



Described what the future use will be and how it fits in with the master plan docs. also identify the highest and best use for the CS zoning and explain how location "fits in" with that zoning

UDON REZONE

INFORMATION:

UDON Holdings, LLC
5801 N. Union Blvd, Ste 100
Colorado Springs, CO 80918

PARCEL ID: 44000-00-237
ZONING: RR-5 (Residential Rural) District
ACREAGE: 40 Acres

Please provide a general location of the proposed development area within the site.

REQUEST:

UDON Holdings, LLC requests approval of a rezoning of the 40-acre site from RR-5 district to the CS (Commercial Service) zone. The property is located near the southwest corner of State Highway 94 and Franceville Coalmine Road, Colorado Springs, Colorado (Schedule No. 440000000237).

SITE CONTEXT:

The property is bound by State Highway 94 on the north together with an existing auto salvage yard and outdoor commercial motocross park on the north side of Highway 94, large tract (40 acre) single family residential to the west, large tract (40 acre) vacant agricultural properties to the south, and large tract (40 acre) single family residential and an auto recycling facility to the west. The Project is anticipated to be accessed by a primary driveway on State Highway 94. The property currently has two driveways accessing the state highway; one of which is may be closed or revoked under the discretion of the Colorado Department of Transportation (CDOT).

Approximately 8.7 acres located along the eastern \pm 312 feet of the property are burdened by a mineral rights reservation easement. This area will remain largely unimpacted by development activity on the remaining portions of the site.

The property is characterized by 50' grade changes and slopes in excess of 15 %. Commercial development of the entire 40 acres is greatly impacted by the existing grades and elevations. Due to these constraints, development impacts addressed within the rezone criteria context and in the traffic impact study recognize a limited development area. Proposed uses include those which can be contained within an approximately 2 acre site while still respecting required stormwater management requirements while preserving natural features through avoidance.

Existing site improvements include a pre-1976 modular home unit, a \pm 1300 SF utility building (Cir. 1976), a \pm 1300 SF Quonset farm implement building (Cir. 2000), a \pm 500 SF utility building (Cir. 1976) and a 3,600 SF agricultural building (AG-16-31). The AG building

(A) Purpose. The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the LDC also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses.

Generally, rezoning is justifiable under one of the following circumstances:

- When the requested rezoning is in general conformance or consistency with the County's Master Plan;
- If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;
- When there was an error or oversight in the original zoning of the property; or
- The zone change is necessary for the general health, safety, or welfare of the community.

(B) Criteria for Approval. In approving a Map Amendment, the following findings shall be made:

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

is leased to a local rancher who grazes livestock on the unimproved portions of the site. Use of the modular unit as a residence has been discontinued. The modular will be removed from the site in conformance with applicable permitting requirements. Remaining buildings may be integrated into future uses on the site subject to conformance with regional building codes and compliance with County zoning and subdivision ordinance.

The applicant requests authorization for the agricultural building to remain together with the grazing activities occurring on the southern three-quarters of the site. Integration of any remaining commercial structures will be in conformance with RBD requirements for occupancy and safety.

APPROVAL CRITERIA/JUSTIFICATION

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

- 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 property is located within the Corral Bluffs (Sub-Area 1) Planning Area of the current Highway 94 Comprehensive Plan. No major sketch plans have been approved or implemented within the planning area since its adoption in 2000. The last major rezoning activities in the planning area were the 1999 zoning of the unincorporated eastern El Paso County.

Currently the County is in the process of updating the Master Plan to include updates to the Highway 94 Comprehensive Plan as a coordinated element of the overall County long range plan.

Land uses in the within the planning area and proximity to the site include the Corral Bluffs and City of Colorado Springs Land Fill; automotive salvage (junk) yards including automotive recycling and salvage facilities (American & Import Auto Recyclers & All Auto Recyclers) and private conforming and non-conforming auto salvage and/or antique automobile storage; contractor and service trade businesses and yards; outdoor recreation including: Pikes Peak Gun Club (Isaak Walton shooting range), RAM Off-Road Park, Aztek Family Raceway; and rural residential and agricultural density developments.

Master Plan Compliance – 2000 Highway 94 Comprehensive Plan

The following policies from the Highway 94 Comprehensive Plan and responses have been provided to demonstrate the general conformance of the request with the recommendations of the Plan:

- **Policy 2.2.1: *New developments should demonstrate compatibility with surrounding land uses in terms of general use, connectivity, building heights, scale, overall densities, dust, and noise and feature gradual transitions in densities and/or appropriate buffers***

Surrounding land uses include conforming & non-conforming auto recycling, salvage, and (junk) storage, open space and recreation land uses, outdoor shooting range, contractor equipment storage & businesses, and a mix of rural residential and agricultural land uses.

- **Policy 2.2.2. *Accommodate a compatible mix of industrial, office, commercial, residential, open space, and recreational land uses***

Approval of the CS zone will create opportunities to provide low impact retail and service-related uses to support commercial activity within the general area. More intense development plans for the site may evolve in response to ongoing development within the Highway 94 corridor.

- **Objective 4.1: *Develop a Rural Commercial Zone for small scale commercial uses in areas without reasonable access to central water and sewer***

No rural commercial zone exists for properties without access to central water and sewer. Water resources available under the existing well permit can provide adequate water in support of small-scale commercial land uses on the site.

- **Objective 4.3: *Encourage commercial developments to locate in the nodes identified in the Land Use Map***

The property is located approximately 1.5 miles west of the 0.5 mile radius of activity node centered at Curtis Road and SHW 94 as depicted on the Concept Map. However, existing commercial uses are located adjacent to the property against both sides of SHW 94 and extending southward along Franceville Coalmine Road.

- **Objective 4.4: *Regulate design features to encourage low profile advertising signs, indigenous landscaping, shared parking facilities, shared access points, and sensitive façade treatment***

Site design and development standards will be addressed in specific detail with any site development plan required to initiate any uses or activities which require a building permit or other required development permit. All site development

plans will be required to conform to applicable zoning, use, stormwater, access, and/or master plan or policy requirements.

Access will be determined by CDOT in coordination with El Paso County and in accordance with the recommendations of approved Traffic Impact Study.

Master Plan Compliance – 1998 Policy Plan

The following policies from the El Paso County Policy Plan (1998) have been cited for consideration of the rezone request:

- Policy 6.1.3 *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.***

Surrounding land uses include: A non-conforming auto salvage/storage yard is located on the adjacent property immediately east of the UDON property. All Auto Recycling located one parcel east at the southwest intersection of State Highway 94 and Franceville Coalmine Road. The Aztec Family Raceway and the American & Import Auto Recyclers are located opposite of the property on the north side of State Highway 94. Additional land uses include RR-5 zoned properties which contain a combination of residential, agricultural, and non-conforming commercial and auto salvage/storage uses.
- Policy 6.1.4: Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.**

Long term development and utility master planning within the area provide for future water and wastewater utility services within the area. Water is available to

Where is the project (refer to region)

What is their water supply (central, wells, by whom)

If they are a central supplier, how have they addressed Section 3 (efficiencies, cooperation, reuse, storage, interconnection)

What standards of Section 4 are applicable, especially for groundwater (quality, economic life, sustainability)

How has the applicant addressed water supply needs at full buildout. Chapter 5

Have they planned for the project or the area to ensure adequate water in the future (efficiency, drought planning, conservation, flexibility in design, reuse, participating in regional water supply planning, renewable water partnerships and development, etc)

Master Plan Compliance – 2018 Water Master Plan

Goal 5.5 – Identify any water supply issues early on in the land development process.

Water for future uses may be supplied from existing water rights subject to use and permit limitations.

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;**

The application has been submitted in conformance with the County Zoning Ordinance and in conformance with the referenced statutory provisions.

3. **The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and**

The proposed zoning district and land uses are compatible with the existing and permitted land uses and zoning districts in all directions. The surrounding parcels in all directions are currently zoned RR-5 with commercial and non-conforming uses. Existing commercial uses are assumed to be in those permissible within the RR-5 or through grant of a variance permit.

Adjacent and surrounding land uses around the UDON parcel include: automotive salvage (junk) yards including automotive recycling and salvage facilities (American & Import Auto Recyclers & All Auto Recyclers) and private conforming and non-conforming auto salvage and/or antique automobile storage; contractor and service trade businesses and yards; outdoor recreation including: Pikes Peak Gun Club (Isaak Walton shooting range), RAM Off-Road Park, Aztek Family Raceway; and rural residential and agricultural density developments. Corral Bluffs and the City of Colorado Springs Land Fill are also within proximity to the site.

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 site is suitable for low impact commercial uses which will not require significant site alteration or significantly impact stormwater runoff or unmitigated drainage and/or grading impacts. The grades and slopes impacting the property would require extensive grading and stormwater improvements which exceed the current development goals of the applicant. Development of the site will conform to the standards for the CS zoning district including any applicable or general development standards.