



November 28, 2023

APPLICANT-OWNER/CONSULTANT INFORMATION:

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PCD File No.: P236

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) and lot dimensional variance for parcels Parcel Nos. 4218000002 (± 1.05 Acres), 4218000004 (± 6.91 Acres), and 4218000023 (± 13.07 Acres), located as shown in Figure 1 below. The proposed rezoning site is located to the southeast of Meridian Road and Latigo Boulevard. The overall acreage of the property in the proposed rezone is ± 21.03 , currently zoned A-35. Surrounding parcels to the south and east are zoned A-35, parcels to the north are zoned A-5 and parcels to the west are zoned RR-5.

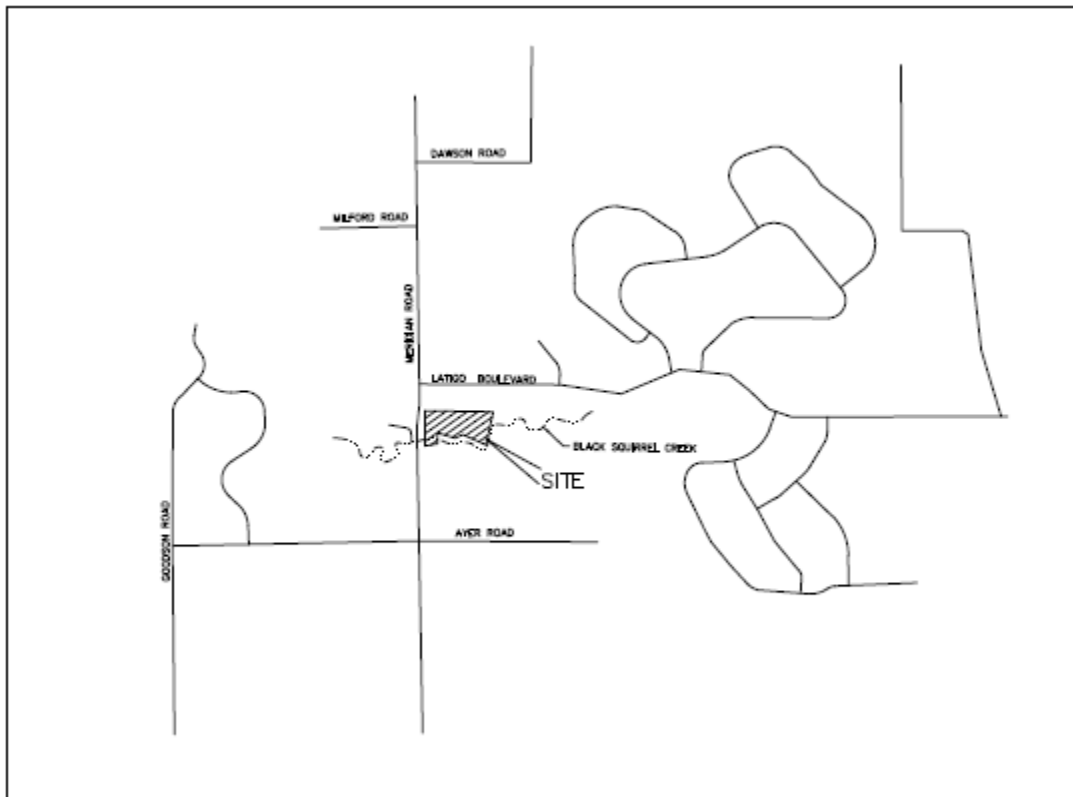


Figure 1. Vicinity Map

REQUEST

David Knecht (Applicant) requests the rezoning of Parcel No. 4218000002, 4218000004 and 4218000023 (± 21.01 acres) from the A-35 zoning district to the RR-5 district. Additionally, parcel 4218000002 is a 1.05-acre unplatted site and requests a lot dimensional variance to maintain the existing home on the property. File number for the current Dimensional Variance is BOA 23-005. The approved final plat will clarify zone district boundaries with respect to ROW, adjacent parcels, landscape buffers, and setbacks as necessary.

JUSTIFICATION

The overall site of Parcel Nos. 4218000002, 4218000004 and 4218000023, is currently zoned A-35, and the acreage of the given parcels are not in compliance with said zone. Each parcel is intended for single-family residential use, which conforms to the El Paso County Master Plan and existing and permitted land uses. The rezone in conjunction with the dimensional variance of said parcels will bring the site into compliance of the standard RR-5 zoning and to match adjacent zoning.

ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-5 zone, including requirements of the Code summarized below. Please note that the site does not fall within any overlay zoning district.

- Maximum density: N/A
- Structural Setbacks (from property boundary or right-of-way):
 - Front: 25 feet
 - Side: 25 feet
 - Rear: 25 feet
- Max Lot Coverage: 25%
- Max Height: 30 feet
- Internal Landscaping Requirements:
 - N/A

CRITERIA FOR APPROVAL

In approving a rezone 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.

MASTER PLAN CONFORMANCE

The applicant requests approval of the rezoning based on findings of consistency and general conformance with the map amendment (rezoning) review Criteria of Approval outlined above. Master Plan conformity will be discussed in terms of general compliance with the Master Plan.

The rezone request is in general conformance with the following Core Principals and Goals of the El Paso County Master Plan:

Core Principle 1 – Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

Core Principle 2 – Preserve and develop neighborhoods with a mix of housing types.

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

Goal 1.3 - Encourage a range of development types to support a variety of land uses.

Goal 2.2 – Preserve the character of rural and environmentally sensitive areas.

The request to rezone the ±21.03-acre site from A-35 to RR-5 conforms with the surrounding developments in the area as well as the land use and placetype categories established by the Your El Paso Master Plan (Master Plan), adopted May 26th, 2021. The existing zoning district is categorized as Agricultural with a large lot residential supporting placetype, and the land use category of the area allows for 35-acre lots. Many of the existing parcel sizes adjacent to the site are at least 5-acres, consistent with the land use and place type of the area. Nearby developments with existing parcel sizes between 7 and 11-acres are located to the north of the site, while nearby developments with existing parcel sizes of approximately 40 and 244-acres are located to the south and southeast of the site, respectively. Existing parcels in all directions are in conformance with ideal zoning and land use categories that justify the request, as described in further detail in the contents of this letter.

The proposed rezone provides opportunity to preserve the rural character of the existing community while allowing for 5-acre residential lots to be platted in the future. More specifically, the proposed rezone will include three 5-acre lots, one 4.75-acre lot along the section line pursuant with Table 5-4 of section 5.4.2 of the El Paso County Land Development Code (LDC), and one 1.1-acre lot. The three 5-acre lots conform with all RR-5 zoning requirements. The one 4.75-acre lot abuts a County road, allowing an area less than 5 acres (4.75 acres) within the RR-5 zoning. Finally, the 1.1-acre lot will require a dimensional

variance request to the Board of Adjustments to allow for the existing lot size and maintain the existing structure on the property.

The character of the overall surrounding area is generally a mix of rural and suburban that is moderately distant from high activity and higher density areas. The purpose of rural zoned areas is to accommodate low-density, rural, single-family residential development, which is consistent with the existing community and the rezone request. Please see below Figure 2 for a chart of the El Paso County land use categories.

Land Use

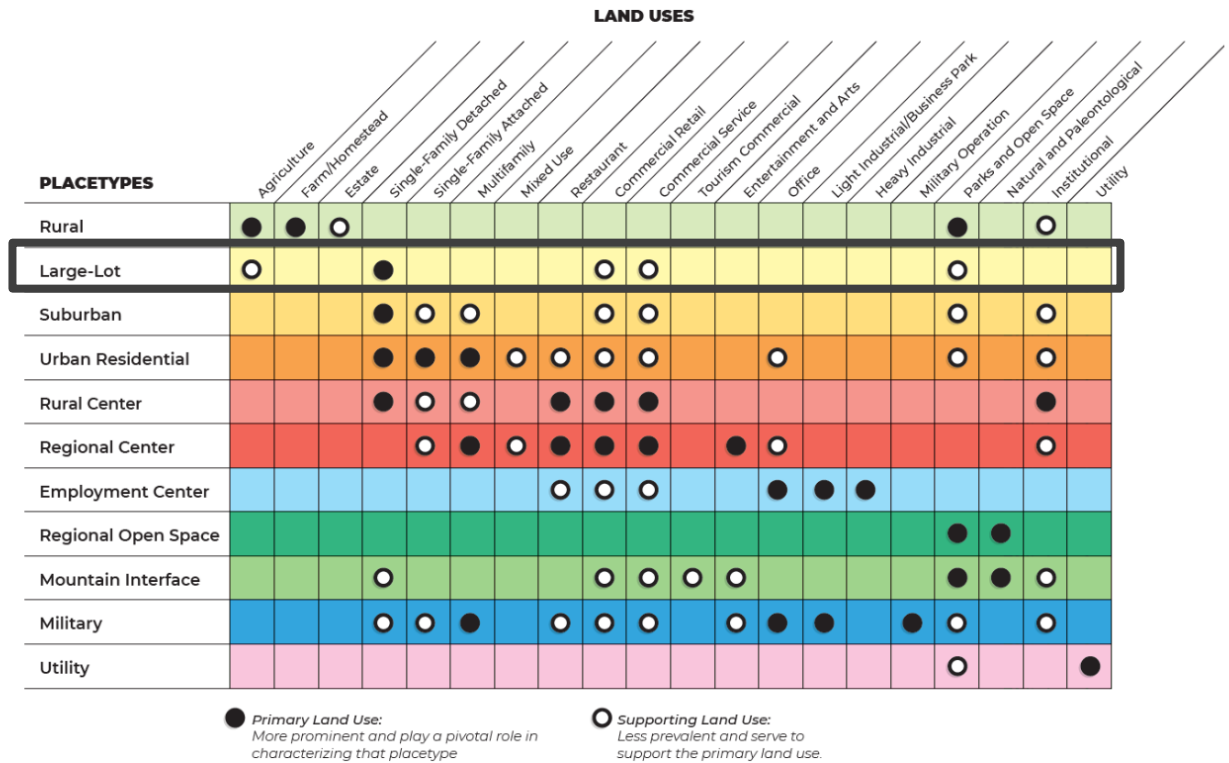
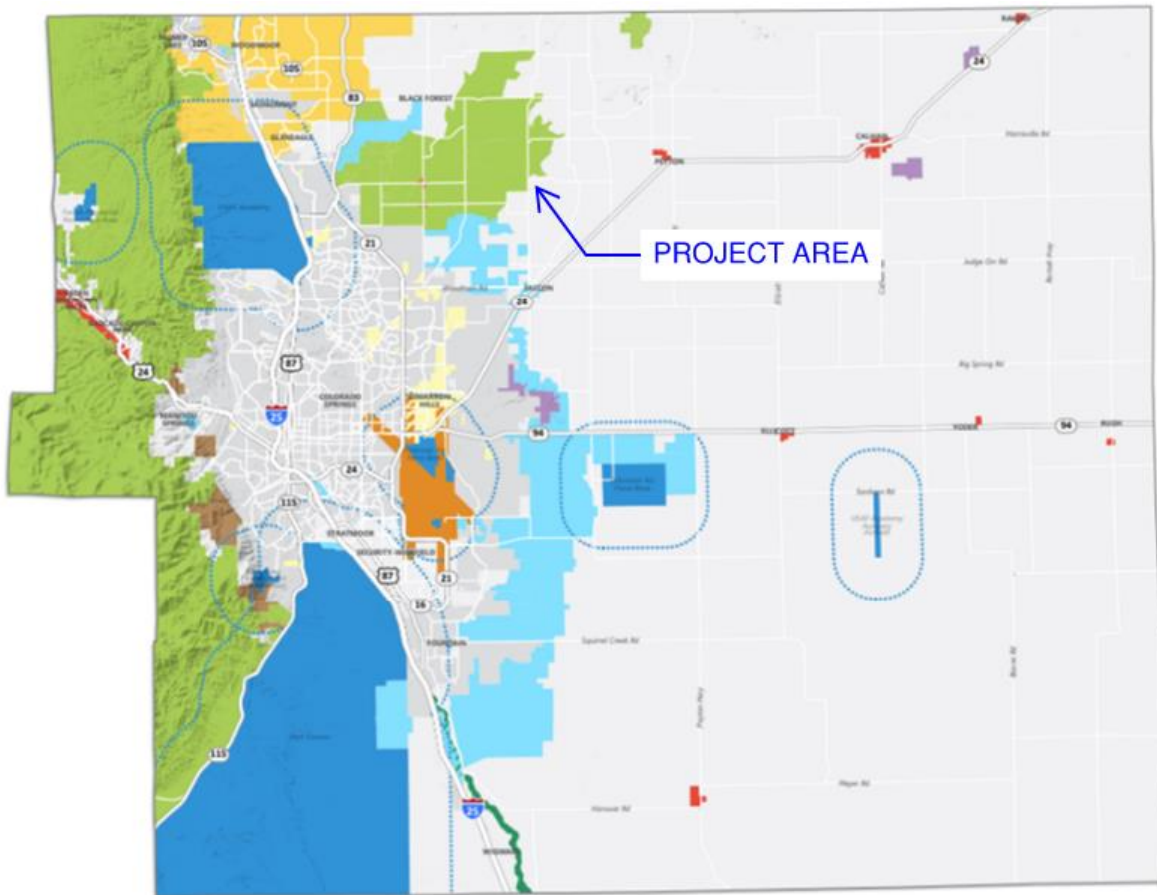


Figure 2. Land Use Category Chart, Your El Paso 2021

The site is located within the Large Lot Placetype Category as shown above. The project site is not located within identified Key Areas. Please see below Figure 3 for a map of the El Paso County key areas.

Key Areas



Key Areas

- Military Installations and 2-Mile Notification Zone
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Air Force Base
- Uncommon Natural Resources

Figure 3. Key Areas Map, Your El Paso 2021

The property is located within the Minimal Change: Undeveloped Area of Change, as shown in Figure 4 below. Sites in the Minimal Change: Undeveloped category are defined as key areas that lack development and significant natural areas. Any redevelopment in this key area will be minimal so as to not alter the rural and natural environment character of these areas. The rezoning request will promote limited development in the subject parcel and is not anticipated to conflict with the character of the established developments adjacent to the site.

Areas of Change

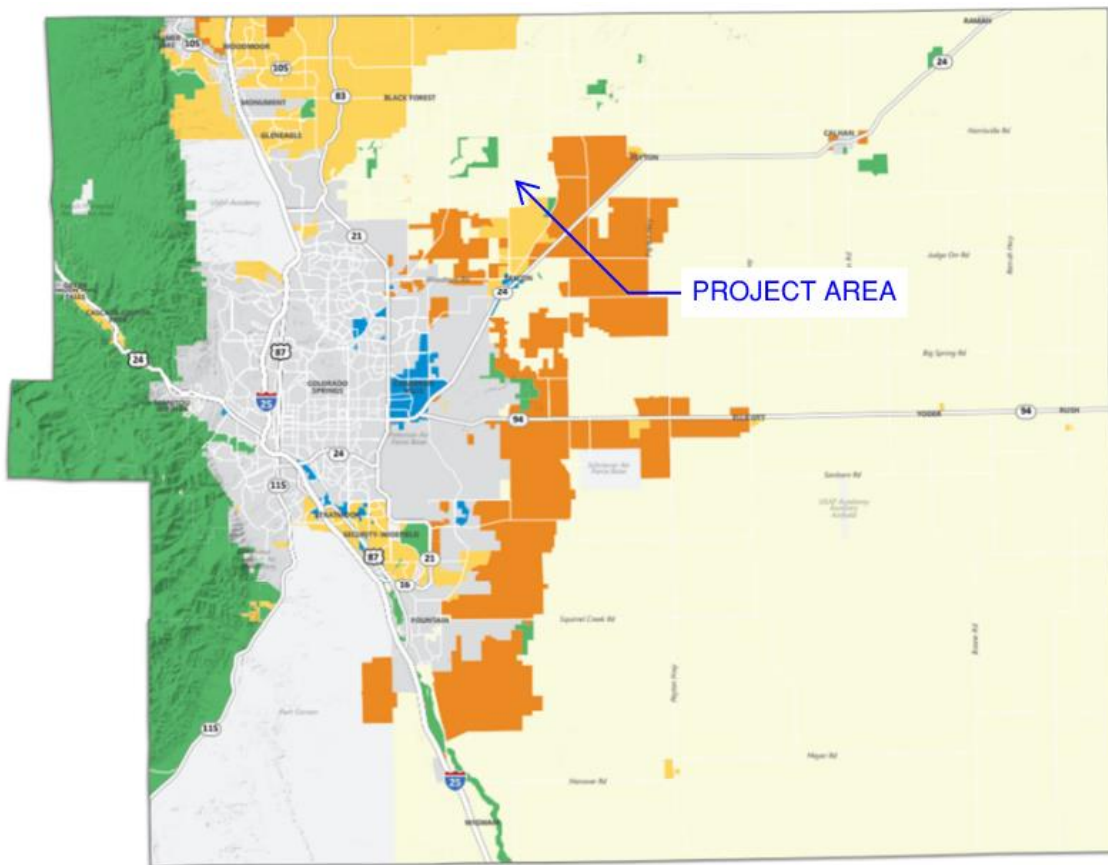
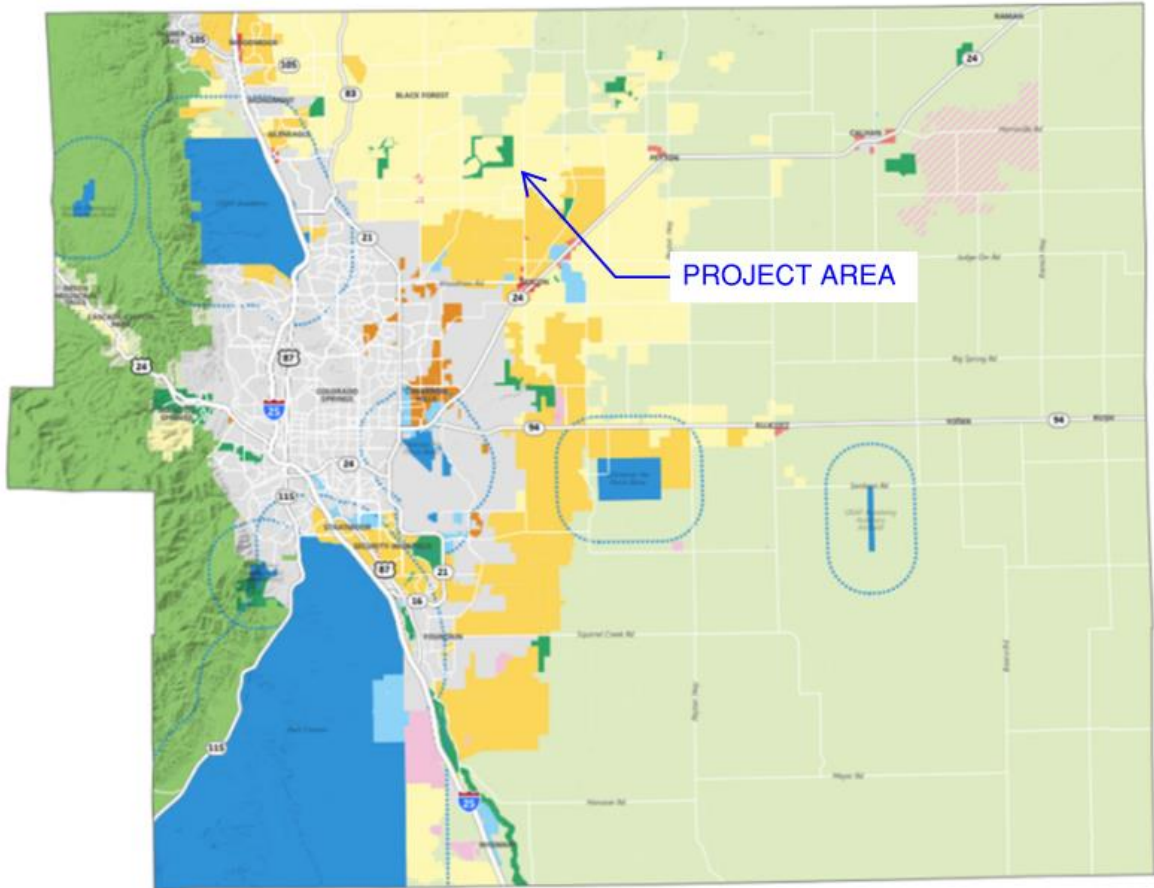


Figure 4. Areas of Change Map, Your El Paso 2021

Placetypes



Placetypes

- | | |
|---|---|
| Rural | Employment Center |
| Large-Lot Residential | Regional Open Space |
| Suburban Residential | Mountain Interface |
| Urban Residential | Military |
| Rural Center | Utility |
| Regional Center | Incorporated Area |

Figure 5. Placetypes Map, Your El Paso 2021

The subject site is located within the Large-Lot Residential placetype as shown in Figure 5 above, which typically includes land for single-family detached residences, parks and open space, agriculture, as well as commercial service and retail developments. Communities

within this placetype are typically more connected and less remote than the rural placetype. The Large-Lot Residential placetype allows for 2.5-acre minimum lots, which is consistent with this rezoning request. This placetype generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- A 2.5-acre minimum lot size is allowed within this placetype and is consistent with the rezoning request.
- The rezone and the code would protect the intent of the placetype, by the procedures and standards intended to promote safe and orderly development.
- The proposal is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans

Priority Development Areas

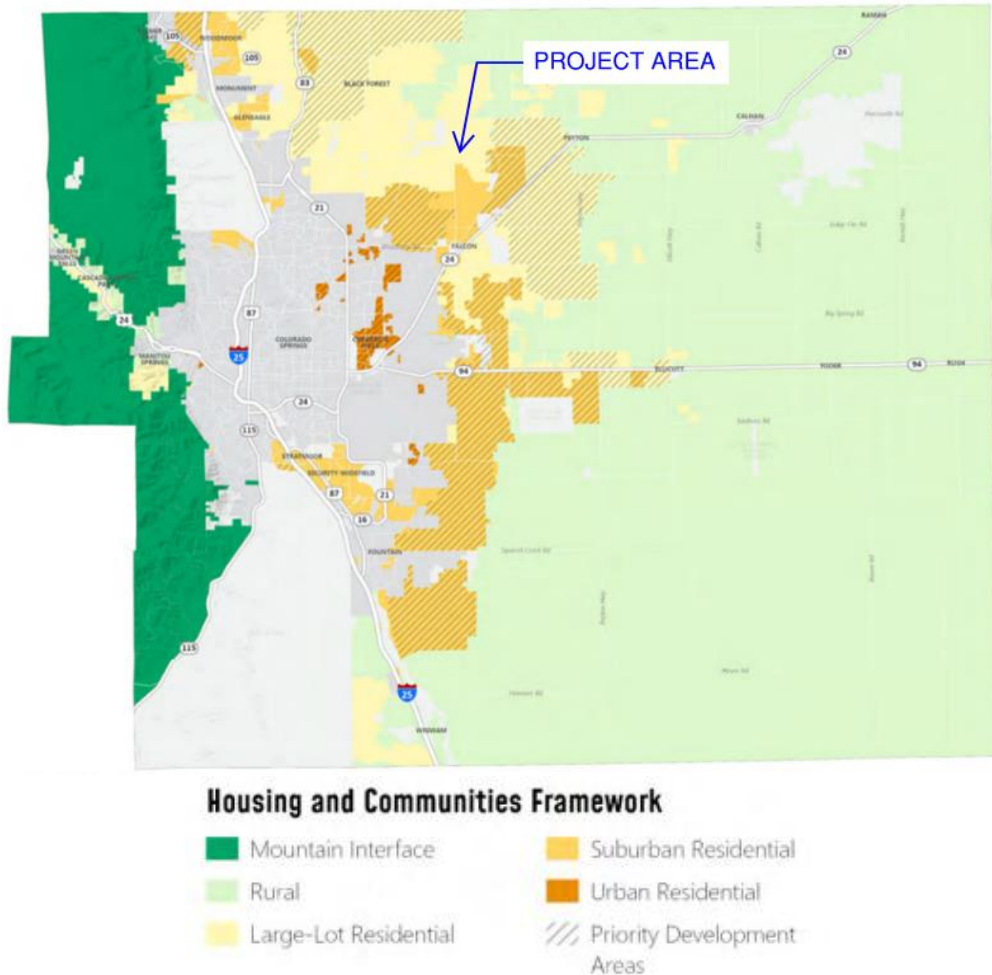
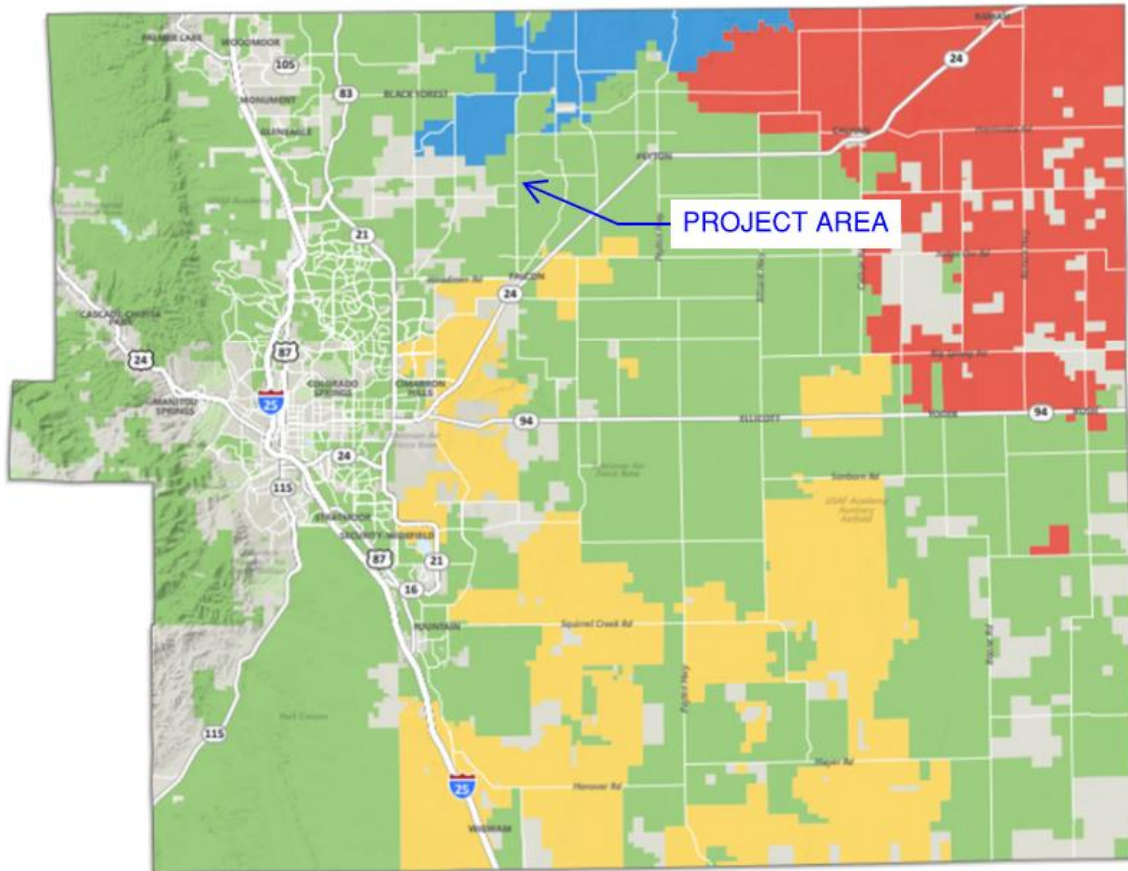


Figure 6. Housing and Communities Framework Map, Your El Paso 2021

The project site is located within a Large-Lot Residential Development Area as shown in Figure 6 above and is not located in a priority development area. The proposed rezone is in line with the large-lot residential place type objectives as described above in Figure 5.

Conservation Districts



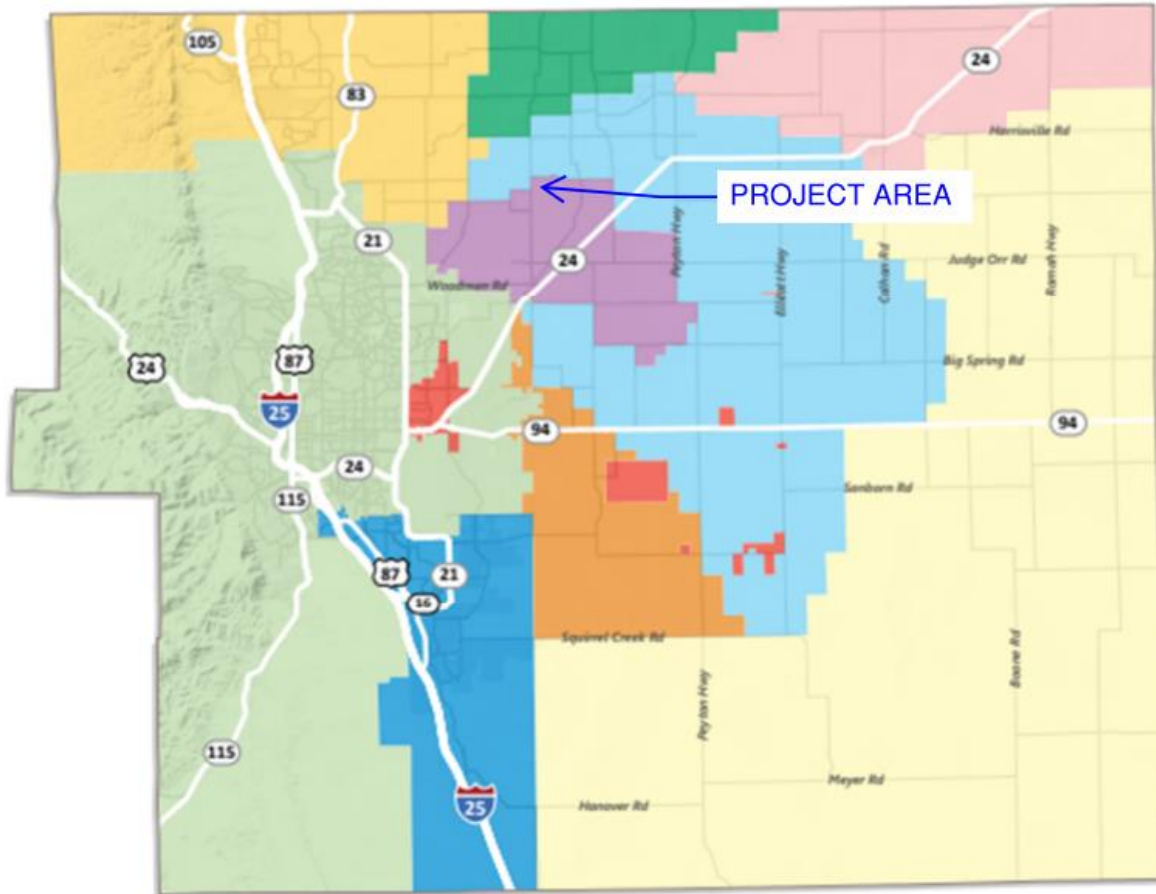
Conservation Districts

- Central Colorado Conservation District
- El Paso County Conservation District
- Double El Conservation District
- Kiowa Conservation District

Figure 7. Conservation District Map, Your El Paso 2021

The requested rezone site falls within the El Paso County Conservation District, as shown in Figure 7 above. This request does not negatively impact the natural resources or rural character of the area and is considered to be compatible with the goals of the Conservation District.

Water Master Plan



2018 Water Study Planning Regions

- | | |
|--|--|
| ■ Region 1 | ■ Region 4c |
| ■ Region 2 | ■ Region 5 |
| ■ Region 3 | ■ Region 6 |
| ■ Region 4a | ■ Region 7 |
| ■ Region 4b | ■ Region 8 |

Figure 8. 2018 Water Study Planning Map, Your El Paso 2021

The subject site is located in Region 3 of the Water Master Plan, as shown in Figure 8 above. Region 3 is not expected to experience significant growth through 2060. Future development of the site, while not part of this request, is anticipated to utilize groundwater sources from the Denver Basin via private well. At the time the Water Master Plan was published in 2018, there was no surplus in Region 3. Water production from Denver Basin wells in this region may not

be economically sustainable in the long term, depending on local aquifer conditions. Water supplies in this region may need to be diversified in the years ahead, depending on local aquifer conditions.

The current replacement plan in place provides for four lots with each allotted 0.94 acre-feet of water per year. The current replacement plan covers the northern 19.98 acres that is currently divided into two parcels per the El Paso County Assessor. The adjacent one acre parcel (4218000002) was not included in the replacement plan. The one acre parcel will need to be included within a replacement plan in order have water if it is to remain an independent parcel after a subdivision process. As the one acre parcel itself does not overlie sufficient cost-effective water resources, an amendment of the replacement plan providing for the four northern lots would need to occur to incorporate the one-acre lot as the fifth lot. The applicant intends to submit a replacement plan for this lot. With the addition of the one-acre lot, the total water available for the entire property would come to around 1,197 acre-feet. This would amount to approximately 0.80 acre-feet of water allocation to each lot after completing a water right determination and amending the replacement plan. 0.80 acre-feet is more than sufficient of a supply for each lot.

Utility Provisions

Services are or will be available to meet the needs of a future subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities. Required services are currently available to serve the needs of future development. Existing Services (and providers) include:

- Water & Wastewater Services: Upper Black Squirrel Creek Ground Water
- Natural Gas: Black Hills Energy
- Electric Service: Mountain View Electric (District 4)
- Fire Protection: Falcon Fire Protection
- Public Schools: El Paso County School No 49
- Library Services: Pikes Peak Library District
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff's Department
- Parks, Trails, Open Spaces: El Paso County Conservation

Wastewater systems

Future wastewater services will be provided by way of individual on-site septic/wastewater systems. Individual private property's on-site sewage disposal systems will be established

and comply with state and local laws and regulations, per [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.

Natural or Physical Site Features

The rezone will support the preservation of the natural features and drainages of the site and surrounding lands. The site is located within the Upper Black Squirrel drainage basin (CHBS2000), as shown in Figure 9 below.

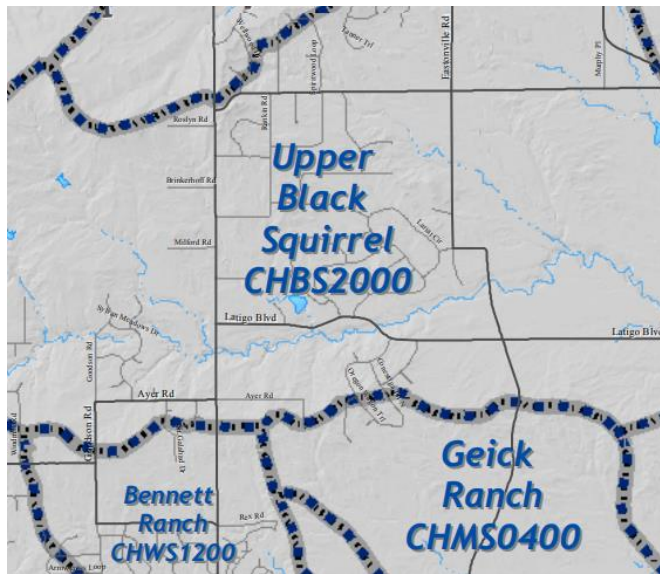


Figure 9. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

There are no major hydrologic features within the project site. Review of FEMA Firm Panel '08041C0340G', effective date December 7, 2018, shows the project area is within FEMA flood risk area, Zone A, as shown in Figure 10 below. However, after discussions with the El Paso County floodplain administrator, an approved LOMR dated April 2006, with FEMA case number 06-08-B377P was found in the administrator's files which shows base flood elevations (BFEs). The BFEs shown from the LOMR will be included on the Minor Subdivision Plat. It is uncertain why the revised floodplain and BFEs as shown by the LOMR revisions are not reflected on the current floodplain map, but the floodplain administrator has indicated that the LOMR will be sufficient to satisfy the requirements of 8.4.2.B.1.e of the LDC. The proposed rezoning will have no adverse impact on the floodplain.

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AP9
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMR
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

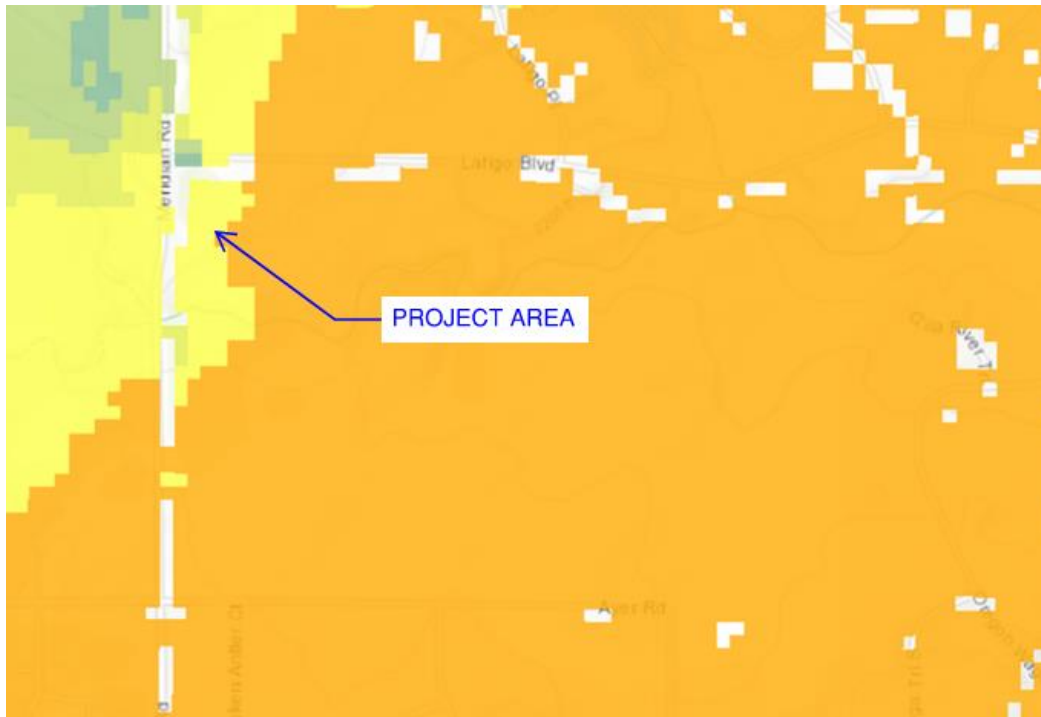
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 11:13 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Figure 10. National Flood Hazard Layer FIRMette, data provided by FEMA; (2020)

Wildfire Risk

The site is mapped as moderate to moderate high risk on the Wildfire Risk Public Viewer shown in Figure 11 below.



Legend

<https://co-pub.coloradoforestatlas.org>

Burn Probability

- Non-Burnable
- Very Low
- Very Low-Low
- Low
- Low-Moderate
- Moderate
- Moderate-High
- High
- High-Very High
- Very High

County Boundaries

< 1:1,500,000

Figure 11. Wildfire Risk Map, Colorado Wildfire Risk Public Viewer

Wildlife

The site is located within a Conservation Area and has been identified in the Master Plan as an area of high wildlife habitat, but no significant data has been identified for the Black Forest area per the Colorado Wildlife Action Plan.

Wetlands

A natural resources report will be provided for clarification on the potential wetlands in the Black Squirrel Creek area. There are no proposed improvements within the channel and thus no anticipated impacts to potential wetlands.

Geological & Soil Hazards

There are no anticipated geological or soil hazards associated with this site. Possible geologic hazards encountered at this site may include artificial fill, collapsible soils, expansive soils, areas of erosion, and groundwater. Mitigation would likely be accomplished with the implementation of common engineering and construction practices. At this time a soils and geologic hazard study has not been prepared.

Vegetation & Wildlife

The proposed project area is designated by the U.S. Geological survey as an area of urban development with no significant vegetation or wildlife.

Sites of Historical Significance

The existing home on parcel 4218000002 was built in 1931 and may have historical significance.

Air Quality

The proposed rezone is not anticipated to negatively impact air quality. There are no expected long term air quality concerns.

Water Quality

The proposed rezone is not anticipated to be a source of water pollution.

Traffic

Based on discussions with El Paso County, no traffic study is required. The subdivision will be adding two lots to the site for a total of five lots. No traffic study is required based on the criteria provided in El Paso County ECM Appendix B.1.2.D as outlined below. (1) The

proposed rezone daily vehicle trip-end generation will be less than 100 and the peak hour trip generation will be less than 10. (2) There are no additional proposed minor or major roadway intersections. (3) The increase in the number of vehicular trips will not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. (4) There will be no change in the type of traffic generated. (5) There is no proposed change to the LOS on the adjacent public roadway. (6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. (7) There is no change of land use as part of the proposed rezone.

The Site currently has access to Meridian Road through two existing driveways, one south of the creek and one north of the creek that are proposed to remain. There are no additional proposed accesses to Meridian Road associated with the proposed rezone. The existing access point will remain as the only access for the proposed lots. Meridian is shown to be a future four lane minor arterial. No additional access to Meridian will be allowed in the future.

Community Outreach

Adjacent property owners have been provided notices to announce the plan for the submittal of this application. Notices will be provided in kind to announce any future public hearings related to this request.

REQUEST FOR LOT DIMENSIONAL VARIANCE

Per the requirements of section 5.5.2 of the LDC code the applicant is requesting a lot dimensional variance for parcel 4218000002, which is currently an unplatted 1.05 acre parcel. The existing home on the property was built in 1931 and may have historical significance. The unplatted parcel was however created after 1972, making the lot deemed as an illegal lot. Per Section 1.15 of the LDC, a “Legal Lot” is defined as:

“A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.”

Because the lot is not considered a legal lot, an administrative legal non-conforming exemption cannot be applied to the lot. The request is for relief to the lot size to remain at the existing 1.05 acres. The existing structure meets all side setback criteria stated section 5.4.2 of the LDC. Section 5.5.2.B.2.a states that the Board of Adjustments can grant variances from application of a “physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.” Due to existing building being built in 1931, there is not a current zone district that would satisfy the small lot acreage and current setbacks.

Review Criteria

The review criteria is outlined in Section 5.5.2 of the El Paso County LDC. The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of the Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.

Practical difficulties and hardship exist where the legal use of the property is severely restricted due to (1) Due to the configuration of the existing homes, zoning setback, and existing easements the lot configuration would result in exceptional narrowness, shallowness, and property shape. And (2) due to existing topography, specifically Black Squirrel Creek, the topography would result in a lot with limited access and create an exceptional condition on the piece of property.

This variance request includes alternative standards that substantially and satisfactorily mitigate the anticipated impacts while serving as a reasonably equivalent substitute for current zoning requirements.

The applicant explored a lot configuration of Lot 1 into a larger five acre lot in coordination with the rezone of the parcels to the north of Black Squirrel by utilizing land to the north. In exploring this lot configuration the following concerns came to light:

- Reconfiguration of Lot 1 north of Black Squirrel Creek would separate the existing home from the rest of the usable lot. There is no access over Black Squirrel Creek and the owner of the lot would have to be accessed by two separate access points.
- Due to the configuration of the existing homes and corresponding setbacks for the RR-5 zoning of 25 feet, the lot configurations would be irregularly shaped which is not in line with the goals of subdivision outlined in Section 8.1.1 of the LDC code which

states, “ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used.”

- There are utility easements and ROW easements that encumber the property and limit the buildable area.
- Without demolition of the existing home on the parcel directly north (parcel 4218000023), a lot large enough to make five acres without very irregularly shaped parcels or only a single point of access would be impossible. Demolition of a home would be considered an exceptional hardship and to the owner of the property.

Although proposed Lot 1 is not a legal lot, given the constraints in Section 5.5.2, keeping the current lot configuration is the best way to avoid undue hardship on the parcel.

Conclusion

The proposed rezoning is consistent with and conforms to the El Paso County Master Plan and existing and permitted land uses. The rezone of said parcels will bring the site into compliance of the standard RR-5 zoning and to match adjacent zoning. Additionally, a Lot Dimensional Variance acceptance will allow for parcel 4218000002 to become a legal lot and maintain existing dimensions and size of the lot.

Existing roadway infrastructure supports future development of the site without modification or needed improvements. Utility services are or will be available to meet the needs of a future subdivision. No major utility improvements or upgrades are anticipated in order to adequately serve this site.