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Hillpointe Apartments Rezone

Letter of Intent

PCD File No. P265

February 2, 2025

Owner:

Jovenchi II, Marathon Holdings LLP, Venezia John Estate
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Colorado Springs, CO 80918
dean@vintagedev.com
719-491-2158

Applicant/ Authorized Representative:

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Planner: Vertex Consulting Services, LLC,
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Tax Schedule No: Portions of 5408007001, 5408007004, and 5408007008

Address: 485 Meadowbrook Parkway

Acreage: 14.09 Acres (acreage of Lot 1 of the Cimarron Hills Southeast Mixed Use Filing No. 1 Subdivision)

Current Zoning: CR (Commercial Regional) CAD-O (Commercial Airport Overlay District)

Requested Zoning: RM-30 (Residential Multi-Dwelling) CAD-O (Commercial Airport Overlay District)

Request:

Vertex Consulting Services, LLC, on behalf of the owner, is respectfully submitting an application for a map amendment (rezone) from the CR (Commercial Regional) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district. The proposed rezone is compatible with existing zoning and land uses in the surrounding area and is consistent with the Your El Paso Master Plan.

Overlay Zoning:

The property is located within the CAD-O (Commercial Airport Overlay District) associated with the City of Colorado Springs Airport. The Airport has requested an avigation easement, which can be provided pursuant to the associated Cimarron Hills Southeast Mixed Use Filing No. 1 subdivision. The property is not included within the Colorado Springs Airport Noise Contours or within the Airport's Accident Potential Zones (APZs) as depicted in the image below. The Airport Advisory Commission provided comments on this map amendment (rezoning) request stating "no objection" with the following conditions:

- Avigation Easement: An avigation easement is requested or provide proof of previous recording (book/page or reception number) for development plat.
- Airport Acknowledgement: Upon accepting residency within Hillpoint Apartments, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Hillpointe Apartments lies within an Airport Overlay Zone and is located less than 1.5 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.
- FAA Form 7460-1: Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport

before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

The owner intends to comply with each of these conditions. No other impacts have been identified that will require mitigation.



Utilities:

Colorado Springs Utilities provides electric and natural gas service to the area and the property is located within the water and wastewater service area of Cherokee Metropolitan District. The applicant has already met with both Colorado Springs Utilities and Cherokee Metropolitan District to discuss service and extension of utilities into the property.

Justification:

The pages that follow address each of the criteria included within Section 5.3.5 (Map Amendment), of the El Paso County Land Development Code.

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.

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, that is not the case with respect to the requested map amendment (rezoning) to the RM-30 zoning district, as identified below.

Key Area Analysis

The property is within the “Enclaves or Near Enclaves” Key Area of the Plan, which in this specific instance is in reference to the Cimarron Hills neighborhood, an urbanized area of unincorporated El Paso County. The Plan specifically calls attention to Cimarron Hills as being the largest enclave in the County and as “[A]n urbanized community with nearly 18,000 residents...” When considering new development or redevelopment in these areas, the Plan states the following:

“The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it.”

The proposed RM-30 zoning would be directly compatible with a variety of new developments in the City of Colorado Springs, which is the municipality surrounding the Cimarron Hills enclave. The City of Colorado Springs continues to experience increased multi-family residential growth throughout its incorporated boundaries, including a number of locations that are in close proximity to the subject property, particularly along the Powers Boulevard and Marksheffel Road corridors. As a result, the map amendment (rezone) and anticipated multi-family residential development will be consistent with the existing character of the City of Colorado and in keeping with the existing and planned new development within the Cimarron Hills enclave.

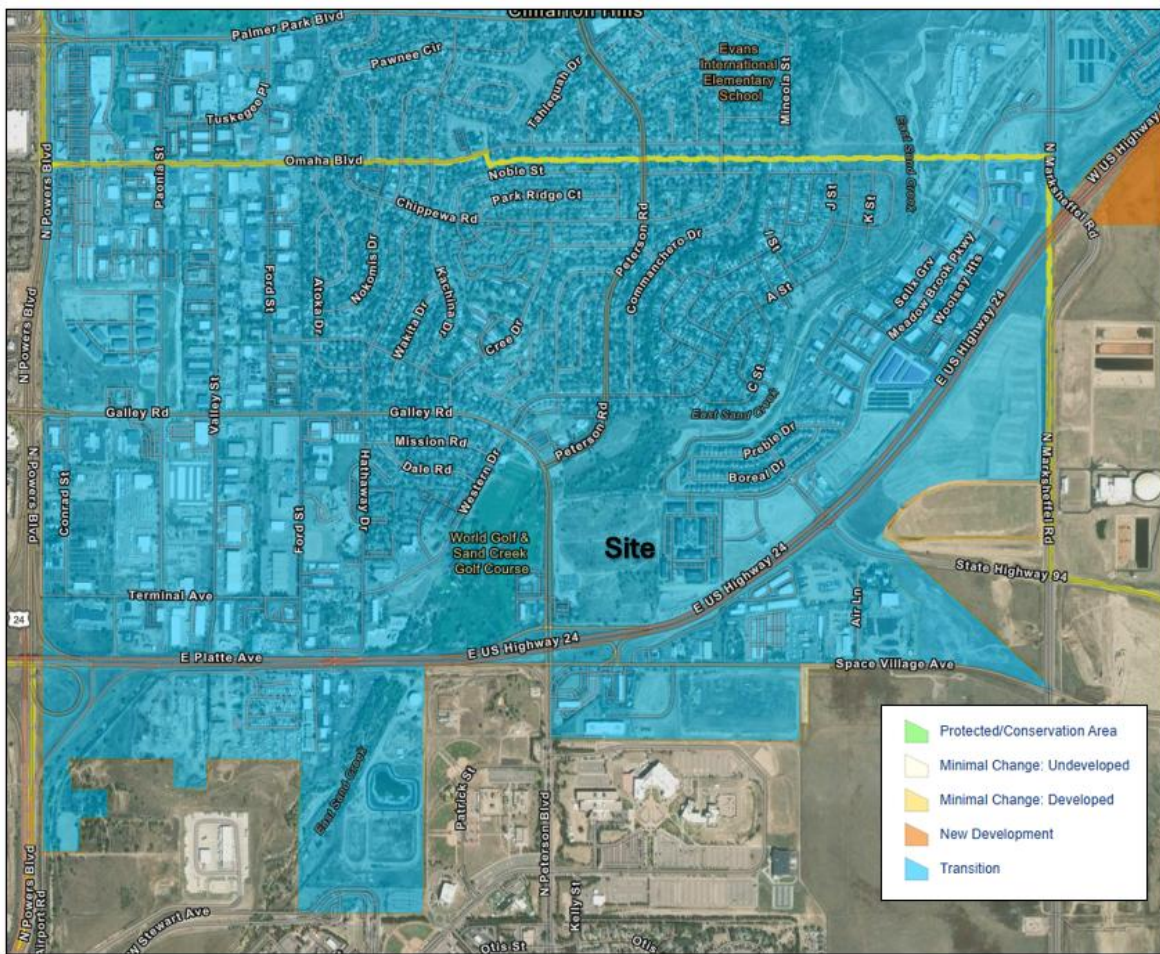
Area of Change Analysis

The property is identified in the Areas of Change map within the Plan as being within the “Transition” area of change. Page 21 of the Plan characterizes areas of “Transition” by stating:

“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.” (Emphasis added)

The 14.09-acre lot is an underutilized vacant property within the larger unincorporated Cimarron Hills neighborhood. Cimarron Hills, although located within unincorporated El Paso County, is largely built out with exception to a handful of properties, including this property. Most of the older areas of Cimarron Hills have been developed with single-family detached dwellings; however, recent development of vacant properties, and even redevelopment of many of the previously underutilized industrial properties, have resulted in a substantial influx of multi-family residential dwellings, particularly along the Marksheffel Road and Highway 24 corridors. The proposed map amendment (rezoning) for the subject property, which was previously part of a larger softball complex, represents a continuation of the ongoing transition of the area. This will result in increased residential densities within Cimarron Hills, which directly supports the County’s master planning for the area in terms of the Transition Area of Change designation. In addition, development of multi-family housing on the subject property pursuant to the RM-30 zoning will help provide much needed attainable housing.

Area of Change Map



Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Urban Residential Placetype. Page 30 of the Plan identifies the following land uses as being

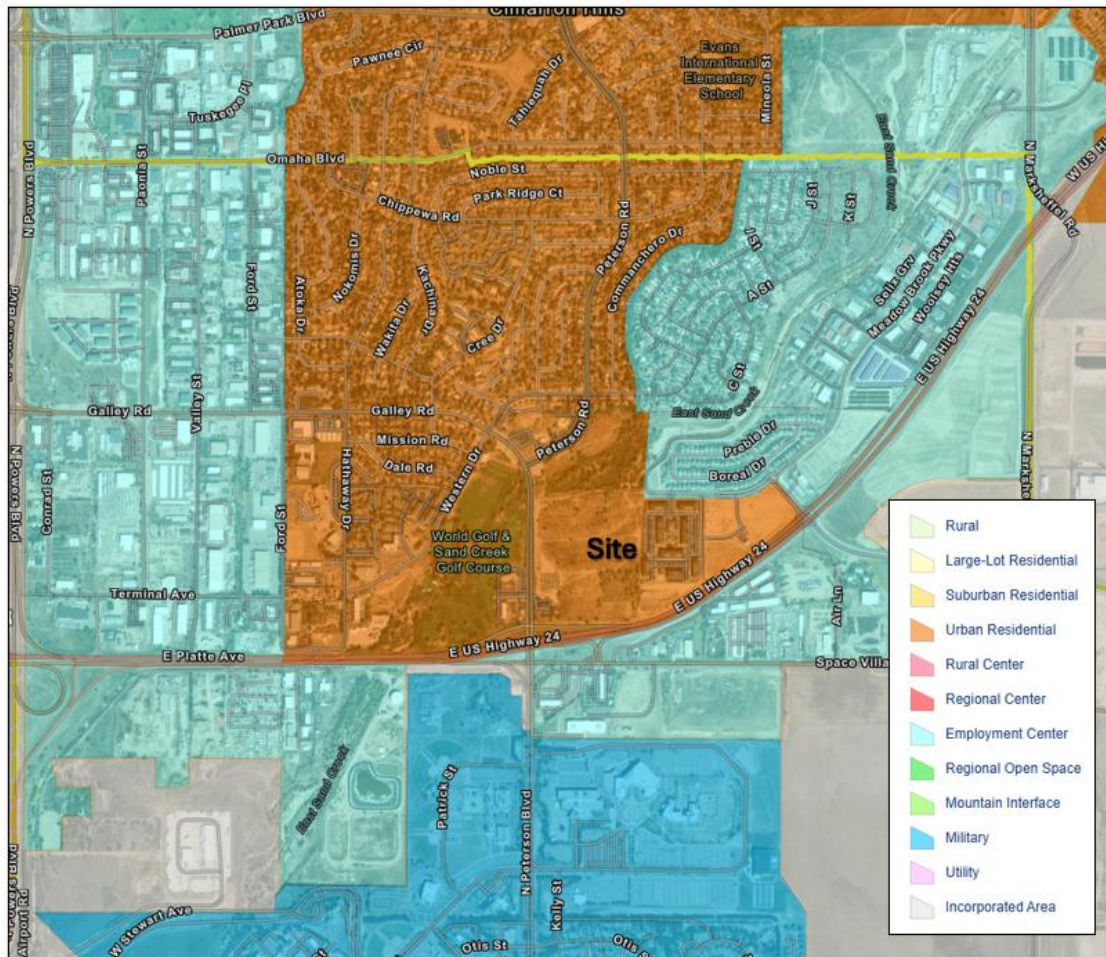
Primary Land Uses within the Urban Residential Placetype:

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

In addition, the Placetype includes the following Supporting Land Uses:

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

Placetype Map



The Urban Residential Placetype is described further on page 30 as follows:

“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 place-type 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.” (emphasis added)

The allowance for multi-family housing as a “Primary Land Use” within the Urban Residential Placetype is directly in line with the proposed map amendment (rezoning) and the anticipated multi-family residential development of the site. In addition, Cherokee Metropolitan District will serve the site with central water and wastewater services and Colorado Springs Utilities will provide electric and natural gas services, which further allows the proposed map amendment (rezoning) to reach overwhelming consistency with the Urban Residential Placetype.

Priority Development Area Analysis

Page 51 of the Plan provides recommendations for certain areas of the County that should be considered as “Urban Residential Priority Development Areas.” This section of the Plan directly references the Cimarron Hills enclave as a Priority Development Area and it suggests that the area “could be redeveloped to better support the establishment of complete communities.” Specific recommendations for Cimarron Hills as a Priority Development Area include the following:

- Redevelop deteriorating single-family homes and sporadic commercial businesses to single-family attached or multifamily units to ***increase density where appropriate*** in the context of the existing neighborhood.
- Vacant industrial should be redeveloped to an entertainment use or small commercial retail center to better support residents.
- ***Overall, the County should prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise.*** (emphasis added)

In summary, this section of the Plan directly supports the proposed RM-30 map amendment (rezoning) as a way of prioritizing higher-quality development in the form of new multi-family residential dwellings, which are expressly identified as a primary land use within the Urban

Residential Placetype.

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan (2018) states that “The Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process.” The Plan provides an analysis of water supply for central water providers throughout El Paso County on a Planning Region basis. The subject property is located within Planning Region 5 of the Water Master Plan, pursuant to Figure 3-1 on page 25. Region 5 includes a number of central water providers, including Cherokee Metropolitan District, which will provide water service to the site.

Section 5.4, Needs Analysis, of the Plan identifies that the current water supplies (4,849 AF) for Region 5 exceed the current demand (4,396 AF). This indicates a current surplus of 453 AF. Water sufficiency is not established with map amendment (rezoning) application; however, the water supply surplus identified in the County’s Water Master Plan combined with the commitment to serve from Cherokee Metropolitan District suggest that the proposed rezoning is in general conformance with the Water Master Plan. Furthermore, it should be noted that Cherokee Metropolitan District has recently received approval of a water reuse plan from the State of Colorado, which effectively allows Cherokee to reuse treated effluent thereby expanding the available water supplies of the District well beyond the 4,849 AF identified in the County’s Water Master Plan.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. The nearest proposed trail is a City of Colorado Springs proposed trail that is conceptually aligned south of Highway 24 approximately one-third of a mile south of the subject property. Land dedication or fees in lieu of land dedication are not required with a map amendment (rezone) application. For these reasons, the map amendment is in general conformance with the Parks Master Plan.

2024 Major Transportation Corridors Plan (MTCP)

Access to the site is from the south side of the planned extension of Meadowbrook Parkway, which is ultimately proposed to intersect with Peterson Road located west of the site. A traffic impact study was prepared by SM Rocha which details the potential traffic impacts of the proposed development. The study concluded that the proposed development will not trigger any improvements to the surrounding roadway network beyond the construction of Meadowbrook Parkway, which was planned for and included in the overall subdivision. A full analysis of the 2024 MTCP is included within the traffic study. All necessary rights-of-way have been dedicated with the Cimarron Hills Southeast Mixed Use Filing 1 subdivision.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan,

including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

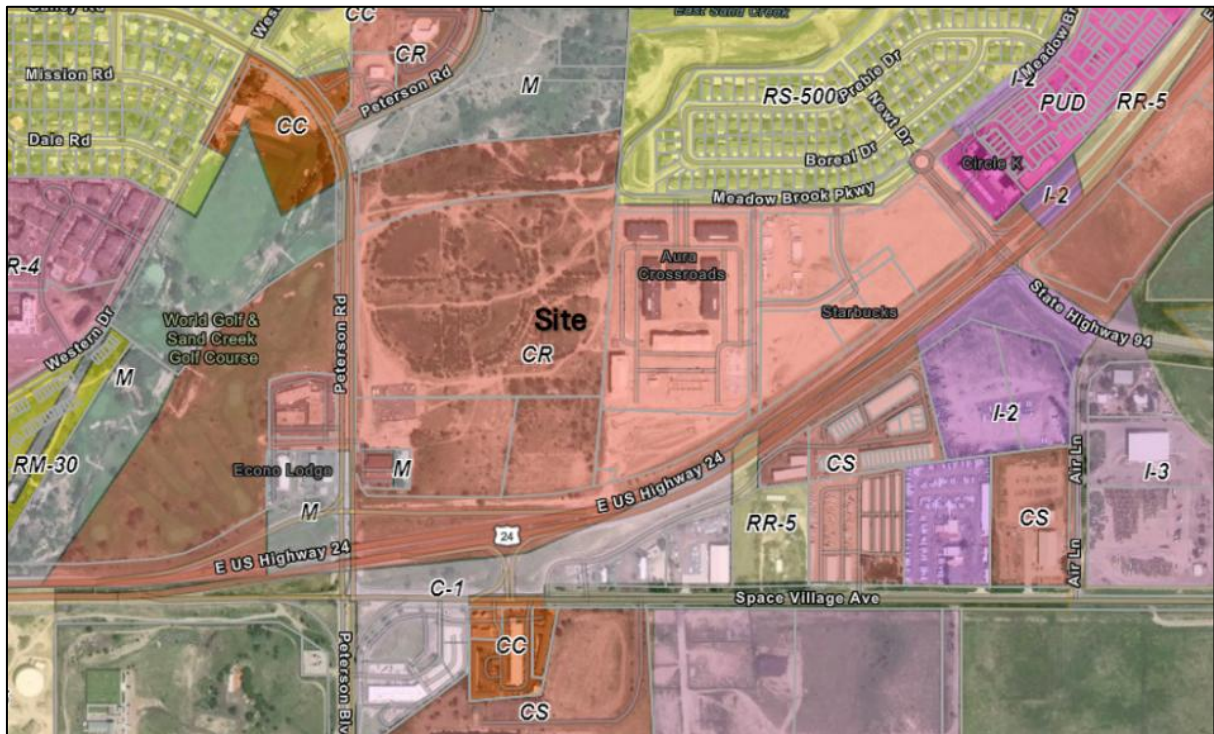
The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116.

Pursuant to the El Paso County procedures, the County will post the public hearing date in the newspaper ensuring all statutory requirements have been satisfied.

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

The property owner is requesting to rezone the property from the CR zoning district to the RM-30 zoning district. The property, which is known as Lot 1 of the Cimarron Hills Southeast Mixed Use Filing No. 1 Subdivision, is surrounded by commercial and higher density residential zoning on all sides. The overall Cimarron Hills Southeast Mixed Use Filing No. 1 Final Plat (SF2420) also includes adjacency to industrial zoned parcels, which are currently either vacant or developed with commercial land uses, as well as additional commercial zoned parcels located across Highway 24 to the south.

Below is a map depicting the surrounding zoning as of the date of this letter:



Section 3.2 of the Code provides the purpose statements for all conventional zoning districts within unincorporated El Paso County. The purpose of the RM-30 (Residential Multi-Dwelling) zoning district:

“The RM-30 zoning district is a 30 dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development.”

The Land Development Code definition of “Compatibility” identifies that two uses do not need to be identical in order to be considered compatible:

“The characteristics of different uses, activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of the proposed use, activity or design in maintaining the character of existing development within the vicinity.”

Compatibility of the rezoning request with the surrounding area is discussed below in the context of the various elements of Land Development Code definition:

1. Located adjacent to one another in harmony (coexist without negative impacts)
The fact that the surrounding zoning districts are commercial and higher density residential allows for the proposed RM-30 zoning to function in harmony with the neighborhood. Traditional zoning concepts even encourage locating higher density residential zoning near commercial goods and services and near employment centers, which is exactly the case with this proposal given the adjacent commercial zoning and development and the close proximity to Peterson Space Force Base and the Powers Boulevard corridor, both of which provide for significant employment opportunities. The anticipated relationship between higher density residential development and goods, services, and employment opportunities serves as the backbone for every healthy, thriving, and harmonious community.
2. Compatible height
The RM-30 zoning district has a maximum height of 40 feet. This is compatible with the maximum heights of the County’s commercial zoning districts, which range from 30 to 50 feet depending on the specific commercial zoning district. In addition, anticipated multi-family development of the subject property will be similar in height and scale to the existing Aura Crossroads multi-family residential development, located immediately adjacent to the east, which features three-story multi-family dwellings.
3. Compatible scale, massing, and bulk
The RM-30 zoning district has a maximum coverage of 60%, whereas the adjacent commercial zoning in the area is not/will not be subject to a maximum lot coverage standard. As such, the proposed map amendment to RM-30 would actually result in a reduction in maximum building coverage from the existing CR (Commercial Regional) zoning of the property.
4. Compatible landscaping, light, noise, odor, and architecture

Multi-family residential development within the proposed RM-30 zoning district will be subject to the development standards in Chapter 6 of the Land Development Code. These same standards also apply to all commercial development, which would include any new commercial development that may occur near the subject property pursuant to one of the County's commercial zoning districts.

5. Maintain the character of existing development in the vicinity

The character of the surrounding zoning includes commercial, multi-family residential, and higher density single-family residential. The proposed RM-30 zoning will be consistent with the urbanized nature of the area and will help advance the Urban Residential Placetype character through increased residential density located near commercial goods and services and in close proximity to public facilities and employment centers.

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.

Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RM-30 zoning district as follows:

- Minimum lot size: 5,000 square feet for the first two multi-family units, plus 1,000 square feet for each additional unit (per footnote 9 of Table 5-4)
- Front Setback: 25 feet
- Side Setback: 15 feet
- Rear Setback: 15 feet
- Maximum Height: 40 feet

The anticipated multi-family residential development on the subject property will be required to comply with these dimension standards. The anticipated unit count for the development is currently 300 dwellings, which would require a minimum lot size of 6.84 acres. This means that the site complies with the minimum lot size require of the Code with an additional excess of approximately 7.25 acres.

Natural and Physical Features:

There are no sensitive natural features or geologic hazards present on the property. The Sand Creek floodplain is located north and northwest of the property and will not impact the development of this lot pursuant to the proposed RM-30 zoning. The property is adjacent to U.S. Highway 24 along the southern boundary of the lot. A noise impact study has been provided in support of the proposed map amendment (rezoning) request. The study predicts noises level in year 2045 from traffic on Highway 24 at less than 66 decibels Leq(h), which is less than the threshold for exterior noise levels for multifamily residential developments (a Category B land use).

Community Outreach Efforts:

There are currently no planned community outreach events.