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**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: Kylie Bagley, Planner II**  
**Lupe Packman, IE Engineer I**  
**Kevin Mastin, Interim Executive Director**

**RE: Project File #: P-22-005**  
**Project Name: 6855 Constitution Ave Rezone to CS**  
**Parcel No.: 54061-14-001**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Jasperco, LLC 5532 Saddle Rock Trail Colorado Springs, CO 80918	Galloway and Company Heather Vidlock 5500 Greenwood Plaza Blvd, Suite 200 Greenwood Village, CO 80111

**Commissioner District: 2**

Planning Commission Hearing Date:	11/17/2022
Board of County Commissioners Hearing Date:	12/6/2022

**EXECUTIVE SUMMARY**

A request by Galloway and Company for approval of a map amendment (rezoning) from RM-30 (Residential, Multi-Dwelling) to CS (Commercial Service). The 3.72-acre property is located directly southeast of the intersection of Constitution Avenue and Peterson Road and within Section 5, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54061-14-001)

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by Galloway and Company for approval of a map amendment (rezoning) from RM-30 (Residential, Multi-Dwelling) to CS (Commercial Service).

**Waiver(s)/Deviation(s):** The following waivers from the El Paso County Engineering Criteria Manual (ECM) is requested with the 6855 Constitution Ave Rezone to CS:

1. The applicants are requesting a waiver of Sections 2.2.4.B.3 and 2.2.5.B.3 of the ECM to allow for the applicant to access to Peterson Road, which is currently under review.
  - Section 2.2.4.B.3, *Minor Arterial*, of the ECM states: “Minor arterials serve high-volume traffic over medium distances in developed or developing urban areas. Access is restricted and based on prescribed distances between intersections, use of medians, and no full movement parcel access is permitted where the local roadways can be expected to provide access (See Figure 2-13). Where no local public or private roadway can provide access, temporary lot or partial turn movement access may be permitted, provided the design meets these Standards.”
  - Section 2.2.5.B.3, *Access and Lot Division*, of the ECM states: “No additional access right shall accrue and no additional access shall be provided when splitting or dividing existing lots of land. When an alternative is reasonably available in the opinion of the ECM Administrator, all access to the newly created properties shall be provided internally from the existing access or new access to a roadway of lower functional classification.”

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

## **B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

## **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 (2022):

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:	CC (Commercial Community)	Commercial
South:	CC (Commercial Community)	Commercial
East:	RM-30 (Residential Multi-Dwelling)	Residential
West:	CC (Commercial Community)	Commercial

**E. BACKGROUND**

The subject property consists of one (1) platted lot that contains 3.72 acres. The property was rezoned on March 31, 1983 from A-4 (Agricultural) zoning district to PBP (Planned Business Park) zoning district. A nomenclature change in 2007 renamed the PBP (Planned Business Park) zoning district as the CC (Commercial Community) zoning district. On January 5, 2016, the Board of County Commissioners approved a rezone from CC (Commercial Community) zone district to RM-30 (Residential Multi-Dwelling) zone district.

The subject property was platted as Tract 2, Northcrest Filing No. 3 on March 31, 1983. The property was re-platted in 1984, as part of Northcrest Filing No. 4. In 1994, the site was re-platted as Lot 1 of the Eight Mile Subdivision.

If the request for a map amendment (rezone) is approved to CS (Commercial Service), the applicant intends to submit a site development plan for a mini warehouse.

**F. ANALYSIS**

**1. Land Development Code Analysis**

The applicant is requesting to rezone 3.72 acres to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.

**2. Zoning Compliance**

The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum lot size: 2 acres
- Minimum Lot Size: 1 acre <sup>11</sup>
- Minimum setback requirement: front 25 feet <sup>1,3,11</sup>, rear 25 feet <sup>1,2,3,11</sup>, side 25 feet <sup>1,2,3,11</sup>
- Maximum lot coverage: None
- Maximum height: 45 feet

<sup>1</sup> Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

<sup>2</sup> The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

<sup>3</sup> Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

<sup>11</sup> If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

In order to construct a commercial use on the property, the applicant will need to obtain site plan approval.

## **G.MASTER PLAN ANALYSIS**

### **1. Your El Paso Master Plan**

#### **a. Placetype: Urban Residential**

##### **Placetype Character:**

The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walkable internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.

## Recommended Land Uses:

### *Primary*

- Single-family Detached Residential (5-units/acre or more)
- Single-family Attached Residential
- Multifamily Residential

### *Supporting*

- Mixed Use
- Restaurant
- Commercial Retail
- Commercial Service
- Institutional
- Parks
- Office

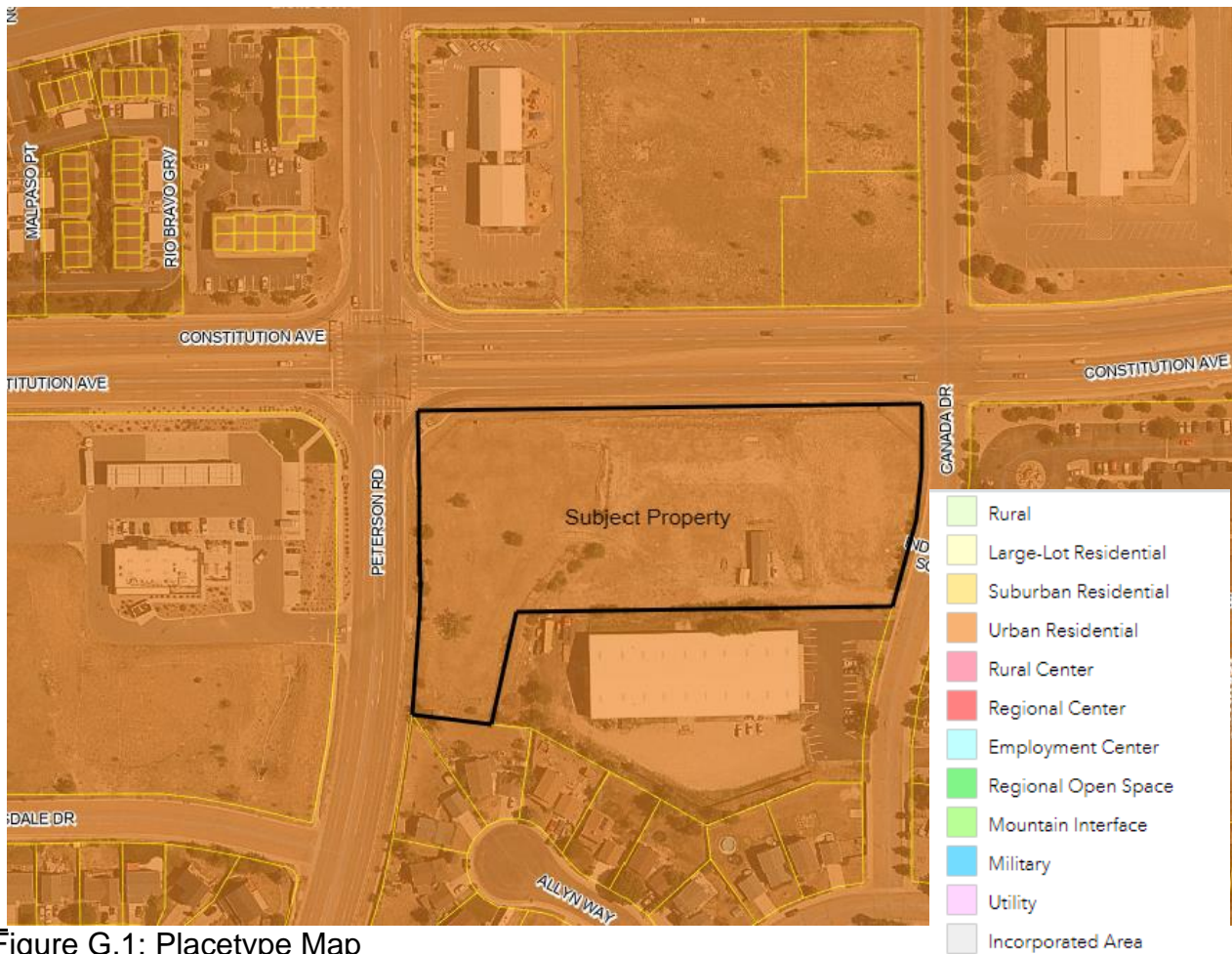


Figure G.1: Placetype Map

## Analysis:

The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected, and complete neighborhoods with a mix of housing products and density. Relevant goals and objectives are as follows:

**Objective LU2-2:** The character and intensity of new development or redevelopment in County enclaves should match that of the development in the municipality surrounding it.

**Goal LU3:** *Encourage a range of development types to support a variety of land uses.*

**Objective ED3-4:** Strongly encourage mixed-use development within the Urban Residential placetype.

The proposed rezone would reallocate approximately 3.72 acres of vacant land from the RM-30 zoning district to the CS zoning district, which would support the commercial service within the Urban Residential placetype. The rezone will develop a vacant parcel into a commercial development for mini-warehouse.

**b. Area of Change Designation: Transition**

Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.



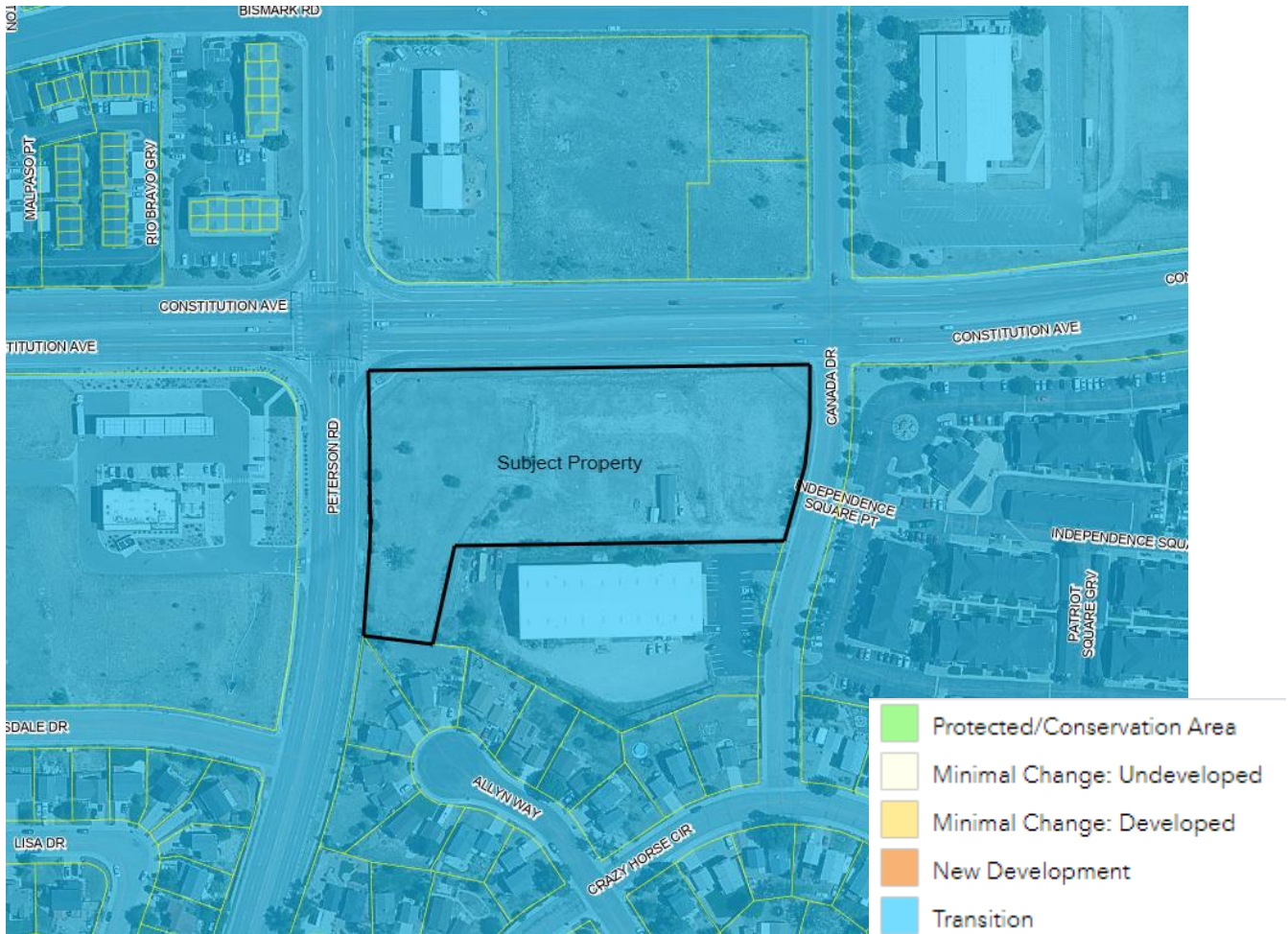


Figure G.2: Area of Change Map

**Analysis:**

The proposed rezone will allow the existing commercial business to serve the surrounding residents while redeveloping an existing vacant piece of land.

**c. Key Area Influences: Enclaves**

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed in a manner that would require significant improvement for annexation. These include roadway improvements, stormwater improvements and utility infrastructure upgrades. Most enclave areas

are accessed by municipal roads experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.



**Figure G.2: Key Area Map**

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

The subject property is located within a Commercial 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 property is located within Region 5 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,849 AFY (Figure 5.2). The projected demand in 2040 is at 6,468 AFY (Figure 5.1) with a projected supply in 2040 of 6,800 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 4,826 AFY (Figure 5.1) with a projected supply in 2060 of 10,131 AFY (Figure 5.2). This means that by 2060 a surplus of 5,305 AFY is anticipated for Region 5.

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 Cherokee Metro District who will provide water services.

#### **4. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and El Paso County Environmental Services were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies Eolian 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**

No hazards have been identified as part of this application.

## **2. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0752G which has an effective date of December 7, 2018, indicates the subject property is located within Zone X, area of minimal flood hazard outside of the 100 to 500-year floodplain

## **3. Drainage and Erosion**

The area of the proposed map amendment (rezoning) is located within the Sand Creek Drainage Basin. This drainage basin part of the El Paso County drainage basin fee program. Drainage and bridge fees will not be applicable with this application. A final drainage report is required with the subsequent site development plan to analyze drainage patterns.

## **4. Transportation**

The subject property is located at the southeast corner of the intersection of Peterson Road and Constitution Avenue, which are classified as a minor arterial and a principal arterial, respectively. Access to the site is via Canada Drive which is east of the site.

A traffic impact analysis (TIS) was received with the map amendment (rezoning) request addressing the anticipated traffic generation of the proposed project, impacts, and anticipated necessary improvements. Transportation improvements necessary due to site development will be further defined during the site development plan. The applicant is responsible for obtaining an access permit once the application is approved.

The applicant has submitted a deviation request for access to Peterson Road, which is currently under review.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

## **I. SERVICES**

### **1. Water**

Water is proposed to be provided by Cherokee Metro District.

### **2. Sanitation**

Wastewater is proposed to be provided by Cherokee Metro District

### **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

#### **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 were sent referrals and have no outstanding comments.

#### **5. Metropolitan Districts**

The property is located within the boundaries of the Cherokee 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.

#### **J. APPLICABLE RESOLUTIONS**

See attached resolution.

#### **K. STATUS OF MAJOR ISSUES**

There are no major issues associated with the rezone.

#### **L. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations.

##### **CONDITIONS**

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

## **NOTATIONS**

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

## **M. PUBLIC COMMENT AND NOTICE**

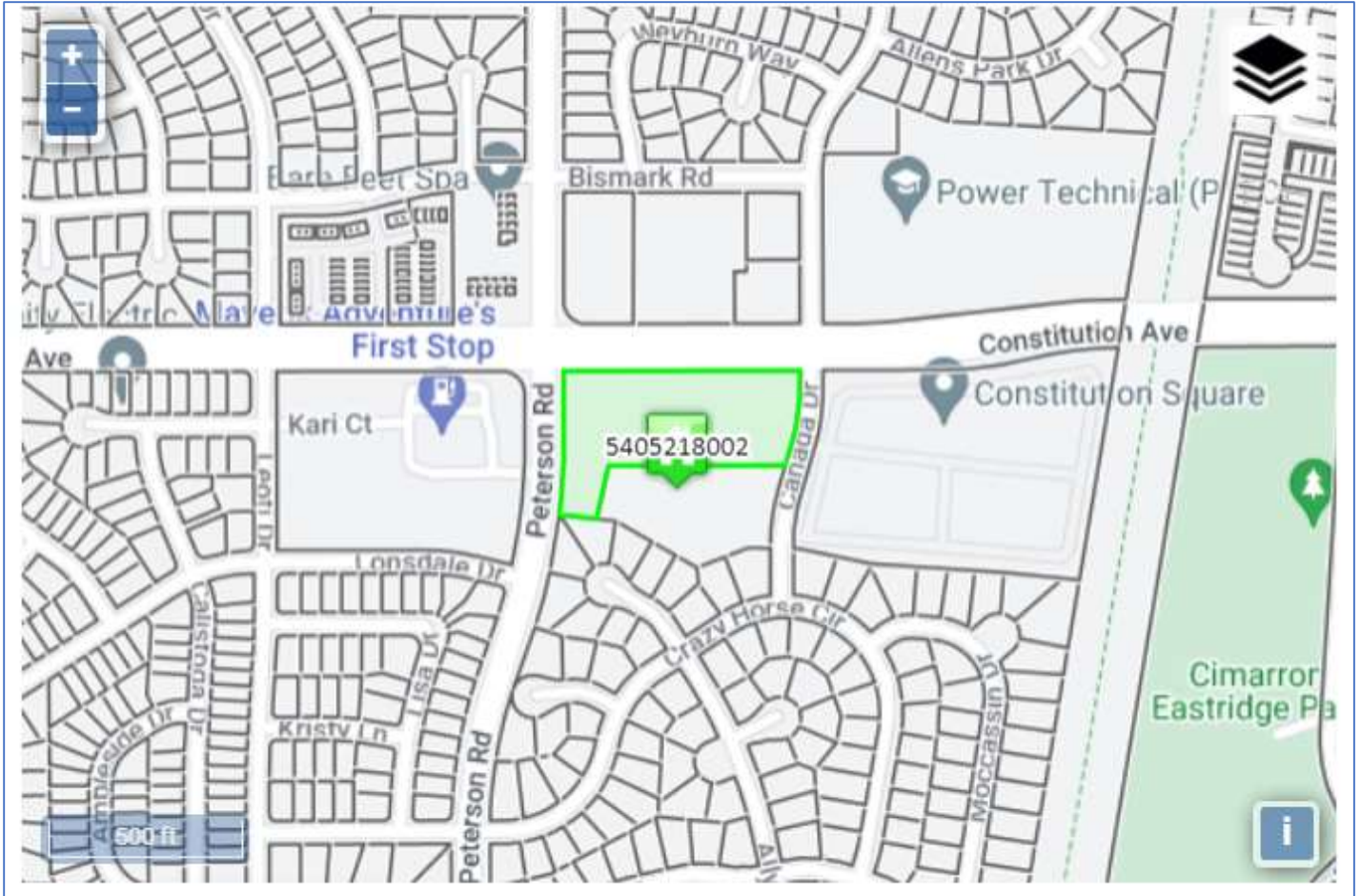
The Planning and Community Development Department notified thirty-three (33) adjoining property owners on October 27, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

## **N. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map  
Draft PC Resolution

6855 Constitution Avenue

Vicinity Map:





April 14, 2022

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El Paso County Planning and Community Development Department  
2800 International Circle, Suite 110  
Colorado Springs, Colorado 80910

## MAP AMENDMENT (REZONING) APPLICATION LETTER OF INTENT

Johnson Development Associates, Inc. ("**Applicant**") is the contract purchaser of real property located at 6855 Constitution Avenue, in the unincorporated County of El Paso (the "**County**"), State of Colorado, with a Tax Parcel No. 5405218002 (the "**Property**"). Applicant is requesting approval to rezone the Property from the RM-30 District to the CS District (the "**Rezoning Application**"). The purpose of this letter is to accompany Applicant's Rezoning Application, wherein Applicant is proposing to develop a two-story self-storage facility consisting of 109,033 gross square feet (the "**Project**"). A rezoning of the Property from the RM-30 District to the CS District is necessary to accommodate the Project.

- Current Property Owner Jasperco, LLC  
5532 Saddle Rock Trail  
Colorado Springs, CO 80918  
tonyc@colonfam.com
- Applicant Johnson Development Associates, Inc.  
Attn: Brian Kearney  
100 Dunbar Street, Suite 400  
Spartanburg, South Carolina 29306  
864.529.1297  
bkearney@johnsondevelopment.net
- Property Address 6855 Constitution Avenue  
Colorado Springs, Colorado 80915
- Tax Parcel No. 5405218002
- Current Zoning RM-30 District

The County's official zoning map, which delineates the boundaries of various zone districts, initially indicated that the Property is located within the Commercial Community District (the "**CC District**"), in an area with Special Uses. However, a Title Commitment prepared by First American Title Insurance Company dated August 1, 2016 revealed that the Property was rezoned by Resolution 16-028 on January 26, 2016 from the CC District to the Residential Multi-Dwelling District (the "**RM-30 District**"). Pursuant to the El Paso County Land Development Code (the "**Code**"), the RM-30 District is a thirty dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development. *Code, § 3.2.4.B.*

6. Rezoning Request

Applicant requests that the County approve a rezoning of the Property from the RM-30 District to the Commercial Services District (the "**CS District**"), to allow the proposed development of the Project on approximately 3.72 acres of primarily undeveloped land. The CS District is intended to accommodate retail, wholesale or service commercial uses that serve the general public. *Code, § 3.2.5.C.* The Project proposes a climate-controlled self-storage facility, and would therefore be classified by the Code as a "**Mini-Warehouse Facility**". Because a Mini-Warehouse Facility is a use permitted by right in the CS District – but a prohibited use in the RM-30 District – the Property must be rezoned to accommodate the Project.

7. Overlay Districts

The Property is not within an Overlay District.

8. Criteria of Approval

As discussed below, a rezoning of the Property to the CS District meets the approval criteria outlined in Chapter 5 of the Code. *See Code, § 5.3.5.C.*

- *The application is in general conformance with the Master Plan, including applicable Small Area Plans.*

Pursuant to Chapter 5 of the Code, a rezoning is justifiable when the requested rezoning is in general conformance or consistency with the Your El Paso County Master Plan (the "**Master Plan**"). *Code, § 5.3.5.A.* Here, as discussed below, a rezoning of the Property to the CS District is consistent with the Master Plan.

The vision of the County, as depicted in the Master Plan is to accommodate growth, while maintaining the special character, unique places, and environmental and natural amenities that have helped define the region. *Master Plan, at 13.* The County is interested in responsible development to provide complete communities with the necessary housing, commercial opportunities and public services to allow current and future residents to experience a high quality of life. *Master Plan, at 13.* The Project supports this vision by providing a desired service to the community, improving land along a County right-of-way ("**ROW**") that has historically sat vacant for years on end and providing landscaping along a County ROW that will improve the aesthetic of the area.

The Master Plan identifies the following land use and development principle that is applicable to the Project: manage growth to ensure a variety of compatible land uses that preserve all character areas of the County. *Master Plan, at 14.* One of the primary goals of this principle is to encourage a range of development types to support a variety of land uses. *Master Plan, at 14.* Another goal is to ensure compatibility with character and infrastructure capacity. *Master Plan, at 14.* Regarding land use, the Master Plan aims to identify the different development and land use characteristics for areas of the County that make up the various placetypes that will serve as the base for long-range planning. *Master Plan, at 15.* This principle supports the Project. The Project is a use that differs from the other surrounding uses, and one that will contribute to the area's development of varying types of uses. Applicant intends to utilize enhanced architecture and landscaping to ensure compatibility with surrounding uses, particularly the residential character of nearby neighborhoods. Applicant has identified a need for climate-controlled self-storage in the area, thus providing a desired service to the surrounding and growing community.

The Master Plan identifies certain areas as "key areas." The Property is located in the "**Enclaves or Near Enclaves**" key area. *Master Plan, at 17.* This is an area of unincorporated El Paso County that is surrounded on all sides by an incorporated municipality. *Master Plan, at 18.* The Property is located within Cimarron Hills, an enclave and urbanized community with nearly 18,000 residents. *Master Plan, at 18.* The character and intensity of new development or redevelopment in the Enclaves or Near Enclaves areas should match that of the development in areas of Colorado Springs surrounding it. *Master Plan, at 18.* The Project aligns with development occurring in and around the Colorado Springs municipality. East of the Property lies North Powers Boulevard, an area where varying mixed-use commercial businesses are located, including a Lowe's Home Improvement store, restaurants, a fitness center and a pet store. Additionally, Colorado Springs employs a similar development strategy as Cimarron Hills, in which commercial businesses may be located near residential areas to provide varying services to the community. Here, similar to development in Colorado Springs, the Property lies within a pocket commercial area among the residential neighborhoods to provide services to the residential community in the area.

The Property is also located within what the Master Plan identifies as a “**Transition**” area. Transition areas are fully developed parts of the County that may completely or significantly change in character, and where redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development *Master Plan, at 17*.

The Property is also located in an area designated by the Master Plan as “**Minimal Change: Developed**.” *Master Plan, at 20*. The Minimal Change: Developed area is characterized as an area that has undergone development and has an established character. *Master Plan, at 20*. The Master Plan notes that this area is 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. *Master Plan, at 21*. The Project complies with this vision by providing a commercial use that suits the needs of the surrounding area on land that is primarily undeveloped.

Moreover, the Property is within the “**Urban Residential**” placetype. *Master Plan, at 22*. This placetype is supportive of “commercial service” and “mixed-use” land uses within the area. The Urban Residential placetype offers an opportunity for the County to redefine its growth areas through highly desirable, connected and complete neighborhoods with a mix of housing products and density. *Master Plan, at 30*. In this placetype, commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. *Master Plan, at 30*. The Project would sit along a main thoroughfare and will be located next to other neighboring commercial districts, rather than imbedded within primarily residential areas, and therefore comports with this principle. Additionally, a sports complex separates the Project from the closest suburban residential area.

Accordingly, the Project conforms to the Master Plan.

- *The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111-116.*

A rezoning to the CS District complies with C.R.S. § 30-28-111-116. As described above, the CS District is a zone district established by the County of El Paso Board of County Commissioners (the “**County Commissioners**”) pursuant to C.R.S. § 30-28-111-116. The Project complies with the Code’s development standards and therefore adheres to the requirements of C.R.S. § 30-28-113. Moreover, C.R.S. § 30-28-116 grants the County Commissioners authority to “amend the number, shape, boundaries, or area of any district or any regulation within such district, or any other provision of the zoning resolution.” Accordingly, the Property may be rezoned to the CS District pursuant to C.R.S. § 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.*

A rezoning of the Property to the CS District, and the proposed Mini-Warehouse Facility use, is compatible with the existing and permitted land uses in all directions. The Property is located in the Cimarron Hills enclave urbanized community. This area includes varying mixed-uses, including both commercial and residential.

The properties immediately north and west of the Property are both zoned commercial. The property to the north, across Constitution Avenue, includes both primarily undeveloped land and a day care facility. The property directly to the west across Peterson Drive is a Maverik's gas station. Directly east of the Property, across Canada Drive, is an apartment complex zoned RM-30 District. Immediately south of the property is a sports complex zoned CC District. The property south of the sports complex is zoned Residential Suburban and includes 6,000 square foot single-family residential development.

Although some of the surrounding uses are residential, a rezoning of the Property to the CS District is compatible with the residential uses because the Property lies within the Urban Residential placetype. *Master Plan, at 22*. As previously mentioned, this placetype is supportive of "commercial service" and "mixed-use" land uses within the area.

Accordingly, both the Project and a rezoning of the Property to the CS District are compatible with the surrounding zone districts and land uses.

- *The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Code for the intended zone district.*

The Property – which is currently primarily undeveloped land – is also suitable for a Mini-Warehouse Facility because such use meets the standards of the CS District pursuant to Chapter 5 of the Code. As previously mentioned, a Mini-Warehouse Facility is an allowed use (a use permitted by right) in the CS District. *Code*, Table 5-1. Thus, the Project is a use in the CS District envisioned by the Code. Additionally, Applicant has carefully crafted a Site Development Plan ("**SDP**") that comports with the Code's standards, which Applicant is submitting for concurrent review with its Rezoning Application.

The minimum zoning district area for the CS District is 2 acres. The Property – which is approximately 3.72 acres – meets this minimum. Additionally, the Project proposes a 25-foot setback, which comports with the Code's minimum setback in the CS District of 25 feet. The Project also complies with the Code's 45-foot maximum building height. *See Code*, Table 5-5.



Applicant also has no intention of requesting any relief from the dimensional standards of the CS District.

9. Compliance with the Code

As outlined herein and further detailed in the SDP, Applicant's request to rezone the Property to the CS District is compliant with the applicable requirements and development standards of the Code, with the exception of Applicant's request for a deviation from the required distance of the access driveway on Peterson Road to the street intersections as depicted in the SDP, and a request for deviation from the required distance of the access driveway on Canada Drive to the street intersections as depicted in the SDP.

- *Landscaping*

Applicant will adhere to all landscaping requirements set forth by the Code. Specifically, Applicant intends to provide a 25-foot buffer along Constitution Avenue, a 20-foot buffer to Peterson Road and a 15-foot buffer to Canada Drive, and between the neighboring residential at the southwest corner, as required by the Code. *See Code*, § 6.2.2.B.5; 6.2.2.D.1.a-c. Additionally, Applicant will provide roadway landscaping along any County ROW in compliance with Section 6.2.2.A-B of the Code. Applicant will also screen its refuse collection areas. *See Code*, § 6.2.2.G.1.a.

- *Parking*

In compliance with the Code requirements, the Project proposes at least one standard parking space per every 100 storage units, plus one parking space per employee, and 90 degree parking stalls with a width of 9 x 18 feet. *See Code*, Table 6-2; 6-4. The Application proposes 18 parking spaces; 11 spaces are required. The Project also proposes 8 covered RV parking spaces. The parking areas proposed by the Project also provide circulation between drive aisles without the need to enter adjacent roads or other lots or parcels, and each row of parking is designed to include more than one entrance and exit. *See Code*, § 6.2.5.C.1.a; 6.2.5.C.3.b. The Project proposes that traffic may flow in and out via Peterson Road and/or Canada Drive, thereby providing for two entrances and two exits. Furthermore, in compliance with the Code's requirements for the size of driving aisles for Mini-Warehouse Facilities, the Project proposes a minimum of 24 feet for the drive aisles. *See Code*, § 6.2.5.G.2.d.

- *Truck Loading*

Although the Code only requires one, Applicant proposes three truck loading and turnaround areas. *See Code*, § 6.2.5.E.1; Table 6-6. Additionally, all loading and turnaround areas are located on the west side of the building, adjacent to Peterson Road, and therefore screened from view from the view

on Constitution Avenue and residential areas. The loading and turnaround areas are also compliant with the Code's dimensional requirements of 14 x 18 feet, with a vertical clearance of 14 feet and a maneuvering aisle width of 24 feet. *See Code, Table 6-6.*

- *Lighting*

Pursuant to Section 6.2.3.A.4. of the Code, Applicant will provide a Photometric Lighting Plan of the Project, which includes a maximum of .1 foot candle lighting at Property boundaries where the Property is adjacent to a County ROW or residential district.

10. Mini-Warehouse Facility and Use Specific Standards

The Code defines a Mini-Warehouse Facility as a "building designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting and climate control of individual storage units." *Code, § 1.13.* The Project meets this definition. The Project's primary purpose is to provide climate-controlled self-storage, which are individually leased.

Table 5-1 allows Recreational Vehicle and Boat Storage as an allowed use in the CS District

11. Consistency with Master Plan

As discussed above in Section 8, a rezoning of the Property to the CS District is consistent with the Master Plan. The Property is not within an Enterprise Zone.

The proposed rezoning of the Property to the CS District is also consistent with the El Paso County Water Plan (the "**Water Plan**"), because it meets the Water Plan's criterion for approval. The Property is within the Water Plan's Region 5, and is also within the Cherokee Metro District's established boundaries. The Cherokee Metro District has committed to providing municipal water and sewer services that will meet the needs of the Project. The Project is expected to produce 180 gallons of wastewater per day, representing 0.01% of the Cherokee Metro District's wastewater capacity. This usage is in line with anticipated wastewater demands for this area. The Project's total estimated demand for water is 3.9 AF/yr, with 0.2 AF/yr of the total estimated for domestic water and 3.7 AF/yr of the total estimated for irrigation water. Applicant's projected water demand for both sewer and irrigation water is significantly less than the water previously required by the abandoned multi-family development. The Project thus promotes the Water Plan's goals of sustainability and water conservation.

The proposed rezoning of the Property to the CS District is also consistent with the El Paso County Parks Master Plan (the "**Parks Plan**"). The vision of the Parks Plan is to "provide a vision for the future of El Paso County parks, trails, and open space along with recreation and cultural services programs." *Parks Plan*, 2. The Parks Plan identifies the following priorities: maintain and upgrade existing facilities and enhance communication with park users; provide for connectivity with other regional trails; identify open space areas; building on recreational and cultural services to expand opportunities that focus on natural and cultural resources and agricultural heritage. *Parks Plan*, 2-3.

The Property is located in the "Urban Core Area", which the Parks Plan identifies as "generally within the City of Colorado Springs"; however, the Property is located in unincorporated El Paso County. There are also no trails or open space adjacent to the Property, and the Property is outside of the areas identified by the Parks Plan for trail development, parks and recreation, and open space dedication. Furthermore, the Project has no negative impact on the Parks Plan.

12. Provision of Utilities

The Property is able to be served by all applicable utilities. Gas is provided by Colorado Springs Utilities, electric is provided by Mountain View Electric, and water and sanitary sewer is provided by the Cherokee Metro District.

Fire Department access will be shown on the SDP.

13. Sensitive Natural or Physical Features

There are no identifiable potentially sensitive natural or physical features on the Property. The Property was previously graded by a former owner.

14. Community Outreach Efforts

The Applicant mailed notices by certified mail informing adjacent property owners of its intent to rezone the Property on April 13, 2022. Applicant also intends to engage with the neighborhood community while the Application is under review.

15. Traffic Study

A Traffic memorandum is being provided with the Application.

Accordingly, the Applicant respectfully requests that its request to rezone the Property to the CS District be approved.

April 14, 2022  
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Sincerely,

Carolynne C. White







MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-005  
6855 CONSTITUTION AVE REZONE TO CS

WHEREAS, Galloway and Company did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RM-30 (Residential Multi-Dwelling) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 17, 2022; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Galloway and Company for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RM-30 (Residential Multi-Dwelling) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

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

NOTATIONS

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

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

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a vote of \_\_\_to\_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17<sup>th</sup> day of November 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Brian Risley, Chair

DATED: November 17, 2022

## EXHIBIT A

### Parcel 1:

Lot 1, GREATER EUROPE MISSION SUBDIVISION FILING NO. 1, County of El Paso, State of Colorado, consisting of 3.591 acres.

### Parcel 2:

That portion of the Southwest Quarter of the Northwest Quarter of Section 11, Township 11 South, Range 67 West of the 6th P.M. lying east of the east line of that tract conveyed to the State Highway Department by Quitclaim Deed recorded September 8, 1948 in Book 1185 at Page 458, also described as:

That part of the Southwest Quarter of the Northwest Quarter of Section 11, Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence Easterly along the Southerly line of said Northwest Quarter a distance of 996.04 feet to a point on the Easterly right-of-way of Interstate Highway 25 described in that deed to the State Highway Department recorded September 8, 1948 in Book 1185 at Page 458, which point is the True Point of Beginning of the parcel described; thence on a deflection angle to the left  $95^{\circ}08'20''$  and along said Easterly right of way line a distance of 1334.24 feet to a point on the Northerly line of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right  $95^{\circ}00'36''$  and along said Northerly line 441.95 feet to the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right  $90^{\circ}16'15''$  and along the Easterly line of said Southwest Quarter of the Northwest Quarter a distance of 1329.88 feet to the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right  $89^{\circ}51'29''$  and along the Southerly line of said Southwest Quarter of the Northwest Quarter a distance of 319.15 feet to the point of beginning, consisting of 11.609 acres.

The total rezone acreage is 15.2 acres.