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 Colorado Springs, CO80910

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

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP Planner III
Carlos Hernandez Martinez, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: P-22-004
Project Name: Kettle Creek Estates
Parcel No.: 62280-05-030; 62280-05-033

OWNER:	REPRESENTATIVE:
Powroy Family Living Trust 2295 Old Ranch Road Colorado Springs, CO, 80908 J+M Investments, LLC 5655 Bridespur Ridge Place Colorado Springs, CO, 80918	J+M Investments, LLC 5655 Bridespur Ridge Place Colorado Springs, CO, 80918

Commissioner District: 1

Planning Commission Hearing Date:	7/21/2022
Board of County Commissioners Hearing Date:	8/2/2022

EXECUTIVE SUMMARY

A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential

Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) of 15.86 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural).

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

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

B. Planning Commission Summary

Request Heard: As a Regular item at the July 21, 2022 hearing

Recommendation: Approval based on recommended conditions and notations

Waiver Recommendation: N/A

Vote Rationale: 9 – 0

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

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;
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:	RR-2.5 (Residential Rural)	Single-Family Residential
South:	RR-2.5 (Residential Rural)	Single-Family Residential
East:	City of Colorado Springs	Single-Family Residential
West:	RR-2.5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The subject property consists of two (2) platted lots. The lots were originally platted as Lots 7 and 8 of the Spring Crest Amended Filing subdivision on December 4, 1959 (Plat No. 1898). Lot 7 remains in its original configuration and is therefore a legal lot of record. Lot 8 was split by Old Ranch Road, creating the current configuration of parcel no. 62280-05-038 on the north side (not subject to this map amendment) and 62280-05-033 on the south side (subject to this map amendment). Because the creation of parcel no. 62280-05-033 was for the extension of public right-of-way for Old Ranch Road, it is considered exempt from the subdivision regulations and is still considered a legal division of land.

If the request for a map amendment (rezone) is approved, the applicants intend to submit a subdivision application to re-allocate the land contained within the two (2) lots to create a total of three (3) lots. The existing residential structures located on Lot 7 is expected to remain. The subdivision must be recorded prior to initiating any land disturbing activities unless approval of a pre-subdivision site grading request is granted by the Board of County Commissioners. In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval.

F. ZONING ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). Section 3.2 of the Code states the following as the intent of the RR-2.5 zoning district:

“The RR-2.5 zoning district is a 2.5 acre district intended to accommodate low-density, rural, single family residential development.”

The applicant intends to use the property for low-density, rural, single family residential purposes, which is consistent with the intent of the RR-2.5 zoning district. The property is bordered on the north, south, and west sides by existing single-family residential properties that are already zoned RR-2.5. Directly adjacent to the east are properties within the City of Colorado Springs with a minimum lot size of 6,000 square feet.



2. Zoning Compliance

The density and dimensional standards for the RR-2.5 zoning district are as follows:

- Minimum lot size: 2.5 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 15 feet *
- Maximum lot coverage: None
- Maximum height: 30 feet

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

In order to initiate any new residential uses on the RR-2.5 property, the applicant will need to obtain site plan approval. The applicant intends to submit a subdivision application. The subdivision will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

G.MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.



Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

Placetype: Military

Placetype Character:

Land use and development near and immediately adjacent to existing military installations, as well as their ancillary facilities, require additional consideration with regard to the compatibility of development and the potential for impacts or interference with military lands and potential future military base missions. The five military installations in the County, Cheyenne Mountain Air Force Station, Fort Carson, Peterson Air Force Base, Schriever Air Force Base, and the U.S. Air Force Academy (USAFA), each function of their own accord.

Most include a mix of residential and other supporting uses in addition to their core military functions. In total they serve over 151,000 active-duty, National Guard, Reserve, retired military personnel, contractors, and other related tenants throughout Colorado's Front Range. The County continues to partner with all of the installations to maintain compatible use transitions and buffers adjacent to each installation through open space protection and site-specific development restrictions. Base Realignment and Closure (BRAC) is a key factor in the Military placetype. This is the only placetype that proposes to describe primary and supporting land uses for areas



around and near the placetype, which causes overlap with adjacent placetypes.

Recommended Land Uses:

Primary

- Military Operation
- Office
- Light Industrial
- Multifamily Residential

Supporting

- Single-family Detached Residential
- Single-family Attached Residential
- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment
- Institutional
- Parks and Open Space

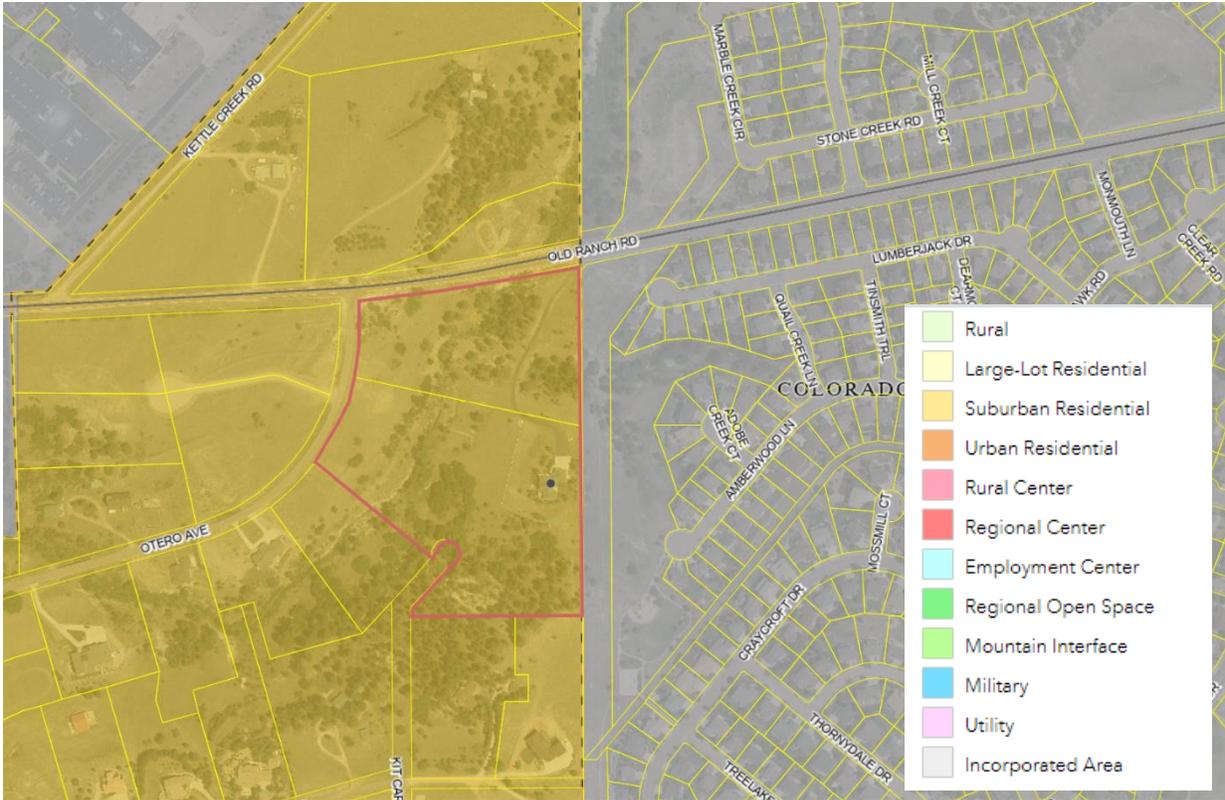


Figure G.1: Placetype Map



Analysis:

The property is located within the Suburban Residential placetype and is located within the two (2)-mile buffer of the Military placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. The Military placetype consists of the installations and the supporting land uses that surround them. Military installations are major landowners and employers and to help support sustainable growth in the community they must also be adequately supported. Relevant goals and objectives are as follows:

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC1-4 – *In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.*

Goal HC3 – *Locate attainable housing that provides convenient access to goods, services, and employment.*

Goal M1 – *Support compatible land uses within and in close proximity to bases and associated facilities.*

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these



areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

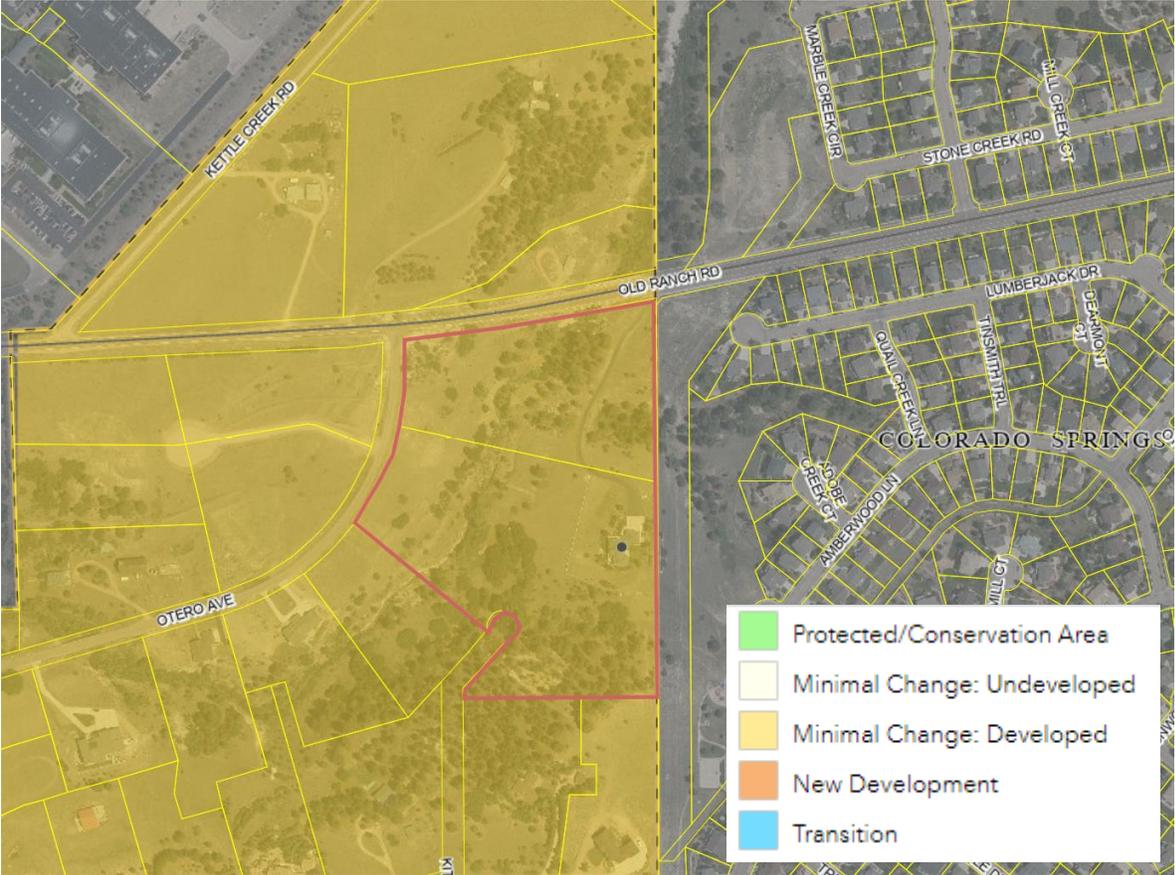


Figure G.2: Area of Change Map

Analysis:

The proposed rezone is not located in an area which is expected to significantly change in character. The proposed map amendment (rezoning) is not likely to change the character of the area. The adjacent properties to the north, south, and west are zoned RR-2.5.

c. Key Area Influences

The subject property is not located within a Key Area.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is not located within a Priority Development Area.

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 subject property is located within Region 1 of the El Paso County Water Master Plan. Region 1 has a current water supply of 99,001-acre feet per year and a current demand of 83,622-acre feet per year. The 2040 water supply is projected to be 119,001-acre feet per year and the projected demand is 111,713-acre feet. The 2060 water supply is projected to be 139,001-acre feet per year, whereas the demand is anticipated to be 138,453-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

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 map amendment (rezone) is proposed to be served by on-site wells. Should the request be approved, a site plan application will be required to initiate any new residential 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 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

Kettle Creek runs through the property. Evaluation and mitigation, as applicable, of any potential impacts to the creek will be required with any future subdivision request.

2. Floodplain

FEMA Flood Insurance Rate Map panel numbers 08041C0506G, which has an effective date of December 7, 2018, indicates there is a Flood Zone AE traversing through the property. The applicant has stated in the Letter of Intent the building areas will be outside of the floodplain. The floodplain comprises approximately 26% of the acreage of the subject property.

3. Drainage and Erosion

The property is located within the Kettle Creek (FOMO3000) drainage basin, which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezoning) requests but will be due at the time of final plat recordation. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage.

4. Transportation

The properties are located southeast of the intersection of Old Ranch Road and Otero Avenue. Old Ranch Road is classified as an urban minor arterial currently maintained by the County. The County requested to have the adjacent Old Ranch Road to be included in the City of Colorado Springs annexation application for Hope Channel Annexation (PCD File No. ANX222). A 10-foot right-of-way dedication to the county will be requested at time of final plat if Old Ranch Road is under county right-of-way at the time. Otero Avenue is currently classified as a urban local roadway maintained by the County.

The [El Paso County 2016 Major Transportation Corridors Plan Update \(MTCP\)](#) does not show any improvements in the immediate vicinity.

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



I. SERVICES

1. Water

Water is provided by existing wells for existing residential uses. Proposed residential uses will be required to obtain the proper well permits prior to development.

2. Sanitation

Wastewater is provided by existing on-site wastewater treatment systems (OWTS) for existing residential uses. A report evaluating feasibility of future OWTS systems will be required with any future subdivision request.

3. Emergency Services

The property is within the Donald Wescott Fire Protection District. The District was sent a referral and did not provide a response.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU). Both MVEA and CSU was sent referrals and have no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Parks/Trails

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

7. Schools

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

1. APPLICABLE RESOLUTIONS

Approval Page 27

Disapproval Page 28

J. STATUS OF MAJOR ISSUES

There are no major issues.



K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified sixteen (16) adjoining property owners on July 7, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.



M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

PC Resolution

BoCC Resolution

Planning Committee Meeting - Minutes



El Paso County Parcel Information

PARCEL	NAME
6228005033	J + M INVESTMENTS LLC
6228005030	POWROY FAMILY LIVING TRUST

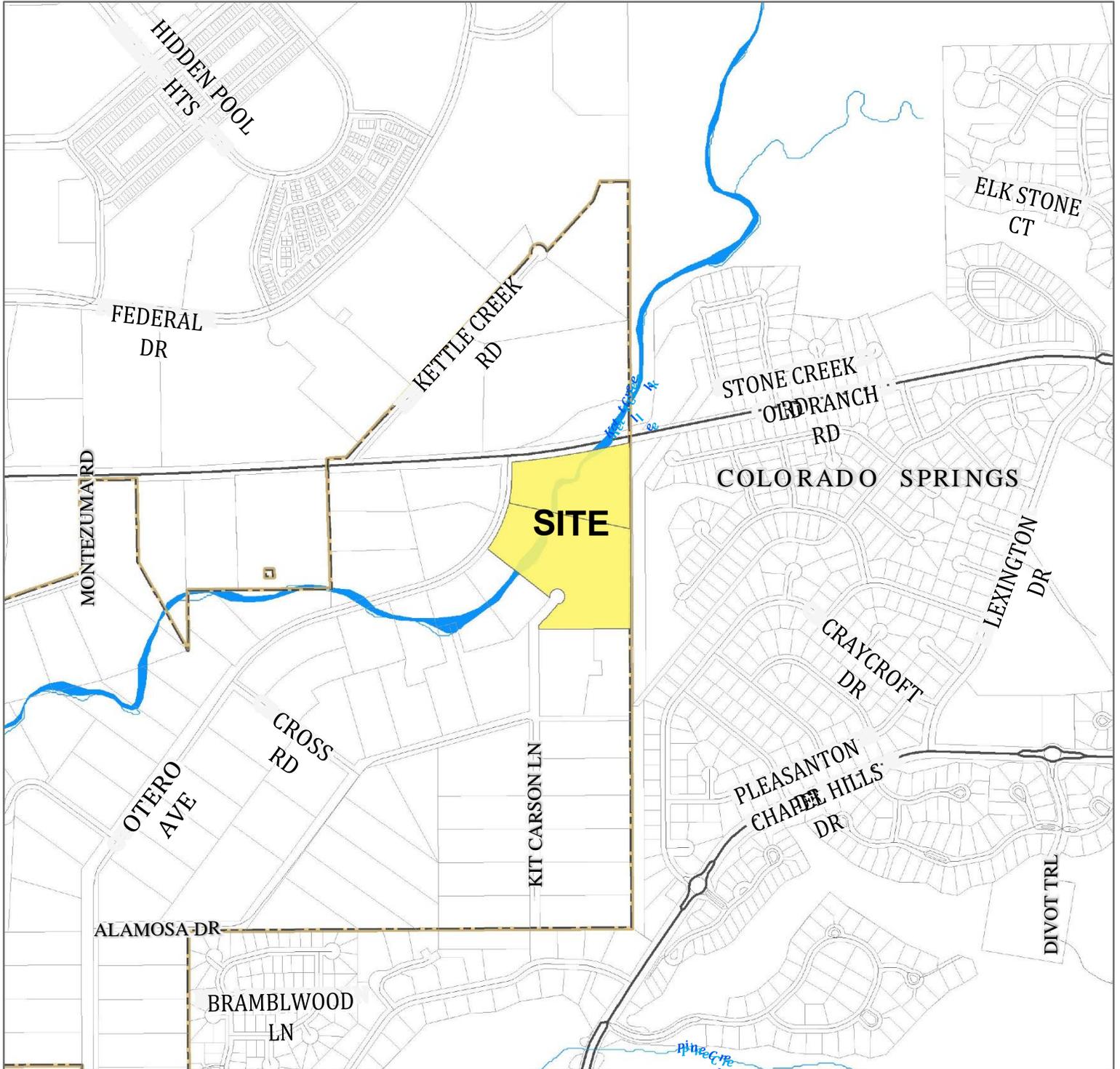
File Name: P-22-004

Zone Map No.: --

ADDRESS	CITY	STATE
5655 BRIDLESPUR RIDGE PL	COLORADO SPRINGS	CO
2295 OLD RANCH RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80918	
80908	4509

Date: July 6, 2022



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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OLIVER E. WATTS PE-LS

OLIVER E. WATTS, CONSULTING ENGINEER, INC.
CIVIL ENGINEERING AND SURVEYING
614 ELKTON DRIVE
COLORADO SPRINGS, COLORADO 80907
(719) 593-0173
FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com

Celebrating over 43 years in business

April 28, 2022

El Paso County Development Services
2880 International Circle
suite 110
Colorado Springs, CO 80910

PCD File No.: P-22-004

SUBJECT: Rezoning Justification, 2295 Old Ranch Road, and 10245 Otero Avenue Colorado Springs, CO 80920

2295 Old Ranch Road and 10245 Otero Avenue are located on southeast corner of Old Ranch Road and Otero Avenue. The 9.8 acre site is current zoned RR-5 and is composed of portions of Lot 7 and Lot 8, Block E, Spring Crest Amended Filing, together with the adjacent 20 feet of vacated Otero Avenue.

Lot 7 information:

Owners

Powroy Family Living Trust; Powers Mark Shern Co-Trustee Conroy Lisa Krier Cotrustee
2295 Old Ranch Rd

Colorado Springs, CO 80908

Assessor's Parcel No.: 6228005030

Existing zone: RR-5

There is current a single family home on the southeast portion of the site with a drive that runs north, across Lot 7 to Old Ranch Road

Lot 8 information

Owner

Jay Stoner

5655 Bridlespur Ridge Place

Colorado Springs, CO 80918

Assessor's Parcel No.: 6228005033

Existing zone: RR-5

This site is adjacent to Old Ranch Road. It is vacant pasture except for the Lot 8 driveway.

History

This site was subdivided in December of 1959. The area at this time was rural. Lot sizes in the area were 5-acres. Since that time, most of the area has been resubdivided into smaller (2.5 acre) lots.

Areas surrounding the site are; to the east and northeast is the City Limits of Colorado Springs. Lots in this area are zoned R16 (single family residential lots of 6000 square feet). There is a small open space / park buffer between the house on Lot 7 and these lots. There is no buffer as you proceed north onto Lot 8. To the south and southwest of the site are lots, County zoned RR-2.5. To the west of the site, across Otero are County zoned RR-2.5 lots. This is also true of the lots directly north of the site, across Old Ranch Road; County zoned RR-2.5. These two lots are surrounded by lots zoned for 2.5 acres (County) or less (City).

Request and Justification

Our intent is to rezone the site so that in the future, the two existing lots will be replatted into three, residential, single-family lots; one on the east side of the creek that access Old Ranch Road; and two on the west side of the creek that will access Otero. The proposed zone change is compatible with the surrounding properties. The lots will be consistent with the RR-2.5 zoning with respect to lot layout, land use, lot size, minimum building setbacks, water supply and wastewater disposal.

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

This rezone request is in compliance with the El Paso County Master Plan as adopted May 26, 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

The PLACETYPE of the area is Suburban Residential. It is characterized by predominately residential areas with mostly single-family. This site fits that description. We are seeking to rezone the Site to RR-2.5. This will allow the site to be replatted into three residential lots. One lot, with the existing residence will lie east of the creek and will continue to use its access onto Old Ranch Road. Two new residential lots (2.5 acres each) will be created on the west side of the creek and will access Otero. Said subdivision will occur after the zone change has been approved. This will have minimal if any change to other developed areas and/or enclaves.

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 site is in compliance with the applicable statutory provisions, required by the State. It is currently a residential zoned area and will remain so after the rezone

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

The site is compatible as stated in Item 1 above. We are actually rezoning it to match the existing, surrounding County zone of RR-2.5

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 currently zoned residential and will remain so with the rezone. All lots will meet or exceed the minimum 2.5 acre lot size, minimum lot width of 200' and minimum setbacks; 25' front and rear; 15' side

Water and Sewer

A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code. Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan. According to the State Division of Water Resources, this site sits in Water Division 2, Water District 10. Water for the existing house on Lot 7 is provided via the existing well. Lot 8 also has an existing well, Permit 172655. Water usage will not exceed the statutory allocated amounts for either well.

An individual on-site sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28- 133(6)(b)] and the requirements of Chapter 8 of this Code. Waste water is intended to be treated via individual on-site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree. Lot 7 will continue to use its existing septic system. When Lot 8 develops it will have an (individual) on-site, septic system with leach field. This is in line with the water master plan for the area. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible. Both the existing residence and the two, new single-family residences on the proposed 2.5 acre lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

Traffic Generation

Trips per day will not increase for the existing residence due to the zone change. It will continue to access Old Ranch Road on the existing driveway. The site along Otero will access Otero only. There is a possibility of one more single family lot being created by the zone change, for a total of three single family lots. The development is expected to generate a total of 28 trips per day (Average weekday trips ends) and 3 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19- 471. Traffic Impact Fees will be paid at time of building permit.

Parks Master Plan

The proposed rezone area is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site. The site is located just west of the Tracts B and D, Creekside Estates Subdivision No. 2 open space. Any required Park Fees will be paid at the time of replatting.

FEMA Floodplain

Kettle Creek runs through the zone change area from north to south. According to FEMA Floodplain Panel 08041C0506 G, dated 12-7-18, portions of Kettle Creek, on the site are in are AE of the 100-year floodplain. Flood elevations are shown on the FIRM Panel. The floodplain will have no affect on the zone change, but will be taken into account at the time of replatting the site; building areas on Otero will not be in said floodplain.

We ask that El Paso County grant the zone change request to RR-2.5. This will allow three single family lots to be replatted and the size will fit the surround properties.

Please contact our office with any questions, thank you

Oliver E. Watts, Consulting Engineer, Inc.

By: _____
Erik Watts, Authorized Representative

ZONE: RR-2.5

700 0 700 200 300

OWNER ALSO PENDELTON
USE RESIDENTIAL

2290
SS

OLD RANCH ROAD R-
A=08' 34' 0

Owners
kbs 7
Powers Family Living Trust; Powers Mon Shern Co-Trust PP Conroy Liso Krier Cotrustee
2295 Old Ranch Rd
Colorado Springs, CO 80908

20' PUBLIC

DRAINAGE EASEMENT
" USER VACANT

OWNER: HUNSDEN DEVELOPMENT CORP
LOT 4

ZONE: RR-2.5

Legal Descriptions!
PARCEL A
COT 7 BLOCK E, SPRING CREST ANENDE D FILING, TOGETHER WITH THE ADJACENT 20 FEET OF
VACATED OTERO AVENUE, COUNTY OF EL PASO, STATE OF COLORADO
PARCEL B
4"NON-EXCLUSIVE EASEMENT RIGHT OF INGRESS AND EGRESS /AS GRANTED IN QUIT CLAIM DEED
RECORDED SEPTEMBER 8, 2003 UNDER RECEPTION NO. 203209403, COUNTY OF EL PASO, STATE OF
COLORADO

LOT 8, EXCEPT THAT PORTION LYING NORTHERLY OF A TRACT OF LAND CONVEYED BY DEED
RECORDED APRIL 25, 1969 IN BOOK 2288 AT PAGE 416, IN BLOCK E, IN AMENDED FILING OF SPRING
CREST, TOGETHER WITH THE EAST 20 FEET OF VACATED OTERO AVENUE ADJACENT, VOCATED BY
RESOLUTION RECORDED FEBRUARY 15, 1972 IN BOOK 2467 AT PAGE 843, COUNTY OF EL PASO,
STATE OF COLORADO.
Total acreage 10.86a Ac.

Units of measure: US Survey Feet

Address:

COT 7 Old Ranch Road
Lot 8 10243 Otero Avenue

Current Zone: RR-5
Prbpbbed Zbne. -25

Assessors Parcel No's

Lot 8. 6228005033

OWNER RICHARD GALLEGOS

LOT 5

LDT 7

RESIDENTIAL

LOT 2

LOT 1

2295

10105

+

g 89°06'32" E 547.50'

ZONE: RR-2.5

OWNER OLIVER NIESS
USER RESIDENTIAL

VICINITY MAP
1"=1000'

10065

2170

BOLLAR
RESIDENT

DRAWN BY: O.E. WATTS

APPROVED BY:

REVISIONS: 8-25-21 REVISED PER CLIENT

OE/V

BLIVER E. WATTS

PROJECT

2295 OLD RANCH ROAD

SHT. NAME

SHT. NO.

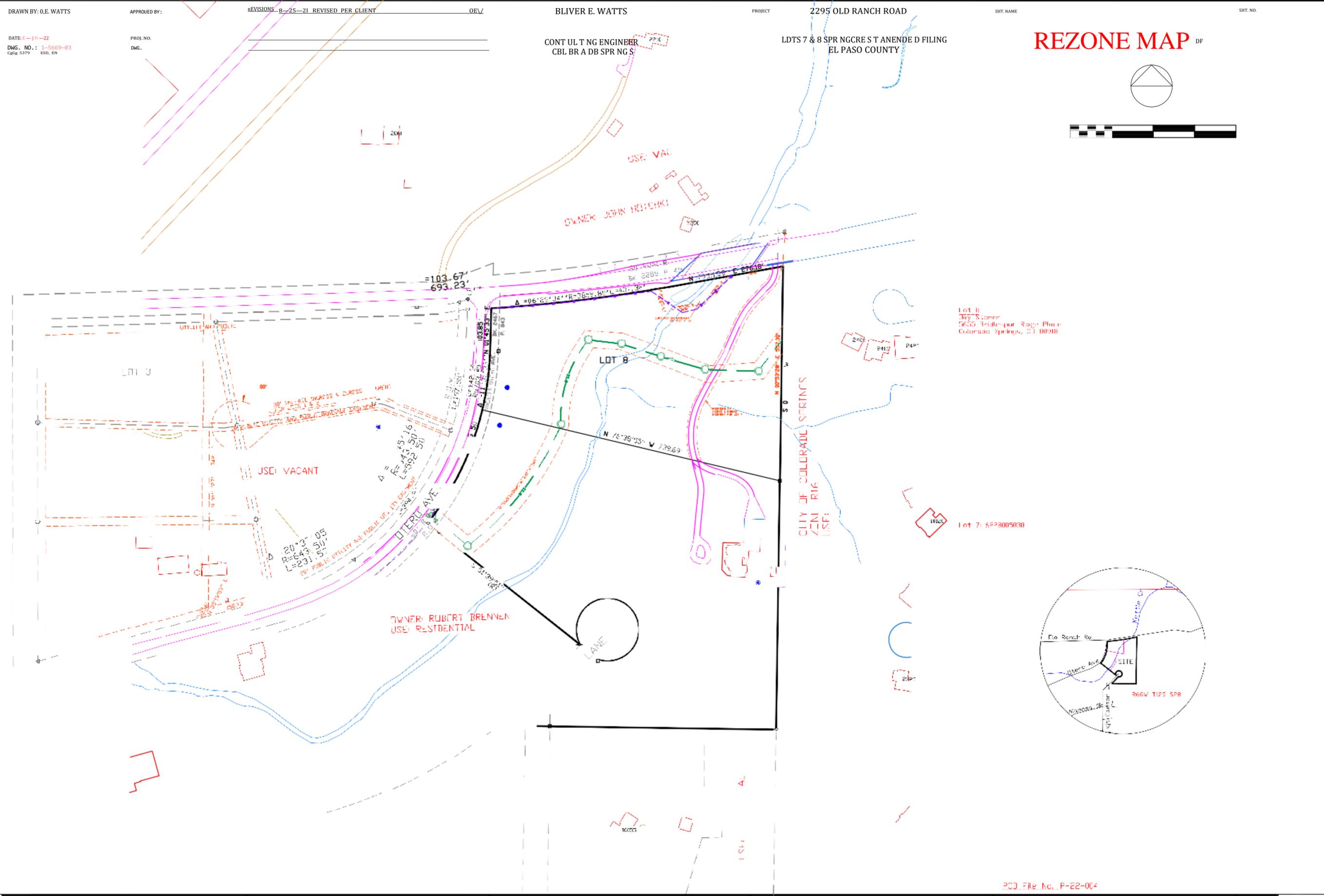
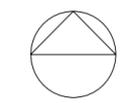
DATE: 6-11-22
DWG. NO.: 1-5669-03
CADD: 5379 ESD, EN

PROJ. NO.
DWG.

CONSULTING ENGINEER
CBL BR A DB SPRNGS

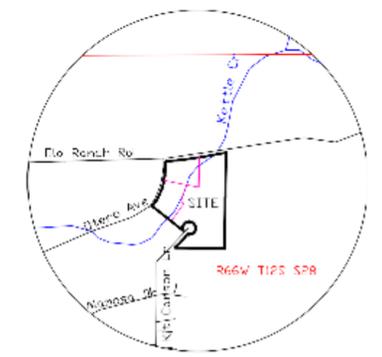
LDTS 7 & 8 SPRNGCRE S T ANENDE D FILING
EL PASO COUNTY

REZONE MAP



Lot 8
365 S Canon
5655 Estespar, Rego Plaza
Colorado Springs, CO 80918

Lot 7: 652805030



PCD File No. P-22-004

REVISIONS	DATE	BY	CHKD	APP'D

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Becky Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-22-004
KETTLE CREEK ESTATES**

WHEREAS, Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos.62280-05-030; 62280-05-033) (Commissioner District No. 1)

WHEREAS, a public hearing was held by this Commission on July 21, 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 was 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 were heard at that hearing.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. 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
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural).

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED, that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Joan Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Fuller	aye
Commissioner Moraes	aye
Commissioner Schuettpelz	aye

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

Dated: July 21, 2022

Brian Risley, Chair

RESOLUTION NO. 22-

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

**APPROVAL OF Kettle Creek Estates
(REZONING) (P-22-004)**

WHEREAS; A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos.62280-05-030; 62280-05-033) (Commissioner District No. 1)

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 21, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on August 2, 2022; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos.62280-05-030; 62280-05-033) (Commissioner District No. 1)

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

DONE THIS 21st day of July, 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
Chair

EXHIBIT A

PARCEL A:

LOT 7, BLOCK E, SPRING CREST AMENDED FILING, TOGETHER WITH THE ADJACENT 20 FEET OF VACATED OTERO AVENUE, COUNTY OF EL PASO, STATE OF COLORADO

PARCEL B:

A NON-EXCLUSIVE EASEMENT RIGHT OF INGRESS AND EGRESS AS GRANTED IN QUIT CLAIM DEED RECORDED SEPTEMBER 8, 2003 UNDER RECEPTION NO. 203209403, COUNTY OF EL PASO, STATE OF COLORADO

EXHIBIT B

LOT 8, EXCEPT THAT PORTION LYING NORTHERLY OF A TRACT OF LAND
CONVEYED BY DEED
RECORDED APRIL 25, 1969 IN BOOK 2288 AT PAGE 416, IN BLOCK E, IN
AMENDED FILING OF SPRING CREST, TOGETHER WITH THE EAST 20
FEET OF VACATED OTERO AVENUE ADJACENT, VACATED BY
RESOLUTION RECORDED FEBRUARY 15, 1972 IN BOOK 2467 AT PAGE
843, COUNTY OF EL PASO, STATE OF COLORADO.
Total acreage: 10.86 acres

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development

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

Board of County Commissioners

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

Planning Commission Meeting

Thursday, July 21, 2022

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING

9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITAIN- JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, ERIC MORAES, BRYCE SCHUETTPELZ

PRESENT AND NOT VOTING:

ABSENT: BRANDY MERRIAM, JOSHUA PATTERSON, CHRISTOPHER WHITNEY

STAFF PRESENT: KEVIN MASTIN, KARI PARSONS, RYAN HOWSER, KYLIE BAGLEY, CHARLENE DURHAM, CARLOS HERNANDEZ, DANIEL TORRES, PETRA RANGEL, MARCELLA MAES, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS SPEAKING AT THE HEARING:

1. Report Items

a. Planning and Community Development Department – Ms. Parsons- Went over report items

Mr. Risley - Has the Executive Director position been posted?

Ms. Parsons – No I do not believe so.

b. Public Comment – None

- c. The next scheduled Planning Commission meeting is for **Thursday, August 18, 2022, at 9:00 a.m.** The Planning Commission meeting on **Thursday, August 4, 2022 has been cancelled.**

2. CONSENT ITEMS

- A. **Approval of the Minutes – June 16, 2022**
No comments on the minutes

- B. **Approval of the Minutes – July 7, 2022**
No comments on the minutes

- C. **Bylaws.**
Move the bylaws to be approved by the BoCC
Motion and a seconded

- D. **U-22-003**

BAGLEY

APPROVAL OF LOCATION
2460 Waynoka Place Charter School Location

A request by Bucher Design Studio for an approval of location to allow for a relocation of an existing Charter School within the Falcon School District No. 49. The 8.01-acre property is located on the east side of North Powers Boulevard, the west side of Waynoka Place and the north side of Waynoka Road, and is within Section 31, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 75361-00-010) (Commissioner District 2)

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, U-22-003 FOR AN APPROVAL OF LOCATION FOR A CHARTER SCHOOL LOCATION, UTILIZING RESOLUTION PAGE NO. 11, WITH FOUR (4) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Mr. Trowbridge – Wanted to discuss traffic. Can we hear from staff about the traffic study.

Mr. Risley – Will staff please give a brief overview about the traffic?

Mr. Torres – There has been a meeting with CDOT and staff about traffic in the area. It will be further reviewed.

Mr. Trowbridge – What are the additional steps of the review.

Mr. Torres – A SDP will be required after this project.

Mr. Bailey – The estimate was to be less than what this was?

Mr. Torres – There are some increases and some decreases.

Mr. Bailey – Parking was higher and traffic was lower.

E. P-22-001

HOWSER

**MAP AMENDMENT (REZONE)
CRAWFORD AVE MULTIFAMILY**

A request by Aime Ventures, LLC for approval of a map amendment (rezoning) from CC (Commercial Community) to RM-30 (Residential, Multi-Dwelling). The 1.16-acre property is located on the north side of Crawford Avenue, approximately 350 feet west of Grinnell Boulevard and within Section 13, Township 15 South, Range 66 West of the 6th P.M. (Parcel No. 65131-25-009) (Commissioner District No. 4)

PC ACTION: LUCIA-TREESE MOVED/CARLSON SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, P-22-001 FOR AN APPROVAL OF A REZONE FOR CRAWFORD AVE MULTIFAMILY, UTILIZING RESOLUTION PAGE NO. 27, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Item moved to regular item

Mr. Howser - The sketch plan amendment met the criteria from our code. It was approved administratively back in May.

Mr. Howser – We received one opposition letter. The gentleman is here and we uploaded this item to passageways and provided a hard copy.

Mr. Lincoln Endicott – I lived there for 3 years. We were never notified about this. It was not posted. (REFER TO EMAIL)

As the southern adjacent landowner of 28 years in FV Ranch Security-Widefield I was notified by USPS certified mail that Chrystal Aime (Solange Nursing home) as the new lot owner is requesting the vacant lot at 0 Crawford Avenue 80911 (Tract A) be rezoned from CC Commercial to Multifamily RM-30 for the purpose of construction of a 22 unit garden apartment complex. This vacant lot was originally POC, Planned Office Park. But the exorbitant asking price was a hindrance to purchase by anyone.

Only the 12-15 or so adjacent landholders were notified of this rezoning by mail. It should have been widely published here in the FV Ranch area.

The FV Ranch Homeowners Association is now defunct. I believe this 1-2 year construction project will affect the whole residential neighborhood. I note that CSU had NO comment on the adjacent natural gas regulator station and pipeline. Additionally Security Water and Sewer also has not filed a response.

Mr Aime's Solange nursing home has the Security fire department (SFD) and emergency services running service calls most everyday. Lights and sirens, though sirens have been less lately on Crawford to Kittery Drive. Our dogs went deaf from the daily sirens, they have since passed. I also note they have not responded.

Mr Aime is holding several land parcels around the county I assume purchased from wealth he has earned from his Home health care and transportation businesses located at 1900 East Pikes Peak Ave. He has apparently done very well in the time he has been operating in Colorado Springs. I have never spoken with him and only have seen him in passing at the US Post Office on Kittery Drive. He seems to cater to residential group homes of VA veterans not requiring any medication.

This vacant lot(Tract A) has been over priced and for sale for many years and we always worried about a gas station or convenience store. Though in 1994 Widefield Homes had told us a community park was a possibility. Though this now proved to be incorrect. When Widefield Homes constructed Fountain Valley Ranch and the USPS relocated from Main Street Security to Kittery Drive this Parcel has never been developed. Rezoned in 1998 and then the District 3 FCU was built on tract B. It was rezoned again in 2011 to CC.

The forecasted increased traffic into the complex has been discussed, diagramed and supposedly mitigation proposals presented on the EP county development but the Crawford & Kittery intersection has had accidents even with light traffic over the years, due to the descending hill and speeding cars on Crawford to Grinnell eastbound.

As homeowners we are always concerned about our property values declining, increased crime potential (public service calls) and quality of life.

Mr. Risley – Are there any other members of the public like to speak.

Ms. Fuller – May we get the review criteria pulled back up please?

Mr. Houk – We have not heard these issues before this moment. We are meeting all of the criteria. There are no formal plans for the site development plan yet.

Mr. Carlson – Do we know the use of the property? Will it be a care facility?

Mr. Jim Houk – The owners are in that business, but they have not stated the use of the project.

Ms. Fuller – Assisted living will be an allowed use?

Mr. Risley – The posting was there?

Mr. Houk – Yes. It was in the photo. They are trying to clean it up a bit.

Mr. Howser – Up to 8 would be allowed and over 9 would be special use.

Mr. Carlson – Can we get clarification about the posting?

Mr. Risley – Mr. Howser. Can you tell us if they met the deadline?

Mr. Howser – Yes.

Mr. Bailey – We have difficulties with the postings. Not everybody in the area will get these. The signs blown over or stolen. It is an all to common theme. It has become more common lately. If the public thinks that the notification policies are a problem talking to the BoCC is more appropriate. This is what we get. The newspaper posting is not much better. In any event, staff is well aware of this along with the Commissioners. I am sure that staff and the applicants are adhering to the rules.

Mr. Trowbridge – A reminder to the public that it will go to the BoCC.

Mr. Bailey – Given the approval criteria right now I do not see anything that can stop us from approving this item right now.

Mr. Risley – Thank you Mr. Endicott.

Ms. Seago – We have two different definitions for the facility. A group home does include group homes. They are allowed in residential areas. The purpose is to let people who are not related to live together. It is allowed in a residential zone district. WE have a convalescent housing. It is not allowed. It will require a special use or a variance of use.

Mr. Risley – There does not appear to be intent to create an assisted living facility. Please be completely clear for the use.

F. P-22-004

HOWSER

**MAP AMENDMENT (REZONE)
KETTLE CREEK ESTATES**

A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos.62280-05-030; 62280-05-033) (Commissioner District No. 1)

PC ACTION: FULLER MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2F, P-22-004 FOR AN APPROVAL OF A REZONE FOR KETTLE CREEK ESTATES, UTILIZING RESOLUTION PAGE NO. 27, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called up consent items

4. Regular Items

A. AL-20-014

HOWSER

**SPECIAL USE
Ellicott Sand and Gravel**

A request by Schubert Ranches, LLC for approval of a special use for a mineral and natural resource extraction operation. The 2,163-acre property is zoned A-35 (Agricultural) and is located on the east side of Baggett Road, approximately one (1) mile south of US Highway 94. The area subject to the special use application is approximately 733.7 acres in size and within Sections 20, 29, and 32, Township 14 South, Range 62 West of the 6th P.M. (Parcel Nos. 24000-00-275; 24000-00-276) Commissioner District No. 4)

PC ACTION: LUCIA-TREESE MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 4A, AL-20-014 FOR AN APPROVAL SPECIAL USE FOR ELLICOTT SAND AND GRAVEL, UTILIZING RESOLUTION PAGE NO. 39, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Mr. Risley - The letter of intent was not included in our packet. Would the Commissioners like to take a few minutes or would you like to proceed?

Mr. Moraes – I feel the staff report is sufficient to proceed.

Mr. Bailey – I think we should have the staff report is good enough to proceed.

Mr. Risley – I agree.

Mr. Risley – (to applicant) Please identify yourself for the record.

Mr. Humphries – My name is Bruce Humphries.

(Presentation continued)

Mr. Moraes – You are starting one stage and then you'll go to another stage.

Mr. Humphries – Correct

Mr. Moraes – What will it look like?

Mr. Humphries – A dry hole.

Mr. Carlson – 50 to 70 feet hole?

Mr. Humphries – It can be 20 feet but the deepest hole would be 70 feet.

Mr. Steve O'Brien – I designed the plan. It will end up a hole in the ground, but it will be a dry hole. It will have a fairly low bottom. The stability will be in place. The plan calls for three to one slopes. 20 to 60 feet deep.

Mr. Carlson – The animals would be able to get out.

Mr. O'Brien – It is a dry pit. We are staying at 3 to 1 slope. The 2 to 1 slope allows people or animals get out. It is a dry pit. The area where Sandborn is is stage 1. The life of that will be 6 to 10 years. They will build side slopes into it. We start there. Phase two is the Sandborn area east. Back into the big stage.

Mr. Carlson – It will be 40 to 50 feet above.

Mr. O'Brien – Correct. (Showed slopes on image from slide)

Mr. Carlson – You're going to mine a lot more than a years' worth of land. Is there a lot of mining that takes place right off of the bat?

Mr. O'Brien – Depends on the market. When it starts to be used up. It is two months operation demands. It will not be a plant that runs all of the time. It will only operate full time.

Mr. Carlson – Tell me about the asphalt and concrete operation.

Mr. O'Brien – Part of the requirements are finding materials. We are using recycled concrete. Part of our state permit requires us to have that material. We need it in place for the creek. Primarily the concrete will be used for the creeks.

Mr. Carlson – Are the hours 5pm to 8pm?

Mr. O'Brien – We start at 5:45. The sales start at 7 and later in the afternoon. Possibly 7-7.

Mr. Carlson – 15 trucks a day and will later be 100 trucks.

Mr. O'Brien – It is a market driven production. It could go up to 100 trucks a day. As part of the traffic, we are trying to get this open. We will talking to DPW about impact to the roads.

Mr. Carlson – Your transportation plan takes a look at Ellicott Hwy. Why isn't it going through your ranch.

Mr. O'Brien – It did go through the ranch. We changed the haul route to Sandborn. The impact of the traffic counts were higher on Baggett. It appears during discussion we went over the traffic counts.

Mr. Carlson – I am for this item, but it should be done right.

Ms. Nijkamp – Asphalt cannot be used by a Creek. Asphalt is not allowed other than on a road.

Mr. Risley – Is water quality an issue?

Ms. Nijkamp – Concrete is clean and asphalt is not.

Mr. O'Brien – She is right. It should have only been concrete. The armoring that is coming in is recycled concrete and not asphalt. Concrete only.

(Staff continued presentation)

Mr. Carlson – I do not see any estimates on construction on Ellicott Hwy.

Mr. Palmer – Ellicott Hwy is made for traffic where Sanborn is not.

Mr. Carlson – I disagree, I have seen some highways that have been damaged.

Mr. Palmer – Those numbers are not anywhere near. The percentage of traffic is what we are taking into account here.

Mr. Trowbridge – I am a little skeptical too.

Mr. Palmer - If you added 15 trucks to Highway 25, it is not quite that significant. I am not sure about Ellicott Highway.

Mr. Trowbridge – I agree for 15 trucks. Not 100.

Mr. Palmer – It is pavement rather than gravel roads.

Mr. Trowbridge – What did the State say about the changes?

Ms. Nijkamp – Ellicott highway – It is trying to catch the major impacts. We are in negotiations. We agree with you Mr. Carlson and Mr. Trowbridge. It is a balance. If we find at the entrances have degradation. We can look at that in the future. We can look at the issues in the future. It is too much of a stretch for us now. We will look at that once they have more than the 15 trucks.

Mr. Trowbridge – Do you look at the type of trucks?

Mr. Palmer – We monitor our paved roads. We do a physical inspection every 3 years. We will see if there are any outstanding impacts. We do not have something for gravel roads.

Mr. Trowbridge – Do you feel confident that it will be monitored?

Mr. Palmer – Absolutely. It is a minimal cost for the county to do.

Mr. Carlson – You can't look at the first three years. You should look at the first 10 years. It is going to be a larger impact with 100 trucks.

Mr. Palmer – There is an impact. Because of the cross section of the road, it will be monitored.

Mr. Carlson – There is a disconnect about the impact to Ellicott Highway.

Ms. Nijkamp – We do look. The first three years we are okay. We will look at it after that time.

Mr. Palmer – We have the ability to inspect yearly.

Mr. Risley – It does indicate in the conditions that there would be an adjusted fee based on traffic counts. The requirements in page three captures the concerns.

Mr. Palmer – We do not want to leave undo burden on the applicant.

Mr. Schuettpelz – The applicant thinks that the fee is high and the county is footing that bill.

Mr. Palmer – The applicant believes that the county will upgrade Sanborn. We would not be paving it. Sanborn is in condition to handle conditions as it is.

Mr. Schuettpelz – The applicant will be paying?

Mr. Palmer – Correct.

Mr. Carlson – Did we have any correspondence?

Mr. Howser – Not written

Mr. George Schubert – We have five generations on our ranch. WE raise cattle and turf. Our water is depleting. I would have said no. It is in an area that is not desirable for houses. We own the land on both sides of Baggett and Sanborn. We own both sides of Baggett. It is an alternative for us to move forward. We do anything we can to stay alive. We had a large flood in 1965. It was 3 and a half miles wide. I have seen what water can do. They need to rebuild the roads. We built the roads back with our material. It must be okay. I use it on my own place. I will fix the roads for the county. We will fix it and move on. I think this is a good idea. I don't agree with some of the permits. Mine the creek for flood control. It makes more sense to me. We have about 22 irrigation wells. It is like a lake with a dirt lid. We are at 70 feet down. We are still able to raise sod. We want to remain a part. It is close to El Paso County. I would rather use the material within the counter than import it.

Mr. Steve Gallegos – Adjacent property owner. I am opposed to this project. I want to live in a peaceful and quiet area. This project is going to be an eye sore in my backyard. I have a beautiful view now. Noise is a big concern. Especially if they are operating from 7-7. It won't be easy to take. I talked to Mr. Humphries. It appears that the traffic issues are being resolved. When is the commencement date? I haven't heard that. It is going to effect my kids, grandkids and so on. I have a hard time believing

there won't be an issue with wildlife. Traffic is going to be a bear. That is all I got.

Ms. Lucia-Treese – We hear this many times in a PC. You have no right to your view. It cannot be considered against an applicant.

Ms. Nijkamp – The hall route agreement will tell how much the applicant will have to pay for the roads. They will pay for the mitigation.

Mr. Humphries – I understand about visual issues. It will be lower in elevation. It will not effect the views. It won't be one large mining operation. It will be in stages over time. I hope that will help the concerns.

Ms. Fuller – Please address the noise. I understand that it will be below grade.

Mr. Humphries – It will be minimal since it will be below grade. As we mine, it will be mitigated of the sound.

Mr. O'Brien – When you are operating below ground the sound is not that loud. The backup alarms are necessary. The reasoning behind building the berms is to deflect sounds. You will still here back up alarms. It is part of what it is. The sound studies the decibels meet state criteria.

Mr. Bailey – Can you tell me how close this is from the mining to the adjacent property owners.

Mr. O'Brien – We have to notify everyone from 200'. We notified 6 neighbors that are within 200' of the property. Schubert Ranch surrounds the project. There were two houses on the north. I don't believe there were any structured homes within 200' of the properties. One on the south property line. There are three owners on the southeast side. There is one on the north end. We have stayed 200+ feet away.

Mr. Bailey – Is the distance from the pits.

Mr. O'Brien – Of the owners that we had along the south line. There was a shed and well. Ms. Duncan had a fence. The Yomeils had a fence. Those are the only three private owners that had structures.

Mr. Carlson – Around that residential property from the west. You are over 275' from those?

Mr. O'Brien – Yes.

Ms. Fuller – Where is the truck traffic on the image?

Mr. O'Brien – The entrance is off of Schubert Rd. The haul road goes out to Ellicott.

Ms. Fuller – How many houses does that pass by?

Mr. O'Brien – 6-8. The haul route can be resolved. We were concerned about the mount. If we have to do the roads before, it may be a two-to-three-month period. The idea is to time when the county can do the work. They understand that. I think we can come to an agreement how these funds can be paid. We will get the assurances. We have our air and mining permits through the state. We have our stormwater discharge permit. The county is our last approval. The haul agreement will get done during the next process.

Ms. Lucia-Treese – Ready to make a motion.

Mr. Risley – I initially had concerns about the county infrastructure. I am not a fifth generation Coloradan. I am a fourth generation. I think the Mr. Schubert is trying to make a living. I think that the applicant has done a good job at mitigating the concerns.

Ms. Lucia-Treese – There are those of you who will thank you for not building houses. I like that you are keeping this land at 5 generations. I think you should be commended for not selling out.

Ms. Fuller – I agree this is something that we need. Mr. Gallegos can go to the BoCC to address his concerns. It doesn't override my decision to be in favor of this. It is a burden to come here. This makes sense.

5. Non-Action Items
 - a. Planned Unit Development Discussion

This item was a work session, and a training video will be placed in Passageways for the Planning Commission Members.

NOTE: For information regarding the agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The name to the right of the title indicates the Planner processing the request.