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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.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



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## PLANNING & COMMUNITY DEVELOPMENT

### 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:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice: [Click here to enter text.](#)

### 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.”



## **PLANNING & COMMUNITY DEVELOPMENT**

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.

## **PLANNING & COMMUNITY DEVELOPMENT**

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,

## **PLANNING & COMMUNITY DEVELOPMENT**

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



**PLANNING & COMMUNITY DEVELOPMENT**

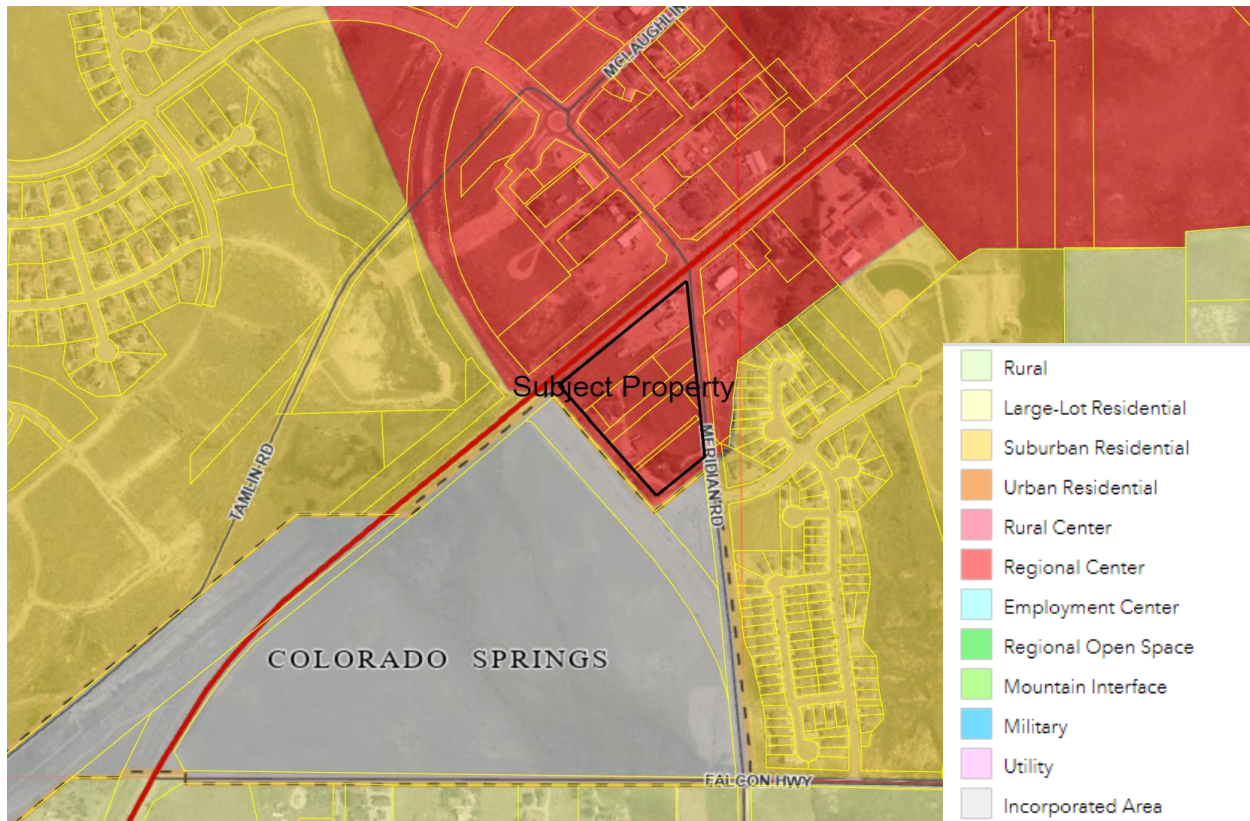


Figure G.1: Placetype Map

**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.*

## **PLANNING & COMMUNITY DEVELOPMENT**

**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.



## PLANNING & COMMUNITY DEVELOPMENT

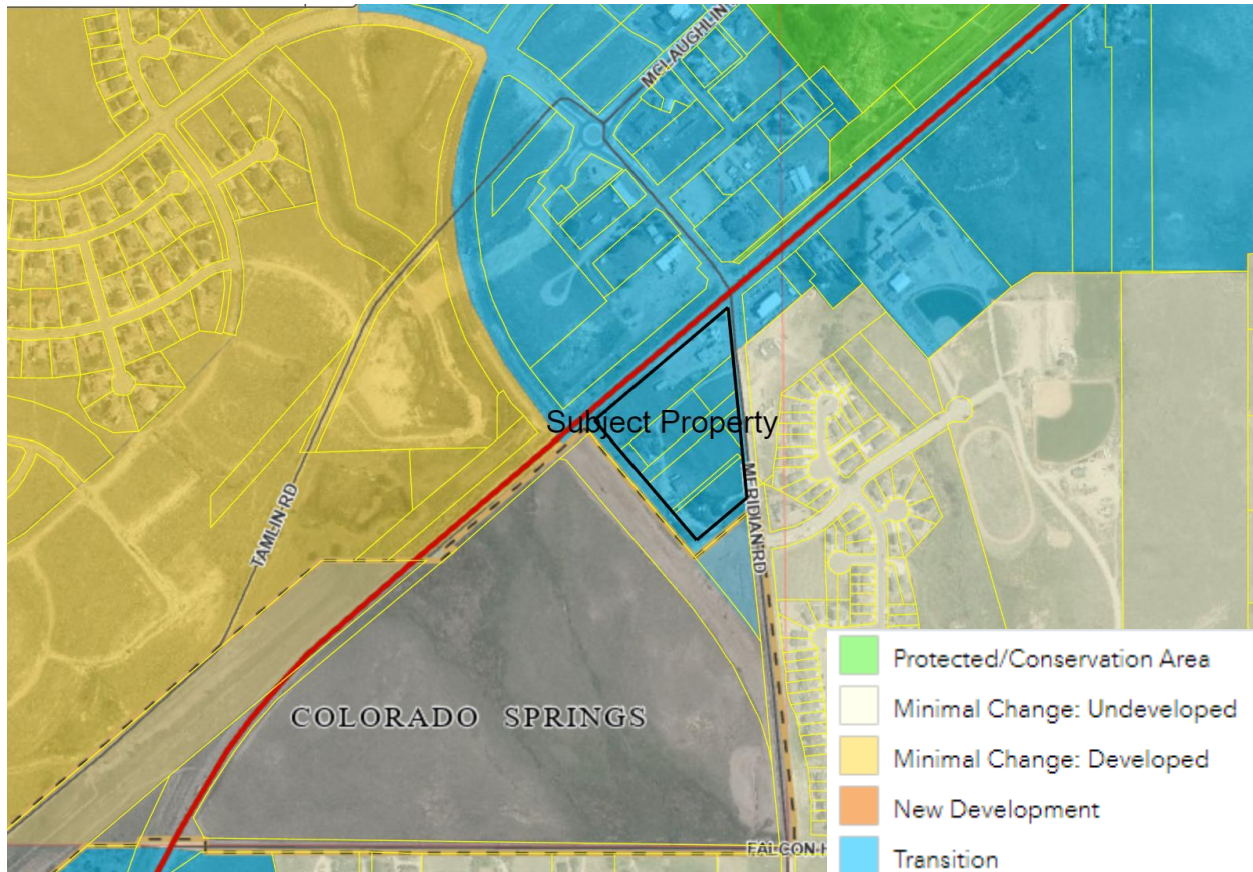


Figure G.2: Area of Change Map

### 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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## PLANNING & COMMUNITY DEVELOPMENT

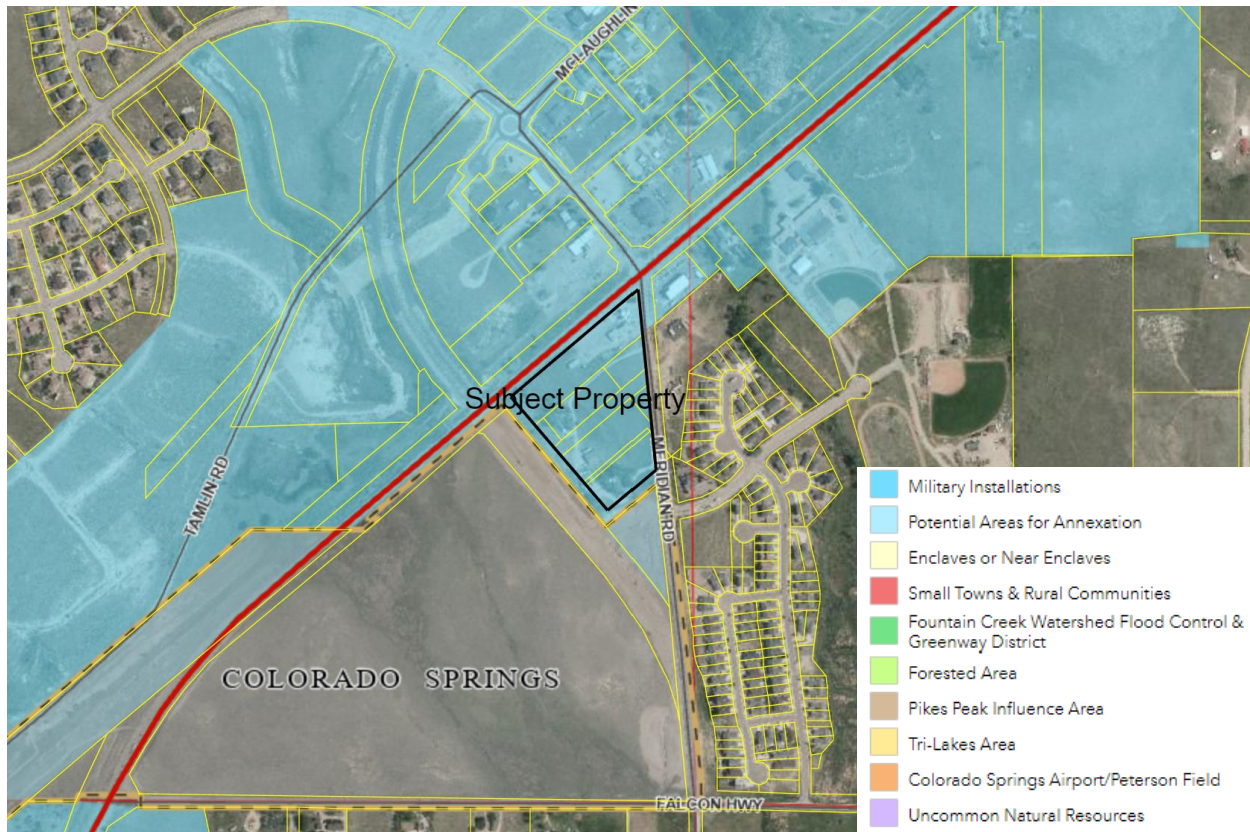


Figure G.3: Key Area Influences Map

**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.



## PLANNING & COMMUNITY DEVELOPMENT

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

## **PLANNING & COMMUNITY DEVELOPMENT**

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.

## **PLANNING & COMMUNITY DEVELOPMENT**

### **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.



## **PLANNING & COMMUNITY DEVELOPMENT**

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.

## **PLANNING & COMMUNITY DEVELOPMENT**

### **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

## **PLANNING & COMMUNITY DEVELOPMENT**

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

# 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). Via plat being processed concurrently 8th Street, Eastern Avenue and Pacific Avenue ROW will be vacated per Count request.



### **Request**

Parcel 5312402016 is zoned C-2 which is an obsolete zoning. The proposed development will encompass parcels 5312402016, 5312403003, 5312403004, 5312402015, 5312405003, 5312404003, and 5312405005 and will require to be rezoned to CC. 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 CC to create a cohesive



subdivision. This letter serves as a request to receive El Paso County approval of the proposed CC 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 CC transitions from the PUD zoning to the north of US HWY 24. Additionally, the zone change will be in line with the CC 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 CC 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 CC 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 CC zoning and land uses will be compatible with the adjacent CC 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 CC 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 waiver for the construction of a private road along Pacific Avenue will 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 for the construction of a private road on the future vacated ROW of Pacific Avenue will be requested with subdivision application.

### **Purpose & Need for Change in Zone Classification**

The rezone is needed to rezone the existing commercial parcel to CC 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 proposed private road to be constructed on the future vacated ROW of Pacific Avenue 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 CC – 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



# HIGHWAY 24 & MERIDIAN ROAD ZONING MAP

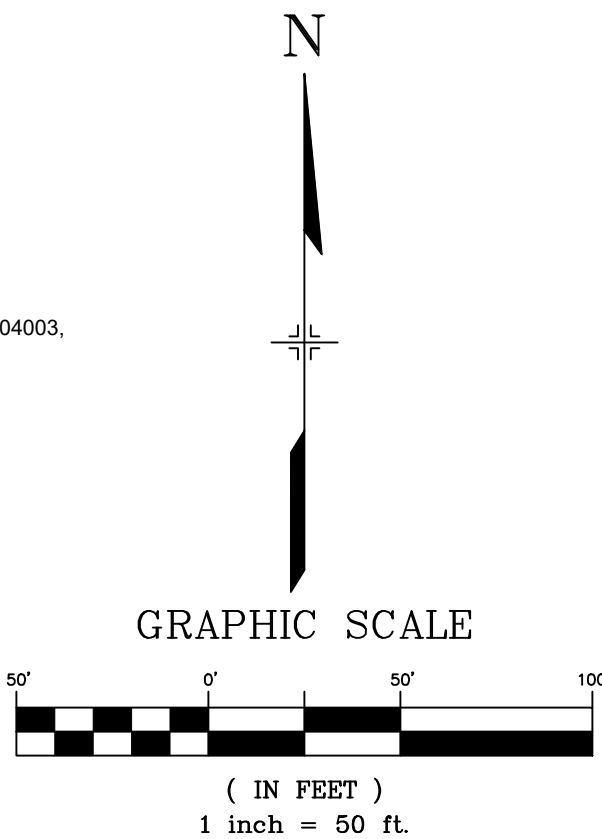
A PORTION OF THE SE 1/4 OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO COUNTY, STATE OF COLORADO  
**MARCH 2022**

## 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, 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

**DEVELOPER**  
LAND DEVELOPMENT CONSULTANTS, LLC  
950 S. CHERRY ST., SUITE 512  
DENVER, CO 80246  
SOFIA HERNANDEZ  
PHONE: (303) 717-3305

**CIVIL ENGINEER/ LANDSCAPE ARCHITECT**  
MATRIX DESIGN GROUP  
2435 RESEARCH PARKWAY, SUITE 300  
COLORADO SPRINGS, CO 80920  
NICOLE SCHANEL/ JASON ALWINE  
PHONE: (719) 575-0100

**ARCHITECT**  
GREENBERG FARROW  
30 EXECUTIVE DRIVE, SUITE 100  
IRVINE, CA 92614  
DOUG COUPER  
PHONE: (949) 296-0450

**LAND SURVEYOR**  
RUBINO SURVEYING  
3312 AIRPORT ROAD  
BOULDER, COLORADO 80301  
PHONE: (303) 464-9515

**GEOTECHNICAL ENGINEER**  
TERRACON CONSULTANTS, INC.  
4172 CENTER PARK DRIVE  
COLORADO SPRINGS, CO 80916  
PHONE: (719) 597-2116

**ELECTRICAL SERVICE**  
MOUNTAIN VIEW ELECTRIC ASSOCIATION  
11140 E. WOODMEN ROAD  
PEYTON, COLORADO 80831  
PHONE: (719) 495-2283

**WATER & SANITARY**  
WOODMEN HILLS METRO DISTRICT  
8046 EASTONVILLE ROAD  
FALCON, CO 80831  
PHONE: (719) 495-2500

**FIRE**  
FALCON FIRE PROTECTION DISTRICT  
7030 OLD MERIDIAN ROAD  
FALCON, CO 80831  
PHONE: (719) 495-4050

**STORM SEWER**  
EL PASO COUNTY PUBLIC SERVICES  
3275 AKERS DR.  
COLORADO SPRINGS, COLORADO 80922  
PHONE: (719) 520-6460

**GAS**  
COLORADO SPRINGS UTILITIES  
7710 DURANT DRIVE  
COLORADO SPRINGS, COLORADO 80920  
TIM BENEDICT  
PHONE: (719) 668-3574

**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

**OWNER: EDNA HOLDINGS LLC**  
4810 OLD FARM DR, SUITE 110  
COLORADO SPRINGS, CO 80917  
ZONING: PUD  
LAND USE: RESIDENTIAL



CONSULTANTS:



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



950 S. CHERRY ST., SUITE 512  
DENVER, CO 80246

OWNER/DEVELOPER:

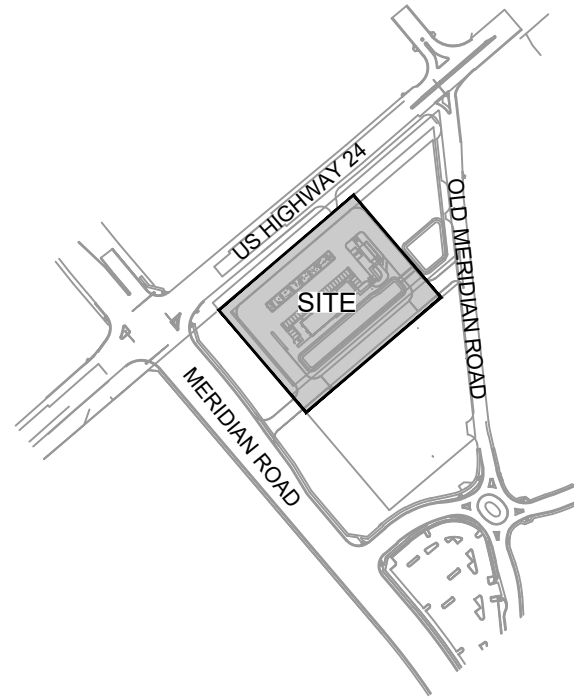


ROCKY MOUNTAINS DIVISION  
5500 S QUEBEC STREET, SUITE 100  
GREENWOOD VILLAGE, CO 80111  
PHONE: (720) 758-6223

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)

\_\_\_\_\_ 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.

\_\_\_\_\_ 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 Schuettpelz	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 \_\_\_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DATED: October 20, 2022

\_\_\_\_\_  
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