



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](mailto:Sofia@LDCAZ.com)

Sincerely,

LAND DEVELOPMENT CONSULTANTS



Sofia Hernandez  
Project Manager

SH:gk