

April 14, 2022

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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
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Spartanburg, South Carolina 29306
864.529.1297
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- 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.

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Sincerely,

Carolynne C. White