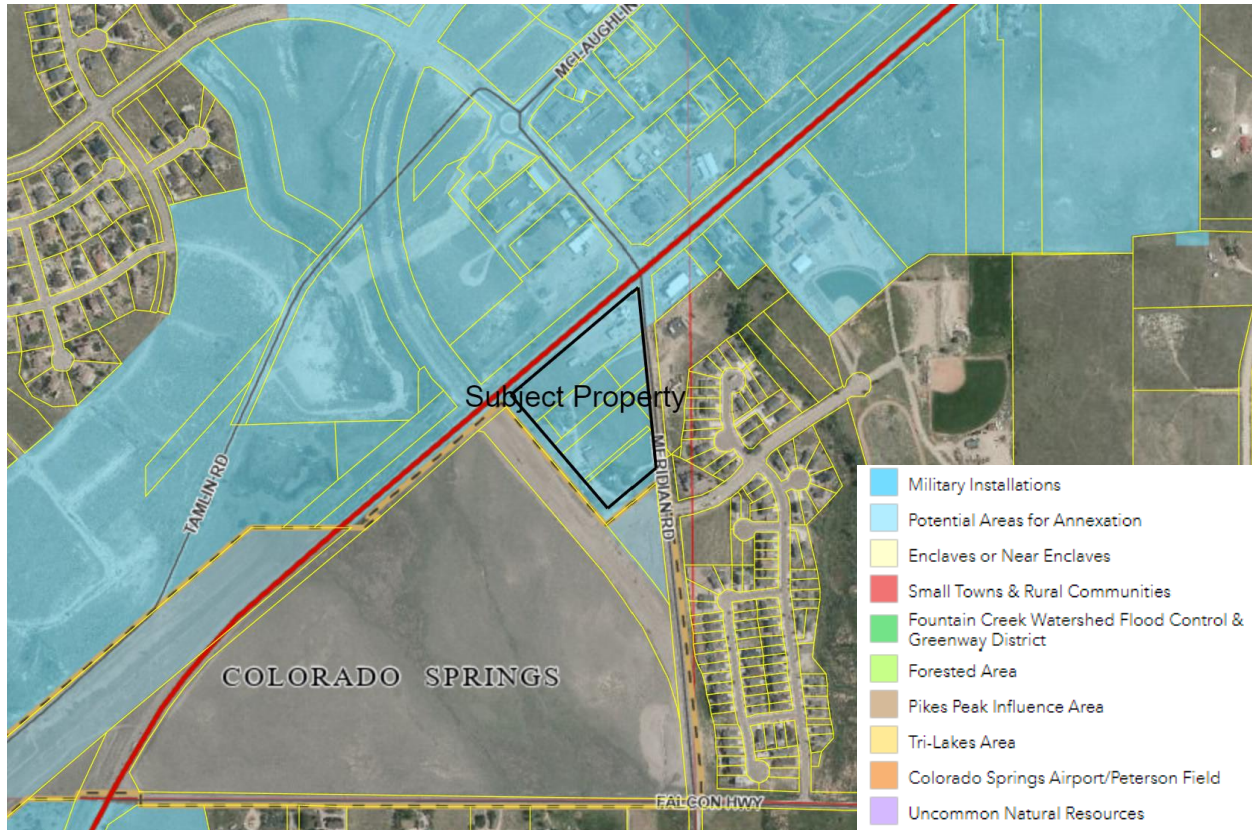


Figure G.3: Key Area Influences Map

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

Most County residents travel to municipalities to purchase goods and services. The Economic Development Framework identifies areas to expand commercial uses in unincorporated communities. This section includes policies and recommendations for increasing commercial development and improving customer access. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

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

3. Water Master Plan Analysis

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

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

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

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

The property is located within Region 3 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 is at 6,403 AFY (Figure 5.1) with a projected supply in 2040 of 7,921 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 8,307 AFY (Figure 5.1) with a projected supply in 2060 of 8,284 AFY (Figure 5.2). This means that by 2060 a deficit of 23 AFY is anticipated for Region 3.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. A finding of water sufficiency is required with subsequent plat application(s). The area subject to the proposed

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map amendment (rezone) and is proposed to be served with central services. Should the request be approved, a site development plan application will be required to initiate any new commercial use on the property.

4. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies Upland Deposits and Coal 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.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the rezone

2. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0561G, which has an effective date of December 7, 2018, indicates the subject property is located within Zone X, area of minimal flood hazard outside of the 100 to 500-year floodplain.

3. Drainage and Erosion

The area of the proposed map amendment (rezoning) is located within the Falcon drainage basin. This drainage basin is included in the El Paso County drainage basin fee program. Drainage and bridge fees shall be calculated with the subsequently required final drainage report and must be paid at the time of final plat recordation. A final drainage report is required with submittals for the Vacation & Replat (VR223) and Site Development Plan (PPR2230). A grading and erosion control plan is required with the site development plan. A private onsite full-spectrum detention and water quality pond is proposed for Lot 1, supporting the proposed new gas station and convenience store.

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4. Transportation

The subject property is located immediately south of U.S. Highway 24 between Meridian Road and Meridian Sol Drive (previously Old Meridian Road). Meridian Road adjacent to the property is a four-lane minor arterial under the jurisdiction of the City of Colorado Springs and U.S. Highway 24 adjacent to the property is a two-lane highway under the jurisdiction of CDOT. Meridian Sol Drive is a County road classified as a non-residential collector. El Paso County Department of Public Works recently completed roadway improvements on all of the roads bounding the site during construction of the Falcon Park and Ride project, which is southeast of the subject property across Swingline Road.

A traffic impact analysis (TIS) was received with the map amendment (rezoning) request addressing the anticipated traffic generation of the proposed project, impacts, and anticipated necessary improvements. Transportation improvements necessary due to site development will be further defined with the final plat and site development plan. A private road has been proposed connecting Meridian Road and Meridian Sol Drive. All access for the two new lots would be from this private road.

The existing Highway 24 access point will be closed by the developer in coordination with CDOT. Access to Meridian Road, currently proposed as limited (3/4 movement) to prohibit left turns from the site onto Meridian Road, will require approval by the City and approval of a license agreement to cross County right-of-way as well (current 8th street right-of-way). Limited turn movement at that location is proposed due to the proposed access point's close proximity to Highway 24.

Roadway improvements are planned for Meridian Sol Drive as part of the site development plan, to include sidewalk, curb & gutter, and right-of-way dedication for upgrading the road. The County Engineer will be responsible for endorsing a CDOT access permit for the Meridian Sol Drive intersection with U.S. Highway 24 due to the anticipated increase in traffic from development of the site.

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The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

I. SERVICES

1. Water

Water is anticipated to be provided by Woodmen Hills Metropolitan District

2. Sanitation

Wastewater is provided by Woodmen Hills Metropolitan District

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no objections to the rezone request.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Colorado Springs Utilities (CSU) will provide natural gas service to the area included within the final plat. Both utility providers were sent referrals for the rezone; MVEA and CSU have no outstanding comments.

5. Metropolitan Districts

The property is located adjacent to the Woodmen Road Metropolitan District Service Area and the district is requesting that the developer enter the district. The District was sent a referral and has no outstanding comments.

6. Parks/Trails

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

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7. Schools

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

J. APPLICABLE RESOLUTIONS

See attached resolution

K. STATUS OF MAJOR ISSUES

There are no major issues

L. 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 (2021), staff recommends the following conditions and notations.

CONDITIONS

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

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

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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.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten adjoining property owners on September 29, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Planning Commission Resolution
BoCC Resolution
PC Minutes - Draft

El Paso County Parcel Information

File Name:

Date:

PARCEL	NAME	ADDRESS
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53124-05-003	- RANDY GIBBS	- 6810 NORTH MERIDIAN ROAD - PEYTON CO, 80831
53124-05-005	- RANDY GIBBS	- 6810 MERIDIAN SOL DRIVE - PEYTON CO, 80831



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



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September 19, 2021

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

PCD File #: CS-213

RE: Letter of Intent – Proposed Rezoning of Parcel Nos. 5312402015, 5312402016, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005

Owner/Applicant and Consultant

Randy L. Gibbs and Vicky L. Gibbs - OWNER
6810 North Meridian Road
Peyton, CO 80831-8136

Malone William G. Trust - OWNER
3612 Pennington Cir.
Modesto, CA 95356-1223

CST Metro LLC, D.B.A. Circle K Stores Inc. – OWNER/APPLICANT
5500 S. Quebec St., Ste. 100
Greenwood Village, CO 80111
(720) 341-7015

Land Development Consultants, LLC – CONSULTANT
950 S. Cherry St. Ste. 512
Denver, CO 80246
(303) 717-3305

Site location, size and zoning

The site is located on the southwest corner of US HWY 24 and Old Meridian Road. Overall size is 8.99 acres. The respective zoning for the parcels are C-2 (5312402016), RR-5 (5312402015, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005).



Request

Parcel 5312402016 is zoned C-2 which is an obsolete zoning. The proposed development will encompass parcels 5312402016, 5312403003, 5312403004, 5312402015, 5312405003, 531404003, and 5312405005 and will require to be rezoned to CS. If the residential parcels are not rezoned these properties would create a residential bubble, which from a planning perspective is not desirable. Therefore, the remaining residential parcels will also be rezoned CS to create a cohesive subdivision. This letter serves as a request to receive El Paso County approval of the proposed CS zoning for these properties.

Justification

Section 5.3.5.B: Map Amendment (Rezoning) 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**

The Master Plan identifies the project area as a potential area of annexation within the City of Colorado Springs due to the expected development growth. The plan also identifies the project area as a Transition area and Regional Center. One the primary land uses for the Regional Center is commercial retail. The application will be in conformance with the Master Plan as this will create the opportunity for new commercial retail development within this area of change.

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

As the proposed rezoning fulfils the goals of the County Master Plan and is a compatible transition between the adjacent subdivisions and therefore complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

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

As noted above, compatibility is defined as "a state in which two things are able to exist or occur together without problems or conflict." It does not mean that the two things must be identical. The zone change to CS transitions from the PUD zoning to the north of US HWY 24. Additionally, the zone change will be in line with the CS zoning to the east of Old Meridian Road. This development continues to be cohesive with the primary land uses for the identified Regional Center.

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**

The proposed lots will meet the use and dimensional standards for the CS zone as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed commercial retail and transitions the R-5 rural residential use to be in line with the adjacent CS zoning. The project has adequate access to Old Meridian and New Meridian roads and will be annexed to the Woodmen Hills Metro District to have access to adequate utilities such as water and sewer.

El Paso County Master Plan

CHAPTER 3 LAND USE GOALS

Goal 1.1 Ensure compatibility with established character and infrastructure capacity

The proposed CS zoning and land uses will be compatible with the adjacent CS zoned properties to the east and northeast of the property. The rezone will create uniformity among this area, as the parcel zoned C-2 is an obsolete zoning classification within El Paso County. The rezone of the RR-5 parcels will eliminate the residential island among commercial uses.

The parcels are currently being serviced via onsite wells and septic systems. The current services are not desirable for new development. The applicant is in the midst of annexing the properties into the Woodmen Hills Metropolitan District to provide public service via an extension of the existing water and sewer mains located within Old Meridian Rd. Currently, the applicant is finalizing the Inclusion of Service Agreement with the District. Gas will be provided by CSU gas. There is an existing power line serviced by MVEA which will be removed and new services for the commercial uses will be underground.

Goal 1.2 Coordinate context-sensitive annexation and growth strategies with municipalities

The properties are identified to be within the **Key Area for Potential Areas for Annexation**. The City of Colorado Springs abuts the property boundaries to the south and west of parcels to be rezoned; however, at this time annexation into Colorado Springs is not required. Due to the site being within proximity to Colorado Springs, the city has recently implemented a new GIA. The new GIA requires new development to follow the Colorado Springs design guidelines instead of the county design guidelines, in anticipation of a future annexation. The project falls within the intent of the IGA; however, after coordination with the Director for the GIA the future developments do not need to be built to city standards at this time.

Goal 1.3 Encourage a range of development type to support a variety of land uses

The proposed zoning has been planned as commercial community development with a range of development types to support a variety of land uses. The CS zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods. There is a residential PUD to the south of the development which would be serviced by this district in addition to the future park and ride being developed by the city of Colorado Springs and El Paso County.

Goal 1.4 Continue to encourage policies that ensure “development pays for itself”

The intent of the proposed development is to be funded by the developer to include:

- Funded site and infrastructure improvements
 - Private road providing connection between Old Meridian and New Meridian roads.
 - Site preparation
 - Inclusion and construction of water and sewer Woodmen Hills Metropolitan district main extensions to service the project.
- Applicable drainage/bridge, park and school fees payable at individual plat recordation
- Applicable County Road Impact Fees
- Utility Service Design, Construction and Service Connection (tap) Fees

The County Master Plan locates the development within the Potential Areas for Annexation on the *Key Area Map* as an area anticipating to “Transition” on the *Area of Change Map* projected to be a “Regional Center” by the *Placetypes Map*. The Plan identifies this area as a commercial destination for County residents to purchase goods, procure services, and enjoy a variety of entertainment options.

The approval of the rezone for the delineated area will be supportive of the County Master Plan.

Key Area: Potential Areas for Annexation

The plan anticipates a significant portion of the County’s expected population growth to be located within one of eight incorporated municipalities. Colorado Springs is the largest municipality within El Paso County and is expected to increase in population substantially. To accommodate the growth in this area the plan recommends the following:

- Accommodate new development and plan for unincorporated county areas to be developed
- Collaboration with individual communities to prevent unnecessary duplication of efforts, over extension of resources and spending of funds
- County to coordinate with each of the municipalities experiencing substantial growth development

Areas of Change: Transition

The plan identifies these areas as fully developed parts of the county that may completely or significantly change in character. *In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development.*

The proposed zoning and land uses are compatible with the identified area of change. The residential rezone of the parcels to a commercial district clearly falls within the intent of an existing development undergoing a significant change. The existing residential parcels contain one single family dwelling. The rezone to a commercial community district will allow the opportunity for 8.99 acres to be developed with various commercial land uses to serve the adjoining neighborhoods.

The residential properties and existing convenience store are serviced via well and septic. The redevelopment will allow for the transition to public services for water and sewer versus utilizing well and septic. This overall is beneficial to the community to promote redevelopment of this area.

Placetype: Regional Center

The project area has been identified on the Placetype Map as a Regional Center. The plan characterizes the Regional Center with primary land uses for Multifamily, Restaurant, Commercial Retail, Commercial Services and Entertainment/Arts. The supporting land uses include Single-Family attached, Mixed-Use, Office and Institutional. While the regional center and the neighboring urban residential Placetypes have different primary uses, both Placetypes share common supporting land uses demonstrating an interdependence among the differing yet, complementary land uses.

The proposed commercial retail, commercial services and zones is consistent and compatible with the existing land use mixes which are adjacent to the eastern boundary of the parcels.

Commercial Conformance with the Regional Center

The use is not located within a Housing priority Development Area. The proposed rezone of the parcels is in alignment with the substantial growth of the surrounding area. The proposed land uses are a clear transition from residential to commercial development. The regional center is a commercial destination for residents to access via major transportation routes throughout the County.

The construction of New Meridian Road is an example where the City and County have coordinated to provide another major transportation route for county residents in addition to US HWY-24 in this area. The construction of the continuation of this thoroughfare also fueled the development of the Park and Ride along Swingline Rd.

In the near future, CDOT is planning the expansion of HWY-24 to accommodate the increased traffic flow in this area. The expansion of the major transportation routes supports this area to transition into a commercial district from a residential area. The continuation of New Meridian Rd will increase the appeal to make this area commercial

destination for County residents utilizing these routes. In order to provide connectivity between New Meridian and Old Meridian Rd a private road will be constructed to service the proposed commercial development.

In addition to the new infrastructure per the major transportation routes, the rezoned development will provide:

- ADA compliant internal network for pedestrians to access the various future commercial developments
- Stormwater infrastructure with a regional basin for the development
- Proposed development will be highly accessible via public transit due to the new Park and Ride adjacent to the southern boundary.
- Storefronts will be inviting and attractive

In all, the proposed commercial community district is compatible with the County's identified Key Area (Potential Areas for Annexation, Area of Change (Transition) and Placetype (Regional Center).

The following items of the current El Paso County Master Plan are relevant to the intent of this rezone request:

Economic Development:

Goal 3.1 Recruit new businesses and spur the development of growing sectors.

The current residential land use limits the development growth for this area. The rezone of these parcels will recruit new businesses, as a new commercial community district will be established for new commercial development.

Goal 3.3 Encourage the development of commercial districts in underserved areas.

The rezone of the parcels from residential to commercial will encourage the development of a commercial district. Due to the construction of the New Meridian Road, the transportation route will provide accessible access to city and county residents alike.

Infrastructure:

Goal 5.3 Ensure adequate provision of utilities to manage growth and development

The current properties are on well and septic utilities. The inclusion of the parcels into the Woodmen Hills Metropolitan District, will appeal to various commercial land uses as public utilities will be easily accessible for future developments.

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

The proposed development will incorporate the design of a new regional basin for the new commercial community district. Respective best management practices will be incorporated into the storm water design.

Water Master Plan

The proposed subdivision satisfies the following policies of the County Water Master Plan:

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

The current properties are being serviced by wells. Due to the proposed development and water demand for the commercial development, the existing well rights will be granted to the Woodmen Hills Metropolitan District, this an exchange in addition to an annexation fee to tap into the existing water main located within Old Meridian Road. The service extension for the proposed commercial community is in line with county coordination and land use planning.

Policy 5.2.2 Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated Upper Black Squirrel Creek alluvium.

The proposed project is located within the identified Regional Planning Area 3 (Falcon). As the policy states, the parcels compiling this project, have reliance on a non-renewable Denver Basin well. As part of the redevelopment the subdivision will be annexed into the Woodmen Hills Metropolitan District. As part of the annexation, the subdivision is required to relinquish the rights to the wells on the property and grant them to the district.

Policy 5.2.4 Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

The proposed commercial community district will be located adjacent to an existing water main owned by the Woodmen Hills Metro District within Old Meridian Road. The cost to annex and construct the water and sewer main extensions, will be over a \$300K investment for the proposed connections. The owner will be paying all the costs upfront. Once the future commercial development is known for the remaining site, a cost sharing agreement will be put in place.

Policy 6.0.1 Continue to require documentation of the adequacy or sufficiency of water, as appropriate for the proposed development.

An appropriate Will Serve Letter was provided noting the Woodmen Hills District ability to serve the proposed development in an efficient manner with the current infrastructure and noting their capacity to serve.

In addition to the will serve letter, a water resource and efficiency report was prepared which referenced the current well use of the sites and proposed annexation to the Woodmen Hills Metro District.

Policy 6.1.3.1 Encourage new developments that incorporate water conservation techniques such as xeric landscaping.

The proposed landscape design for this development will implement xeric landscaping to the largest extent allowed by the zoning code. The LDC and Landscape Manual standards promote water conservation goals, including the use of drought-resistant and drought-tolerant plants which can easily be incorporated into the future landscape design.

Existing & Proposed Facilities

The C-2 zoned site has an existing Circle K convenience store with fuel canopy. The RR-5 zoned parcels is developed with one single-family dwelling with a smaller residential dwelling, which is inhabited by a family member. In addition to the residential dwellings the site also has various shed structures for storage on the site.

Both existing developments are serviced by well and septic facilities. Access to the existing convenience store is provided via HWY 24 and Old Meridian Rd. Both access points are currently full turning movements. The residential home has two access points via Old Meridian Rd.

Proposed facilities include the raze and rebuild of the existing convenience store with associated fuel canopy and construction of a new regional basin for storm water for the new commercial district. The existing access off of Hwy-24 will be closed per CDOT directive. A private road will be constructed within the platted alley to provide access to HWY-24 via Old and New Meridian Roads.

Public services will be provided by the Woodmen Hills Metropolitan District for water and sewer through the extension of existing service lines. The district has provided a will-serve letter and is in progress of finalizing the Inclusion and Service Agreement for the proposed project.

Off-site Improvements

The proposed improvements include closing the existing access to Hwy-24. The New Meridian Road extension is currently being completed by the County and City of Colorado Springs collaborative efforts.

Other off-site improvements include the main line extensions for water and sewer to the site from Old Meridian Road.

Waiver Requests

A waiver is being requested with this application.

Purpose & Need for Change in Zone Classification

The rezone is needed to rezone the existing commercial parcel to CS zoning. The commercial parcel is currently zoned C-2 which is an obsolete zoning classification. Additionally, the rezone is needed in order to allow the existing convenience store to redevelop with a larger footprint. In order to develop on a larger parcel, a rezone of the existing residential area is needed in order to expand the facilities. This in turn requires a replat in addition to the requested rezone.

Proposed Commercial Sites

The development is proposing two commercial sites. One commercial site abuts Hwy-24 (5 acres) and will be allocated to the rebuild of the existing convenience store and detention basin. The remaining commercial use is unknown at this time; however, the intent is for the site to be developed as a commercial land use. The second site will be slightly over 3 acres.

Construction

Construction of the redevelopment of the existing convenience store, detention basin and private road will be constructed in one Phase. The construction of the future development on the second commercial site is not known.

Water & Sewer

Water and sewer will be provided to the site by annexation into the Woodmen Hills Metropolitan District.

Landscaping

Landscaping will be provided as required by the El Paso County Development Code (LDC). Xeriscaping will be prominently utilized to the greatest extent possible to conserve water usage. Landscape irrigation will be provided to efficiently maintain landscape.

Drainage Plan

A Drainage Plan will be prepared to meet the County and State requirements to only release storm water at historic rates from the site per LDC and ECM requirements. A detention pond will be developed to maintain flows to meet historic storm water runoff criteria per Code. The site is not within a FEMA floodplain.

Proposed Access

The private road will provide access to New and Old Meridian Roads. No direct access will be provided from Hwy-24 per coordination with CDOT.

Schedule of Development

The anticipated schedule is to commence construction of the redevelopment of the convenience store in late spring/early summer 2022 after rezone, replat and site development approval. Inclusively, building permit approval by Pikes Peak Regional Building Department. Construction would be completed in early 2023.

Summary

The proposed rezone to CS – community commercial is consistent with surrounding area and will incorporate appropriate conservation design principles as identified in the Master Plan. The development will be annexed into the Woodmen Hills Metro District in order to discontinue the use of non-renewable water source provided by the Denver Basin wells.

The proposed development will also further the County's objective of meeting the Vision, Principles, Goals, and Objectives of the Master Plan by being in close alignment with the characteristics identified in the Key Area, Area of Change and Placetype land uses.

Overall, the proposed commercial community district will tie in seamlessly with the Implementation Objectives and Specific Strategies of the Master Plan. The commercial district will mirror the County's future vision for the development of this subdivision by creating a cohesive commercial community district, which will be serviced by the major transportation routes Hwy-24, New Meridian and Old Meridian roads. We look forward to bringing to fruition the owner's and county's vision into the proposed development and the creation of a new commercial destination for County and City of Colorado Springs residents to purchase goods and services.

If there is any further information or clarification required pertaining the rezone request, please do not hesitate to contact me at (303) 717-3305 or at Sofia@LDCAZ.com

Sincerely,
LAND DEVELOPMENT CONSULTANTS

Sofia Hernandez
Project Manager

SH:gk

HIGHWAY 24 & MERIDIAN ROAD
ZONING MAP

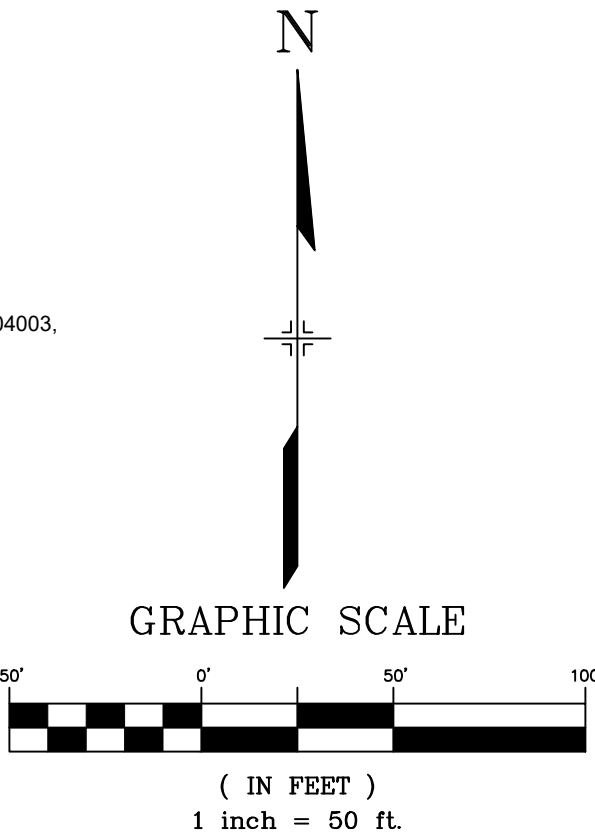
A PORTION OF THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO COUNTY, STATE OF COLORADO
MARCH 2022

LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS:
THAT CST METRO LLC, A MICHIGAN LIMITED LIABILITY COMPANY AND RANDAL L. GIBBS AND VICKY L. GIBBS, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:
PARCEL A:
LOTS 17 TO 32, INCLUSIVE, EXCEPT THE NORTHWESTERLY 20 FEET THEREOF, LYING WEST OF THE COUNTY ROAD IN BLOCK 24, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.
PARCEL B:
LOTS 19 TO 32, INCLUSIVE, EXCEPT THE NORTHWESTERLY 20 FEET THEREOF, IN BLOCK 25, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.
PARCEL C:
ALL THAT PORTION OF BLOCK 28 LYING WEST OF THE COUNTY LINE ROAD, INCLUDING THE NORTHEASTERLY 30.0 FEET OF VACATED 7TH STREET, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.
PARCEL D:
ALL OF BLOCK 29, INCLUDING THE SOUTHWESTERLY 30.0 FEET OF VACATED 7TH STREET, EXCEPTING THEREFROM THAT PORTION OF MERIDIAN ROAD LYING ACROSS BLOCK 29 AND SAID VACATED PORTION OF 7TH STREET, TOWN OF FALCON, EL PASO COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B AT PAGE 37.
PARCEL E:
THAT PART OF THE EAST HALF OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., FORMERLY BEING A PORTION OF LOTS 4 THROUGH 16 INCLUSIVE AND THE NORTHERLY 20 FEET OF LOTS 17 THROUGH 25 INCLUSIVE IN BLOCK 24, A PORTION OF LOTS 1 THROUGH 16 INCLUSIVE AND THE NORTHERLY 20 FEET OF LOTS 17 THROUGH 32 INCLUSIVE IN BLOCK 25 IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, TOGETHER WITH VACATED 7TH STREET AND VACATED ALLEYS ADJACENT TO SAID LOTS AS VACATED BY VACATION PLAT RECORDED IN PLAT BOOK E-3 AT PAGE 46, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID BLOCK 25 AND THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HWY #24, FROM WHICH THE NORTHWEST CORNER OF SAID BLOCK BEARS N 40 DEGREES 12 MINUTES 34 SECONDS W, A DISTANCE OF 20.00 FEET; THENCE S 40 DEGREES 12 MINUTES 34 SECONDS E ALONG THE SAID WEST LINE, A DISTANCE OF 180.00 FEET; THENCE N 49 DEGREES 47 MINUTES 26 SECONDS E, A DISTANCE OF 665.57 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD; THENCE N 06 DEGREES 05 MINUTES 34 SECONDS W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 212.93 FEET; THENCE N 40 DEGREES 12 MINUTES 34 SECONDS W ALONG THE EASTERLY LINE OF SAID LOT 4 IN BLOCK 24, A DISTANCE OF 3.72 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HWY #24; THENCE S 49 DEGREES 47 MINUTES 26 SECONDS W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 785.00 FEET TO THE POINT OF BEGINNING, EXCEPT FOR THAT PORTION CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO IN SPECIAL WARRANTY DEED RECORDED NOVEMBER 12, 2019 AT RECEPTION NO. 219142199, COUNTY OF EL PASO, STATE OF COLORADO.
PARCEL F:
LOTS 17, 18 EXCEPT THE NORTHERLY TWENTY (20) FEET, IN BLOCK 25, TOWN OF FALCON, COUNTY OF EL PASO, STATE OF COLORADO, CONTAINING 8.9850 ACRES, MORE OR LESS.

SITE DATA TABLE

TAX ID NUMBERS	5312402016, 5312403003, 5312402015, 5312405003, 5312404003, 5312405005
CURRENT ZONING	C-2, RR-5
PROPOSED ZONING	CS
PROPOSED LOTS	2
TOTAL SITE ACREAGE	8.99 AC
MINIMUM LOT SIZE	3.23 AC
FRONTAGE SETBACKS	25' FRONT, 25' SIDE, 15' REAR
LOT SETBACKS	N/A
LANDSCAPE SETBACKS	25' FRONT, 25' SIDE, 15' REAR
MAXIMUM LOT COVERAGE	N/A
MAXIMUM BUILDING HEIGHT	50'



CONTACT LIST

OWNER CIRCLE K STORES INC. 5500 S. QUEBEC STREET, SUITE 100 GREENWOOD VILLAGE, CO 80111 PHONE: (720) 758-6223	ELECTRICAL SERVICE MOUNTAIN VIEW ELECTRIC ASSOCIATION 11140 E. WOODMEN ROAD PEYTON, COLORADO 80831 PHONE: (719) 495-2283
DEVELOPER LAND DEVELOPMENT CONSULTANTS, LLC 950 S. CHERRY ST., SUITE 512 DENVER, CO 80246 SOFIA HERNANDEZ PHONE: (303) 717-3305	WATER & SANITARY WOODMEN HILLS METRO DISTRICT 8046 EASTONVILLE ROAD FALCON, CO 80831 PHONE: (719) 495-2500
CIVIL ENGINEER/ LANDSCAPE ARCHITECT MATRIX DESIGN GROUP 2435 RESEARCH PARKWAY, SUITE 300 COLORADO SPRINGS, CO 80920 NICOLE SCHANEL/ JASON ALWINE PHONE: (719) 575-0100	FIRE FALCON FIRE PROTECTION DISTRICT 7030 OLD MERIDIAN ROAD FALCON, CO 80831 PHONE: (719) 495-4050
ARCHITECT GREENBERG FARROW 30 EXECUTIVE DRIVE, SUITE 100 IRVINE, CA 92614 DOUG COUPER PHONE: (949) 296-0450	STORM SEWER EL PASO COUNTY PUBLIC SERVICES 3275 AKERS DR. COLORADO SPRINGS, COLORADO 80922 PHONE: (719) 520-6460
LAND SURVEYOR RUBINO SURVEYING 3312 AIRPORT ROAD BOULDER, COLORADO 80301 PHONE: (303) 464-9515	GAS COLORADO SPRINGS UTILITIES 7710 DURANT DRIVE COLORADO SPRINGS, COLORADO 80920 TIM BENEDICT PHONE: (719) 668-3574
GEOTECHNICAL ENGINEER TERRACON CONSULTANTS, INC. 4172 CENTER PARK DRIVE COLORADO SPRINGS, CO 80916 PHONE: (719) 597-2116	

OWNER: BRIAN M MOODY - BETTER LAND LLC
8605 EXPLORER DR, SUITE 250
COLORADO SPRINGS, CO 80920
ZONING: R/CR SS
LAND USE: VACANT

OWNER: FARMERS STATE BANK OF CALHAN
1500 8TH ST. CALHAN CO, 80808
ZONING: PUD
LAND USE: EXEMPT POLITICAL SUBS

OWNER: DIAMOND SHAMROCK REFINING
ZONING: C-2
LAND USE: CONVENIENCE MARKET

OWNER: RANDY GIBBS
ZONING: RR-5
LAND USE: RESIDENTIAL

LOT 2
PROPOSED ZONE COMMERCIAL CS
3.23 AC

OWNER: RANDY GIBBS
ZONING: RR-5
LAND USE: RESIDENTIAL

OWNER: RANDY GIBBS
ZONING: RR-5
LAND USE: RESIDENTIAL

OWNER: EL PASO COUNTY
200 S CASCADE AVE, SUITE 150
COLORADO SPRINGS, CO 80903
ZONING: PF
LAND USE: VACANT

OWNER: IBS ENTERPRISES LLC
6550 GUN CLUB TRAIL
COLORADO SPRINGS, CO 80908
ZONING: CC
LAND USE: VACANT

OWNER: D&D MANAGEMENT LLC
6485 ALIBI CIR
COLORADO SPRINGS, CO 80923
ZONING: CC
LAND USE: SERVICE GARAGE



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CONSULTANTS:

Matrix
Excellence by Design
2435 RESEARCH PARKWAY, SUITE 300
COLORADO SPRINGS, CO 80920
PHONE: (719) 575-0100

LAND DEVELOPMENT
CONSULTANTS, LLC
950 S. CHERRY ST., SUITE 512
DENVER, CO 80246

OWNER/DEVELOPER:

CIRCLE K
ROCKY MOUNTAINS DIVISION
5500 S QUEBEC STREET, SUITE 100
GREENWOOD VILLAGE, CO 80111
PHONE: (720) 758-6223

SEAL

FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC

VICINITY MAP:

PROJECT:

CIRCLE K STORES INC.

ZONING MAP

HIGHWAY 24 & MERIDIAN ROAD
FALCON, CO

REVISION HISTORY:

NO.	DATE	DESCRIPTION	BY

DRAWING INFORMATION:

PROJECT NO: 21.1207.037
DRAWN BY: LCB
CHECKED BY: NMS
DESIGNED BY: NMS

SHEET TITLE:

ZONING MAP

SHEET 1 OF 1
ZM01

ISSUE DATE: MARCH 2022 PCD FILE #CS-213

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-21-003
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONE

WHEREAS, Circle K Stores Inc. did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the C-2 (Commercial) and RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on October 20, 2022; and

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

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

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

WHEREAS, in approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the following criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

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 Circle K Stores Inc. for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the C-2 (Commercial) and RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

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

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.

BAILEY seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DATED: October 20, 2022

Brian H.
Brian Risley, Chair

EXHIBIT A

Parcel A:

Lots 17 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, lying West of the County Road in Block 24, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312402015

Parcel B:

Lots 19 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, in Block 25, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312403004

Parcel C:

All that portion of Block 28 lying West of the County Line Road, including the Northeasterly 30.0 feet of vacated 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312404003

Parcel D:

All of Block 29, including the Southwesterly 30.0 feet of vacated 7th Street, EXCEPTING therefrom that portion of Meridian Road lying across Block 29 and said vacated portion of 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 37.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 5312405003

RESOLUTION NO. 22-

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

**APPROVAL OF THE CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 MAP
AMENDMENT (REZONE) (CS-21-003)**

WHEREAS Circle K Stores Inc. did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the C-2 (Commercial) and RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 2022, 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 this Board on November 1, 2022; and

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

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. 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 of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Circle K Stores Inc. 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 C-2 (Commercial) and RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district ;

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

CONDITIONS

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

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 1st day of November, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Parcel A:

Lots 17 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, lying West of the County Road in Block 24, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO.
5312402015

Parcel B:

Lots 19 to 32, inclusive, EXCEPT the Northwesterly 20 feet thereof, in Block 25, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO.
5312403004

Parcel C:

All that portion of Block 28 lying West of the County Line Road, including the Northeasterly 30.0 feet of vacated 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO.
5312404003

Parcel D:

All of Block 29, including the Southwesterly 30.0 feet of vacated 7th Street, EXCEPTING therefrom that portion of Meridian Road lying across Block 29 and said vacated portion of 7th Street, Town of Falcon, El Paso County, Colorado, according to the Plat thereof recorded in Plat [Book B at Page 37](#).

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO.
5312405003

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@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

Planning Commission Meeting
Thursday, October 20, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, LUPE PACKMAN, EDWARD SCHOENHEIT, DANIEL TORRES, CARLOS HERNANDEZ, PETRA RANGEL, MARCELLA MAES, JOE LETKE, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning and Community Development – Kevin Mastin or Justin Kilgore

Mr. Mastin Planning and Community Development has advertised the Executive Director position. We have received 46 applicants. It will be posted till October 30th, 2022. It will probably be the first of the year before the position will be filled. Matthew Fitzsimmons one of our Senior Planner's has accepted another position. PCD is in the process of hiring a new planner. Will work with HR to look at the correct number of applicants. We are trying to get two out of this next hiring cycle to bring it to a total of eight. I briefed the BoCC about the critical need for two (2) additional planners to bring the total to ten (10). Mr. Mastin thanked the Board members for their efficiency.

Mr. Kilgore Ms. Parsons will be taking over the presentation for 2D and 4D. Ms. Parsons has some staff report and resolution updates for the Board.

Ms. Parsons in your packets the resolutions are now attached to each item. Conditions of approval were specifically spelled out in those resolutions as well as the findings for each item. That is very consistent with the Board of County Commissioners and their process. To be consistent with the Board of County Commissioners and more transparent as the El Paso County strategic plan requires us to be. We have attached those resolutions so that the people who look at the staff report online, the people in the audience and the commissioners themselves can see those resolutions from the Planning Commission, rather than identifying a page in a book that the public has no access to. We don't have to vote on this it is just for clarification.

Mr. Trowbridge how do we reference that in a motion to approve?

Ms. Parsons just like the Board of County Commissioners reference the resolution, number of conditions, approval and a finding of sufficiency that is applicable.

Ms. Seago I would recommend that you use language similar too: I make a motion to approve item xyz in accordance with the resolution included in the packet.

Ms. Parsons handed resolutions to the chair so he can circle if approved or denied.

Mr. Risley asked if there were any questions for staff. Chair saw none. I don't see it on the agenda but customarily we allow a period for the members of the audience that would like to comment on items that are not on the agenda. Chair asked if there was anyone that would like to address the Board. Chair would like that put back on the agenda.

B. The next scheduled Planning Commission meeting is for Thursday, November 3, 2022, at 9:00 A.M.

2. CONSENT ITEMS

A. Approval of Minutes – September 15, 2022 – Board Approved 10/20/22

B. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

HOWSER

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53040-02-017) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: BAILEY MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VR-22-004 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. VR-22-005

HOWSER

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M. (Parcel No. 31330-01-001) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, VR-22-005 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. CS-21-003

BAGLEY

**MAP AMENDMENT (REZONE)
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONING**

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99 acre property is located northeast of the intersection of New Meridian and Highway 24 and southeast of the intersection of Old Meridian and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M. (Parcel Nos. 53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004, 53124-04-003, 53124-05-003 and 53124-05-005) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There were none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. **Mr. Trowbridge** asked for clarification of the Letter of Intent for zoning and residence on the lots. Also had a question about traffic. **Ms. Parsons** gave clarification of the zoning that was taken care of last night in passageway it was changed from CC to CS. Residential homes are participating in the rezone. Residences will be occupied. The contracts for those individuals have been uploaded into EDARP. **Ms. Parsons** also gave clarification about the traffic. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, CS-21-003 FOR AN APPROVAL OF A MAP AMENDMENT (REZONE), UTILIZING ATTACHED RESOLUTION, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

E. VR-22-009

HOWSER

**VACATION AND REPLAT
THE GLEN AT WIDEFIELD FILING NO. 11A**

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way as a tract for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No.11A subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55220-00-010) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this heard as a regular item. There was none. Asked if there were any members in the audience the wanted this heard as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: PATTERSON MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, VR-22-009 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

SPECIAL USE RAEL STORAGE RURAL HOME OCCUPATION

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-489) (Commissioner District No. 1)

Mr. Howser presented Staff's presentation for the Special Use for rural home occupation request.

Ms. Seago summarized the criteria for approval.

Ryan Howser presented the background for the request in 2018, El Paso County code enforcement issued a notice of violation. In 2019, the applicant formally applied for the special

use to legalize the storage on the property. In early 2022, the applicate submitted the appropriate site plan to complete the application process.

Mr. Rael – Owner gave his presentation.

Mr. Howser presented arial view of the property with the trailers. It shows the intent of the 50-foot setback as opposed to the current location which is quite close to the property line.

Mr. Hernandez discussed the transportation and roadway fees. Roadway improvements are with CDOT.

Mr. Whitney had questions about CDOT.

Mr. Mastin confirmed that it is the applicant's responsibility, and it would not affect the ability to vote on this.

Ryan Howser presented the conditions and notations. This is a long running code enforcement violation. We have applied a 30-day time window for the applicant to receive the approval of the Commercial Site Development plan, also have applied 30-days to move the trailers and put up 100% Opaque fence screening. The Staff presentation was concluded.

Mr. Trowbridge, Mr. Carlson and Ryan Howser discussed the fencing. The fencing must surround the outside storage use, just around the trailers. If it goes higher than 7-feet, it would be considered a structure and would need a building permit.

Mr. Schuettpelz questioned the paving. Is it 25 or 42 spaces?

Mr. Howser our code requires paving for a parking area of more than 25 spaces. If the applicant does only 25, he does not have to pave. If he does more than 25 it is tripped in our parking standards of our code, it would have to be paved. If he would exceed the 25 spaces, he would have to come back for a revision of the Special Use. Today for the Special Use it is 25.

Mr. Risley has it been paved?

Mr. Rael I have acquired the asphalt but have not paved. It is on the westside of the property. It will be 25 spaces.

Mr. Trowbridge and Mr. Bailey the current letter of intent is only to pave 25. That is what is tide to any resolution that we decide for approval.

Mr. Risley questioned the grading of the property per the letter of intent.

Mr. Rael – you just grade the asphalt we will not disturb the land. It is just crushed asphalt.

Mr. Mastin- the crushed asphalt is something like millings that will be put down. No machinery.

Mr. Whitney just to make clear for the record it will be 25 spaces millings on the ground covering the spaces no paving.

Mr. Bailey further on to that the specific details of how the site development plan will follow this approval within 30 days. The 25 spaces in the letter of intent ties to our task today which is to look at the existing code what's allowed for a Special use how that gets implemented comes next. It probably won't come to this commission.

Mr. Mastin yes that is correct. If he goes over the 25 spaces, he will not be complying with what this board approves.

Mr. Risley are there any folks that would like to speak. There are only those that are opposed to the Special Use.

Jill Fowler I'm here to oppose. I am directly across from Mr. Rael. He has been in violation for the past 4 years. The RV's and Semi have been parked for 15 years. Jill Fowler presented pictures. I hired a certified appraiser. He is currently the president of the Colorado Association of Real Estate Appraisers. He did an analysis and submitted an impact statement that indicated that the RV storage has an estimated negative impact of 5.5% for my overall property. The Special use does not meet the criteria or the letter of intent.

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community.

Mr. Rael's property is about 800 feet from our community. Dave showed a picture. Mr. Rael's property does not keep up to the character of the neighborhood. The picture shows a person riding a horse behind the trailers on Mr. Rael's property. It makes an iron curtain between our equestrian community and his. We are asking for a buffer of equivalent characters to the size of our properties. I looked at 7 storage properties. My spread sheet column 3 looks at the zoning and none of them are RR-5. Showed pictures of the storage lots with very high opaque fences. They have easy access from a paved road. The Rael Storage as proposed here is not in harmony with our neighborhood. Incompatible, safety concerns, flammable materials. Please protect the value of the present and future owners. If was up next to highway 83 our association has no problem with that.

Ivan Anthony my property is on the southeast corner. Mr. Rael said he emailed everybody I did not get an email. Rael Storage is for RV's and trailers not vehicles or boats as stated in the Staff Report. If approved, it will set a precedent to other landowners RR-5. I have lived here since 1991. I moved here for the rural feel. Mr. Rael has been in violations for at least 15 years. It was in 2019, that I was notified. Mr. Rael kept adding more and more RV's. You can see part of the trailers from my house. What is the purpose of zoning laws if we do not follow them.

Debra Duey I have lived in monument since 1969. I have known the Rael's for 40 years. The gentleman who spoke before me owns his own business on his property. The horse barn on the other side of Rael that is a business. I have looked personally at the changes of our views. That I have had to put up with because it is the law. Steve is doing the best he can. We all have the right to own a business within the law.

Mr. Risley we will close the public testimony of the hearing.

Mr. Rael closed his testimony. If you could give me till November, I will have the RV's moved.

Mr. Whitney asked to question David Ellis about the compatibility of Canterbury and Mr. Rael.

Mr. Carlson, Mr. Bailey, Mr. Schuettepelz, Mr. Patterson discussed the fencing issue, 50' foot set back. Our job is to apply the criteria that exists today.

Mr. Risley asked for a vote. 5-4 in opposition for disapproval. What would the recommendation be for the BoCC? It is a double negative.

Ms. Seago a motion to approve would be to capture the conditions and notations. If it passes that would be the recommendation to go forward.

PC ACTION: BAILEY MOVED/PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, AL-19-018 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

C. MP-22-001

**EPC PARKS MASTER PLAN
UPDATE 2022**

MEYER

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

Mr. Carlson were the early evaluations processed by your own people for each asset? Evaluations were not on public use just on grading landscaping. Do consider volunteers.

Ms. Jackson in our firm we have an individual that is a past landscape architect and a GIS specialist who went in the field first. The second round we had a local landscape architect to ensure the grading was done correctly. It was all parks to see all the elements if they were in poor, fair or good condition.

Mr. Trowbridge looking at the cost of 14 million. How does that fit with historical spending by the county. It was over 8 million alone for Fox Run.

Mr. Marts – In previous years we have not. In future years the work that they have done will tie to the strategic plan. Not proposing funding 45% is third party funding. We have over twenty thousand hours of volunteer service that we do. We are not able to do what we do without volunteers.

Mr. Risley this is a regular hearing Is there anybody wanting to speak on this topic?

Scott Layman – I'm just a concerned citizen. One of the things you can use is a work release program to help with the parks. It would be a training exercise for the inmates. It would help with cost.

Ms. Seago Mr. Chair I neglected to provide any criteria at the beginning of the hearing. This is a legislative item. This is an item on which the Planning Commission's action is the final action, and it will be provided as an information item if approved to the BoCC. The BoCC will not vote on it because it is a legislative item. There is a lot of discretion in terms wither to approve or deny the item. If it has a rational connection to public purpose and does not violate the Constitution you are free to approve as you see fit.

Mr. Risley this is like the Water Master Plan and the County Master plan. Our job is to certify that the first eight statues that the parks division has followed the statuary requirements in terms of public input. Ms. Jackson walked us through that. We are certifying this if we choose to take that action.

Mr. Bailey – requirements for 2 hearings. No vote.

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately west of West Higby Road and one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71241-03-061) (Commissioner District No. 1)

Ms. Parsons – Presented Presentation.
Applicant is Virtual

Mr. Risley is there anybody present that might be in the hallway? Nobody is present.

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

Mr. Risley one of the emails about opposition spoke about a walking path adjacent to the property. Can you indicate where the open space is located?

Mr. Seglem – We were part of the WASC in which the county was very much in favor we worked with a developer. One hundred twenty-eight of us here in South Woodmoor purchased land from the original owners. We were permitted to purchase additional land approximately .468 acres which is about ½ of what you see. There is a walking trail behind the land. WASC donated land for the trails. We asked that they move the trails further from our home so it would not be a problem. WASC did not do that. We asked Woodman HOA to move the trail 10 to 20 feet further from the house.

Ms. Parsons continued the presentation.

Mr. Bailey is there a time limit on the approval of this special use? In general, once a special use is granted does this continue and the applicant can replace the dogs in the future.

Ms. Parsons I do not believe so we did not want to guess when the dogs would pass. that is correct unless there was a specific condition added that did not allow them to do that.

Mr. Carlson on the first condition would that include that they are not going to operate a kennel. Concerned another homeowner would want to have kennel

Ms. Seago yes you are correct they would not be able to run a kennel.

Mr. Trowbridge If you sold the property would the special use be void?

Ms. Seago the special use does run with the land.

Ms. Parsons anybody online? No

Mr. Risley – Does the applicant have anything further they would like to say?

Mr. Seglem I would also say that again within 5 years we will be below the 8 dogs. We would like our dogs to stay home.

Mr. Trowbridge can we put a 5 year limit? That would help reassure everybody.

Ms. Parsons can we put this just for the dogs that are there now. We do not want another code enforcement issue.

Mr. Trowbridge can we revisit in 5 years that is all I'm saying

Mr. Carlson in the presentation you stated you fit your dogs with anti-bark collars. Does that work.

Mr. Seglem it does work. In recent trip to the vet, it is a concern about zapping the dogs due to their age. We are doing everything we can. They bark only when someone is walking down the trails close to our fence. The homeowners' dogs are not on a leash, not in control and they run up to the fence.

Mr. Mastin are all the dogs chipped?

Mr. Seglem all the dogs are all registered with the county.

Mr. Mastin it would be a concern if there is a new dog was brought in.

Mr. Risley Commissioners have concerns if this runs with the land it would extend the problem we have now.

Ms. Seago It does not have to run with the land with the sale of property

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

Ms. Parsons what the applicant has on the site plan is sufficient.

Mr. Carlson – Wouldn't it allow 8 dogs for ever more.

Mr. Trowbridge, Mr Carlson, Mr. Risley, Mr. Bailey have concerns about the 5 years.

Mr. Seglem We use a local vet which is easy to trace if we were trying to slip in a new dog.

Mr. Carlson, Mr. Risley, Mr. Trowbrige would it be easier to give him the extension for 5 years.

Ms. Parsons to be frank we would have staff time involved with processing a special use which requires an engineer, code enforcement, planning staff, planning commission, admin staff, BoCC, added expense to the applicant it would be about 25 hours. Staff is not concerned about the issue.

Ms. Seago – I would like to make some un-legal comments that you could take for how they are worth having done code enforcement in the past I ask that you consider some of the burden. Is it worth the county resources? The special use is consistent with the letter of intent. He has named all the eight dogs. I question is this good use of staff and county time. As you deliberate to consider what you are trying to achieve here, what impacts you are trying to mitigate and what is realistic based on future resources necessary to enforce whatever conditions you impose.

Ms. Brittian-Jack bottom line is they are making a request given us their intent in keeping their family together. Their pets are their family. I do not see nit picking is serving anybody. If we are going to put a condition it should end when they no longer own the property.

Mr. Trowbridge the expiration on the property is the way to go.

Mr. Risley called the vote.

DISCUSSION:

PC ACTION: TROWBRIDGE MOVED/ CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, AL-22-014 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH AN ADDITIONAL CONDITION WILL MAKE IT THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0)

**SPECIAL DISTRICT POLICIES AND MODEL SERVICE PLANS
PROCEDURES AMENDMENT**

A request by the El Paso County Planning and Community Development Department to amend the Special District Policies and Model Service Plans, as referred to in Chapter 9 of the El Paso County Land Development Code (2022). The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing: Legislative

Ms. Parsons – No vote – This is a courtesy to let you know what the proposed changes are because you do make recommendations for special districts. In an overall summary to tell you why we did this is that these policies were adopted in 2007 prior to the land development code prior to the adoption of the water master plan prior to the adoption of the El Paso County master plan there was language riddled throughout that reference the old small area plan and the old countywide policy plan which does not exist anymore. It had to be cleaned up so it met our current criteria's and plans. We are seeing a trend for special districts to build, design, construct the infrastructure. Keep that burden of ownership and maintenance on themselves. The operational costs for districts are being raised as more district's purpose unique developments that may have private roads. The county is not owning and maintaining them. It costs more money to operate those districts. Working with the industry we purposed a small increase to allow them to have an additional 5 mils yet over all of 65 mil cap is still recommended to be the maximum.

That is the bulk of improvements. The Gallagher adjustment was taken out of state statute as a reflection

We have stricken that language throughout the policy and model service plans as indicated in this proposal. This is the policy for the board to adopt

Mr. Trowebridge recommending addition of an overall of 5 mil 65 is still the upper limit you are proposing. not the 70.

Ms. Parsons – Yes it does state that in the report. Overall maximum is still 65.

Mr. Trowebridge has this been discussed with the BoCC. Are they aware this is coming?

Mr. Mastin yes, they are aware.

Mr. Risley are there any other comments? Just to be aware this was included as a regular item. We do have an information section only on the agenda was it an oversight

Ms. Parsons we have not taken policies to the Planning Commission. It was kind of a grey area. We do not take procedures to you we usually go direct to the BoCC. It was just to make you aware.

Mr. Risley we do not need to open to public testimony.

Mr. Bailey the grey area knowing we do not have to go through the process. Thank you for the courtesy Lets use the Non action item area moving forward.

Mr. Risley the master plan will be heard on November the 3rd which tells me we have a meeting that day.

Are there any other items?

Mr. Mastin Flying Horse North will have a lot of citizen input.

Ms. Brittian- Jack I have a 9:00 appointment, is it appropriate to come later?

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

MEETING ADJOURNED at [time].
12:24

Minutes Prepared By: __MM__