

Letter of Intent
Waterview 2020 Rezone Plan
A-5 to RM-12

6/21

Owners: CPR Entitlements, LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903

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Pueblo, CO 81003

Applicant: CPR Entitlements, LLC
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Colorado Springs, CO 80903

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Tax Schedule Nos.: 5500000438 & 5500000439

Site Information:

History

Waterview North is a proposed mixed-use development on 116.5 acres south of the Colorado Springs Airport and northeast of Powers Boulevard and Bradley Road. Waterview North is part of the Waterview Sketch Plan; the Waterview Sketch Plan is currently being amended (2020) to modify the proposed land uses in Waterview North (Sketch Plan Parcels P-14 and P-15) from Commercial and Industrial uses only, to Commercial, Industrial and Residential uses. In addition, the Sketch Plan Amendment proposes modifying the eastern 5.2 acres of Sketch Plan Parcel P-17 from a commercial use to a multi-family use (townhomes). The Planning Commission (PC) is scheduled to take an action on the Sketch Plan amendment on June 17, 2021. The Board of County Commissioners (BOCC) is scheduled to act on July 15, 2021.

Parcels P-14 and P-15 are currently proposed and Sketch Planned as Industrial and Commercial uses respectively. The proposed uses identified in the requested Sketch Plan Amendment (2020) keep the Industrial and Commercial uses, however, the acreages have been adjusted primarily to include an area of Residential land use under **parcel P-19** (proposed). The proposed Sketch Plan Amendment (2020) would change the proposed land use acreages for Waterview North as follows:

Residential, Parcel P-19 (proposed) 68.4 acres

Industrial, Parcel P-14 (proposed) 26.0 acres

Commercial, Parcel P-15 (proposed) 22.1 acres

Waterview Sketch Plan Parcel P-17 is currently zoned as Commercial use. The proposed use identified in the requested Sketch Plan Amendment changes 5.2 acres from Commercial to Multi-Family Residential land use under proposed parcel P-21.

Residential Use

The Residential area of P-19 (proposed) is completely outside the APZ-1 Airport overlay area and is bordered by the airport on the north, proposed commercial (CS) Zoning on the west, Bradley Road on the south and vacant (I2) Zoning on the east (Colorado Centre).

Further, P-19 is to be divided into three (3) different Residential Uses as follows:

RS-5000 (proposed) 23.54 acres

RM-12 (proposed) 34.53 acres

RM-30 (proposed) 10.34 acres

The proposed land use is that associated with El Paso County Residential (RM-12) zoning will be single-family attached housing (townhomes) on 34.53 acres.

The legal description of the parcels is as follows:

PARCEL P-19 (RM-12 PORTION)

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1404.24 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES ARE ON SAID RIGHT-OF-WAY LINE:

- 1) THENCE S89°30'29"W A DISTANCE OF 4.29 FEET TO A POINT OF CURVE TO THE LEFT;

2) THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 322.96 FEET, A DELTA ANGLE OF 06°13'51", WHOSE LONG CHORD BEARS S86°23'33"W A DISTANCE OF 322.80 FEET;

THENCE N06°43'16"W DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 247.45 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 130.05 FEET, A DELTA ANGLE OF 24°50'16", WHOSE LONG CHORD BEARS N05°41'52"E A DISTANCE OF 129.03 FEET TO A POINT OF REVERSE CURVE;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 94.86 FEET, A DELTA ANGLE OF 18°07'00", WHOSE LONG CHORD BEARS N09°03'30"E A DISTANCE OF 94.46 FEET;

THENCE N00°00'00"E A DISTANCE OF 55.00 FEET;

THENCE N90°00'00"W A DISTANCE OF 1150.00 FEET;

THENCE N00°00'00"E A DISTANCE OF 905.81 FEET TO THE NORTH LINE OF SAID SECTION 9;

THENCE S89°51'23"E ON SAID NORTH LINE, A DISTANCE OF 1469.75 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,504,159 SQUARE FEET OR 34.531 ACRES MORE OR LESS

Request and Reason:

To approve a Residential RM-12 rezone for a portion of Parcel 19 (Sketch Plan), the 34.53 acres currently zoned as A-5. This letter serves as a request to receive El Paso County approval of the proposed RM-12 zoning for this site.

Rezoning Approval: Section 5.3.5(B)

This request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code by the following:

- **The application is in general conformance with the County Master Plan and previous county approvals;** in this case Sketch Planned Industrial and Commercial uses are being amended to introduce 68.4 acres of a mix of urban residential densities. The underlying Waterview Sketch Plan is scheduled for consideration by the PC on June 17, 2021 and by the BOCC on July 17, 2021. The Sketch Plan amendment has been reviewed against the El Paso County Master Plan including the 2003 Highway 94 Comprehensive Plan prior to the adoption of the current El Paso County Master Plan in 2021.
- **The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area,** and with the proposed mix of commercial, light industrial, and urban density residential land uses included on the Amended Waterview Sketch Plan. The Sketch Plan Amendment is currently under County review and scheduled to be considered for

approval by the PC and BOCC. Concurrent rezone applications have been submitted for industrial (I-2), commercial (CS), multifamily (RM-30) and single-family detached (RS-5000) zone districts to implement the land use scenario of the Amended Waterview Sketch Plan (2020).

The proposed residential area mix of densities are being planned to provide transition from Commercial areas to residential areas through use of lot density and buffering. Residential areas are taking advantage of the Peak Innovation Park Open Spaces to the north of the Sketch Plan and development area to provide additional buffering from the commercial and industrial uses in the Colorado Springs Airport development. While avoiding the APZ areas as required for residential development, guidelines for building placement and buffering from the airport will be employed. This residential development will provide employees of the Peak Innovation Park nearby affordable and attainable housing opportunities.

This Criteria is met by selecting land uses to compliment the neighboring facilities including the Colorado Springs Airport; all industrial/commercial uses are located within and near the APZ Zones while residential uses are further east and take advantage of the Open Space in the Peak Innovation Park Master Plan. Grading is held to a minimum while at the same time enhancing views to the west and southwest. Future plans include building and landscape arrangements per the airport recommendations and shared parking scenarios are being considered for commercial and multifamily development.

The Waterview Development has worked closely with the Colorado Springs Airport concerning development recommendations and has been commended for providing residential opportunities near the airport to support Peak Innovation Park development where residential uses are not permitted.

- **The site is suitable for the intended use.** Necessary urban and public services, available including access, stormwater facilities, public safety, recreation, utilities are or will be adequate and available to serve the site. Geologic conditions are also favorable to develop the site following accepted and adopted engineering guidelines.

The development will be within an existing previously approved Sketch Plan. Access is focused on Bradley road at previously approved access points. The commercial and Industrial proposed uses are focused at the Bradley Road and Powers Boulevard Corridors within a ¼ mile of an existing Intersection with Bradley Road. All urban residential land uses access within a ½ mile distance from Bradley Road.

EL PASO COUNTY MASTER PLAN

The proposed zoning, which was developed in response to market demand and absorption is in general conformance with the intent, policies, goals, and recommendations of the Master Plan. Approval of the Waterview North Commercial and Industrial zoning reflects the prioritization of supporting commercial land uses.

Land Use Goals. The land uses and densities proposed and approved under the Amended Waterview Sketch Plan have been in review by the County prior to development and adoption of the current El Paso County Master Plan. The individual rezone applications needed to

implement the uses authorized by the Sketch Plan are currently being reviewed for consistency with the newly adopted El Paso County Master Plan Land Use framework and typology recommendations. Chapter 14, Implementation states in the Land Use Applications and Master Plan Consistency narrative:

...Approval of a land use application does not necessarily require a finding that the application is fully consistent with each and every applicable component of the Master Plan. [The Planning Commission and BOCC] have the discretion to give greater weight to individual components of the Master Plan compared to other components when taking a formal action to either approve, approve with conditions, or deny an application.

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

Proposed zoning, land uses, and densities are compatible with the approved 23.1 acres of commercial adjacent to the site, the ± 167 acre urban residential Trails at Aspen Ridge, and ±5 acres of multifamily zone located along the southern border of Bradley Road opposite of the site and within the approved Sketch Plan Area.

The development will be within an existing previously approved Sketch Plan. Access is focused on Bradley road at previously approved access points. The commercial and Industrial proposed uses are focused at the Bradley Road and Powers Boulevard Corridors within a ¼ mile of an existing Intersection with Bradley Road. All urban residential land uses access within a ½ mile distance from Bradley Road.

Public services are being provided by Widefield Water and Sanitation District through extension of existing service lines. CSU Gas has recently increased service to this area (costs being shared by this development) and existing Mountain View electrical facilities are being extended underground through the development as construction commences. The area has been annexed into the Security Fire Protection District for taxing and service purposes. Screening and buffering will be considerations moving forward.

Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.

The area is identified in the 3-mile Land Use Map (Map 3-1 Potential Annexation Areas) of the City of Colorado Springs Annexation Guide. It is identified as eligible, not recommended. The site lies within the Waterview Metropolitan District Service Boundaries which has committed to provide water and wastewater and other municipal type services.

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

The proposed zoning has been planned together as a mixed-use development with a range of development types to support a variety of land uses. These land use relationships are depicted on the Amended Waterview Sketch Plan (PCD File No. 20-2) which is pending approval. Uses approved under the sketch plan include light industrial, commercial retail, office, multifamily, and urban density single-family attached and detached residential.

Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.

Development in the proposed Waterview North area (inclusive of commercial, light industrial, and residential zones) will be developer and district funded including:

- Developer funded site and infrastructure improvements (roads, site preparation, and wet/dry utilities)
- Applicable drainage/bridge, park, and school fees payable at individual plat recordation
- Applicable County Road Impact Fees
- Utility Service Design, Construction, and/or Service Connection (Tap) Fees

The County Master Plan locates the development within in the Colorado Springs Airport/Peterson Air Force Base Area on the **Key Area Map** as an area anticipating “New Development” on the **Areas of Change Map** with as a projected “Employment Center” by the **Placetypes Map**. The Plan recommends prioritization of nonresidential growth in this area to help expand Employment Center land uses and densities in this area.

Approval of the Waterview North Commercial and Industrial zoning reflects the prioritization of supporting commercial land uses. Approval of the residential zoning is supportive of the local economic consumer base needed to sustain the future land uses in the commercial and industrial zones shown on the Sketch Plan.

Key Area: Colorado Springs Airport/Peterson Air Force Base

The Plan recommends prioritization of nonresidential growth in this area to help expand the Employment Center Placetype in this area to:

- implement policies, plans, programs, and partnerships in support of BOCC efforts to attract local businesses and promote development on the available land in the Area.
- provide additional job opportunities for County residents
- expand the County’s tax base, to:
 - providing more opportunities to address other County issues such as upgrades to infrastructure,
 - expansion of services,
 - and development of new roadways.
 - (See discussion on **Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”**, above)

Areas of Change: New Development

The plan assumes undeveloped areas Undeveloped “that are adjacent to a built out area ***will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood***”. [Emphasis Supplied]

Proposed zoning, land uses, and densities are compatible with the approved 23.1 acres of

commercial adjacent to the site, the ± 167 acre urban residential Trails at Aspen Ridge, and ±5 acres of multifamily zone located along the southern border of Bradley Road opposite of the site and within the approved Sketch Plan Area. The proposed development areas and zones have been planned to mutually support each other and upon development will create the land use scenario with employment hub/business park uses.

Placetype: Employment Center

The Waterview North Sketch Plan area has been identified on the Placetype Map as an Employment Center. The Plan characterizes this placetype with Light Industrial/Business Park, Heavy Industrial, and Office uses as the primary or dominant land uses. Supporting land uses include Commercial Retail, Commercial Service, and Restaurant land uses. These supporting uses are comparable to the supporting uses identified within the Urban Residential Placetype identified as Mixed Use, Restaurant, Commercial Retail, Commercial Service, Institutional, Parks, and Office. While the employment center and urban residential Placetypes have differing primary uses, both Placetypes share common supporting land uses demonstrating an interdependence among the differing yet complementary land uses.

The proposed commercial, light industrial, multifamily land use mix of land uses and zones is consistent and compatible with the existing land use mixes within the Waterview South Sketch Plan Area and approved zoning and subdivision applications located on the south side of Bradley Road, opposite and adjacent to this development area.

Residential Conformance with Employment Center Placetype

Approval of the Waterview North Commercial and Industrial zoning reflects the prioritization of supporting commercial land uses. Approval of the residential zoning is supportive of the local economic consumer base needed to sustain the future land uses in the commercial zone. The proposed residential land uses are a response to market demand for a residential mix to support and complement the existing commercial and industrial land uses depicted on the current Waterview Sketch Plan in the development area.

The proposed residential areas are being planned to provide transition from Commercial areas to residential areas through use of lot density and buffering. Residential areas are taking advantage of the Peak Innovation Park Opens Spaces. While avoiding the APZ areas as required for residential development, guidelines for building placement and buffering from the airport will be employed. This residential development will provide employees of the Peak Innovation Park nearby affordable housing opportunities.

Proposed Commercial Development is located within or near the APZ area and focused on the Bradley Road Powers Boulevard intersection with direct access to Bradley Road at an existing intersection. This commercial development will provide both local and regional services and may provide support business opportunities near to Schriever AFB.

Proposed Industrial Development is located within the APZ area and focused on the Bradley Road Powers Boulevard intersection with direct access to Bradley Road at an existing intersection. This industrial development will provide regional services and may provide support business opportunities near to Schriever AFB.

Housing & Community Goals:

The rezone request meets the following Housing & Community Goals of the Master Plan

Goal 2.1 - Promote development of a mix of housing types in identified areas.

Residential land uses in this portion of the Waterview Sketch Plan area include a mix of single-family attached and detached to multifamily land uses and densities. These land uses and densities have been planned to be complementary and supportive of planned commercial uses within the development area.

Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.

The range of housing densities proposed in the Amended Waterview Sketch Plan and residential rezone request are located within close proximity to commercial areas within the Amended Waterview Sketch Plan. The commercial and residential land uses have been arranged to be supportive and complementary land uses. The Commercial uses have been oriented toward the primary development access for vehicular convenience and accessibility to residents. The residential areas will have pedestrian access to the commercial land uses via an internal pedestrian sidewalk and trail network.

El Paso County Policy Plan

The proposed Zoning Request is in conformance with the County Policy Plan based on the following Policy analysis:

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

Parcel P-19 (Overall)

This application meets this policy by maintaining land use within the parameters of the adjacent proposed land uses and restrictions. The APZ-1 Airport Overlay has no impact on the property. A buffer is provided on the north and east sides and multifamily land uses to the west provides a buffer to proposed Industrial uses further west and to vacant lands which may develop with non-residential land uses in the City of Colorado Springs to the east.

Development of the property south of Bradley Road (commercial and residential uses) has brought public utilities to the area from Widefield Water and Sanitation District, Mountain View Electric and Colorado Springs Utilities allowing for development of property north of Bradley Road (Waterview North) including the proposed Residential use.

Access will be from Bradley Road via Powers Boulevard and eventual anticipated/proposed access to the Colorado Springs Airport. Capacity of these roads is addressed in the TIS provided with the Waterview Sketch Plan Amendment.

Policy 6.1.6: Direct development toward areas where the necessary urban level supporting facilities and services are available or will be developed concurrently.

This application meets this policy by taking advantage of existing urban supporting facilities provided by Widefield Water and Sanitation District. Service will be provided based on a recently approved inclusion agreement with this District. Water and Sewer service will be provided by extending water and sewer lines from south of Bradley Road. In addition, Mountain View Electric and Colorado Springs Utilities have extended services to the site.

Policy 10.1.2: Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater system.

The Widefield Water and Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The proposed project is within the service boundary of the Widefield Water and Sanitation District; an inclusion agreement has recently been approved.

Policy 10.2.2: Carefully consider the availability of water and wastewater services prior to approving new development.

The Widefield Water and Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The proposed project is within the service boundary of the Widefield Water and Sanitation District; an inclusion agreement has recently been approved. Water and Sewer service will be provided by extending water and sewer lines from south of Bradley Road.

County Water Master Plan:

The proposed subdivision satisfies the following policies of the County Water Master Plan:

Policy 5.2.4: Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

The proposed subdivision is located within the service area of the Widefield Water and Sanitation District (WWSD). Service will be provided based on a recently approved inclusion agreement with this District. Water and Sewer service will be provided by extending water and sewer lines from south of Bradley Road. A Will Serve Letter is provided noting the District's ability to the serve the proposed development in an efficient manor with the current infrastructure provided with extension as noted above.

Policy 5.5.1: Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when economies of scale to do so can be achieved.

The proposed subdivision is located within the service area of the Widefield Water and Sanitation District (WWSD). A Will Serve Letter is provided noting the District's ability to the serve the proposed development in an efficient manor with the current infrastructure.

Policy 6.0.1: Continue to require documentation of the adequacy or sufficiency of water, as appropriate for proposed development.

An appropriate Will Serve Letter is provided noting the WWSD's ability to the serve the proposed development in an efficient manor with the current infrastructure and noting their current capacity to serve.

The project is located within Region 7, Fountain Area, and is projected to be the largest growth area in El Paso County. Specifically, the Water Master Plan states:

Region 7 could experience the largest demand growth in the County by 2060. Areas projected to develop by 2040 are located south of Fountain on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25. Directly west of Fountain, areas north and south of Squirrel Creek Road are expected to grow by 2060. One large development is expected south of Fountain by 2060, along the west side of I-25. Another is expected in the northeast corner of Region 7, along both sides of Bradley Road.

Full Build out of the Widefield Water and Sanitation District is expected in the 2040 to 2060 time frame. The Water Resources Report indicates that the District has sufficient water supply to meet the expected need to full build out. Region 7 has a current water supply of 15,376 acre-feet per year and a current demand of 10,141 acre-feet per year. The 2040 water supply is project to be 25,241 acre-feet per year and the demand is projected to be 15,846 acre-feet. As stated in the water resources report, this development is projected to need 437 acre-feet of water per year.

The District currently incorporates a 15% reserve into future planning. Based on the needs, current supply and reserve the District has sufficient water to meet the needs expected now and into the future.

A Will Serve letter has been provided by WWSD, the water system that serves Waterview North and all of WWSD is classified as a Public Water System and meets all CDPHE applicable requirements.

The water system uses a combination of groundwater and renewable sources and is part of the southern delivery system. There are multiple pressure zones within the WWSD system served by both gravity and pumped systems. Waterview North is in the highest pumped pressure zone.

Existing and Proposed Facilities:

The site currently is vacant. Proposed services in the development include the following:

- Water/Sewer-Widefield Water and Sanitation District
- Electric Service-Mountain View Electric and City of Colorado Springs
- Natural Gas Service – City of Colorado Springs
- Telephone Service – Century Link
- Fire Protection – Security Fire Protection District

Public services are being proved by Widefield Water and Sanitation District through extension of existing service lines. CSU Gas has recently increased service to this area (costs being shared by this development) and existing Mountain View electrical facilities are being extended underground through the development as construction commences. The area has been annexed into the Security Fire Protection District for taxing and service purposes. Screening and buffering will be considerations moving forward.

The applicant anticipates county approval of Water Quality and Sufficiency at Preliminary Plan approval.

Offsite Improvements

Extension of Water and Sewer lines from the development currently underway south of Bradley Road.

Impact Identification:

Wildlife

Preexisting wildlife habitats and migration routes are noted for the usual prairie animals. This site has existing Bradley Road to the south and Powers Boulevard to the west. Wildlife impact to the area has already occurred due to these existing roads. A wildlife study was commissioned and completed and has been submitted as part of the Preliminary Plan submittal and can be reviewed as part of that land use application.

Colorado Springs Airport

The applicant has met with Colorado Springs Airport staff to discuss the Waterview Sketch Plan Amendment particularly concerning the east half of the application. The primary discussion point concerning the application had to do with the Airports plans to upgrade their landing lights for the east runway; the east runway is roughly in line with Powers Boulevard and due north of the proposed Industrial use. The new lighting system will be more powerful than the existing system and the airport is concerned that the strobe function of the lighting system could be detected in the development.

The airport indicated that the following steps could be taken to mitigate any effects from the strobe runway lighting:

1. Installation of landscaping (evergreen) and/or other barriers (berming/fencing) perpendicular to the runway.
2. Orientation of housing to account for runway lights.
3. Addition of plat notes indicating proximity to the airport.

The applicant notes the following in coordination with airport concerns.

1. The proposed land use should not be significantly affected by the runway lighting.
2. The applicant will continue to consider the airport concerns as development progresses.
3. The following language, suggested by the Airport Staff, will be incorporated on the plat in coordination with El Paso County review and approval:

The development and its occupants may be impacted by air illumination or approach lighting systems that use medium and high-intensity lights to guide aircraft to the runway centerline used for navigation or flight in air.

In addition to the above the applicant would like to state the following concerning mitigation of the runway lighting:

Airport staff indicated Residential Land Uses would be a benefit to the area based on all the commercial activity proposed at the Colorado Springs Airport.