

#### **COLORADO**

Kevin Mastin, Interim Executive Director El Paso County Planning & Community Development O: 719-520-6300 KevinMastin@elpasoco.com 2880 International Circle, Suite 110 Colorado Springs, CO 80910 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 Board of County Commissioners

Stan VanderWerf, Chair

FROM: Ryan Howser, AICP Planner III

Gilbert LaForce, PE Senior Engineer Kevin Mastin, Interim Executive Director

RE: Project File #: P-22-003

**Project Name: Claremont Ranch Tract F** 

Parcel No.: 54043-04-013

OWNER:	REPRESENTATIVE:
Rockwood Homes, LLC	Kimley-Horn & Associates
5436 Carvel Grove	2 North Nevada Avenue, Suite 300
Colorado Springs, CO, 80922	Colorado Springs, CO, 80903

#### Commissioner District: 2

Planning Commission Hearing Date:	8/18/2022	
Board of County Commissioners Hearing Date:	9/6/2022	

#### **EXECUTIVE SUMMARY**

A request by Rockwood Homes, LLC for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RM-30 (Residential, Multi-Dwelling). The 9.8-acre property is subject to the CAD-O (Commercial Airport Overlay) district, is located at the northeast corner of US Highway 24 and Marksheffel Road and within Section 4, Township 14 South, Range 65 West of the 6th P.M.

#### A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION





**Request:** A request by Rockwood Homes, LLC for approval of a map amendment (rezoning) of 9.8 acres from PUD (Planned Unit Development) to RM-30 (Residential, Multi-Dwelling).

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

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

#### **B. Planning Commission Summary**

Request Heard: As a Regular item at the August 18, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 1

Vote Rationale: 1 Nay – Merriam -The commercial space may be less density. Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: Advertised on August 10, 2022 in the Shopper's Press.

#### 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 (2021):

- 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 <u>Land Development Code</u>, for the intended zone district.

#### D. LOCATION

North: PUD (Planned Unit Development) Vacant South: RR-5 (Residential Rural) Vacant

East: PUD (Planned Unit Development) Single-family detached residential

West: CS (Commercial Service) Vacant commercial



#### E. BACKGROUND

The property was originally zoned A-4 (Agricultural) on September 20, 1965 (BoCC Resolution No. 434870). Due to changes in the nomenclature of the <u>Code</u>, the A-4 zoning district was renamed as the RR-3 (Rural Residential) in 1991.

The Board of County Commissioners (BoCC) approved the Claremont Ranch Sketch Plan on October 16, 1997 (PCD File No. SKP-97-002), which consisted of approximately 537 single-family residential units, 484 multifamily residential units, 42 acres of commercial land, 102.5 acres of industrial land, and 81 acres of open space within a total development area of 408.6 acres. At this time, the property subject to the current map amendment was identified as suitable for industrial uses.

The BoCC approved an amended sketch plan for Claremont Ranch on August 9, 2001 (PCD File No. SKP-00-011). At this time, the property subject to the current map amendment was identified as a hotel / commercial site.

The BoCC approved an amended sketch plan for Claremont Ranch and a map amendment (rezoning) from RR-3 to PUD (Planned Unit Development) on November 18, 2004 (PCD File No. PUD-04-009). At this time, the property subject to the current map amendment was identified as a hotel / commercial site. The subject property was platted as Tract F within the Claremont Ranch Filing No. 7 final plat on February 10, 2005 (PCD File No. SF-04-009).

On July 8, 2022, the Planning and Community Development Director approved a minor amendment to the Claremont Ranch Sketch Plan to change the use classification of the subject property from a hotel / commercial site to a site for multifamily residential uses (PCD File No. SKP-22-002). The proposed map amendment is consistent with the approved sketch plan for the property.

If the request for a map amendment (rezone) is approved, the applicant will be required to submit and receive approval of a final plat application and a site development plan application. The final plat(s) must be recorded prior to initiating any land disturbing activities unless approval of a pre-subdivision site grading request is granted by the Board of County Commissioners. Prior to initiating any uses on the property, the applicant will need to obtain site development plan approval.

#### F. ANALYSIS

1. Land Development Code Analysis



The applicant is proposing to rezone the property from PUD (Planned Unit Development) to RM-30 (Residential, Multi-Dwelling). Section 3.2 of the <u>Code</u> states the following as the intent of the RM-30 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 applicant intends to use the property for multifamily residential purposes. The property is bordered on the east side by the existing Claremont Ranch PUD, which consists of single-family detached residential development with lot sizes less than 5,000 square feet. The property is bordered on the north side by the recently approved Villas at Claremont Ranch PUD and preliminary plan, which consists of proposed single-family attached residential development.

Directly adjacent to the south is the intersection of US Highway 24 and Marksheffel Road; east of this intersection is vacant property zoned RR-5 (Residential Rural). To the west are properties zoned CC which are currently vacant or being utilized for commercial uses. See the Master Plan Analysis sections below for further analysis of compatibility with surrounding uses. If buffering and transition is provided with the site development plan, the proposed zoning district could be considered compatible and harmonious with the surrounding area due to the similarity to surrounding uses, which are a mix of high-density residential uses and commercial uses.

The property is located within the CAD-O (Commercial Airport Overlay) district and is also included within the APZ-2 (Accident Potential Zone II) sub-zone. Multifamily residences are identified as an allowed use within the APZ-2 sub-zone and therefore the proposed map amendment is not inconsistent with the CAD-O district. The Colorado Springs Airport Advisory Commission (AAC) was sent a referral regarding the map amendment. The case was heard at the March 23, 2022, AAC hearing and the AAC provided a response indicating no objections to the proposed map amendment.

County review and administrative approval of site development plans will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the <a href="Land Development Code">Land Development Code</a> and the <a href="Engineering Criteria Manual">Engineering Criteria Manual</a>, including but not limited to grading and erosion control, parking, landscaping, and lighting standards.



#### 2. Zoning Compliance

The density and dimensional standards for the RM-30 (Residential Multi-Dwelling) zoning district are as follows:

• Maximum density (Dwelling units/acre): 30

Minimum lot size: 5,000 square feet<sup>1</sup>

Width at front setback line: 75 feet

Setbacks

Front: 25 feet<sup>2</sup>
 Side: 15 feet<sup>2</sup>
 Rear: 15 feet<sup>2</sup>

• Maximum lot coverage: 60 percent

Maximum height: 40 feet

<sup>1</sup> Minimum lot area of 5,000 square feet applies to single-family detached dwellings, Two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.

<sup>2</sup> The minimum distance between buildings shall be 10 feet.

In order to initiate any uses on the property, the applicant will need to obtain site development plan approval for multifamily residential structures. The subdivision and site development plan will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the <a href="Code">Code</a> and <a href="Engineering Criteria Manual">Engineering Criteria Manual</a> requirements.

#### **G. MASTER PLAN ANALYSIS**

#### 1. Your El Paso Master Plan

a. Placetype: Employment Center

#### **Placetype Character:**

Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale



employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.

Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development.

#### **Recommended Land Uses:**

#### Primary

- Light Industrial/Business Park
- Heavy Industrial
- Office

#### Supporting

- Commercial Retail
- Commercial Service
- Restaurant

#### Placetype: Military

Land use and development near and immediately adjacent to existing military installations, as well as their ancillary facilities, require additional consideration with regard to the compatibility of development and the potential for impacts or interference with military lands and potential future military base missions. The five military installations in the County, Cheyenne Mountain Air Force Station, Fort Carson, Peterson Air Force Base, Schriever Air Force Base, and the U.S. Air Force Academy (USAFA), each function of their own accord.

Most include a mix of residential and other supporting uses in addition to their core military functions. In total they serve over 151,000 active-duty, National Guard, Reserve, retired military personnel, contractors, and other related tenants throughout Colorado's Front Range. The County continues to partner with all of the installations to maintain compatible use transitions and buffers adjacent to each installation through open space protection and site-specific development restrictions. Base Realignment and Closure

(BRAC) is a key factor in the Military placetype. This is the only placetype that proposes to describe primary and supporting land uses for areas around and near the placetype, which causes overlap with adjacent placetypes.

#### **Recommended Land Uses:**

#### **Primary**

- Military Operation
- Office
- Light Industrial
- Multifamily Residential

#### Supporting

- Single-Family Detached Residential
- Single-Family Attached Residential
- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment
- Institutional
- Parks and Open Space



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Figure G.1: Placetype Map

#### Analysis:

The property is located within the Employment Center placetype. The Employment Center placetype is the County's primary location for large-scale, nonretail businesses that provide significant employment and economic development opportunities. The property is also located within the two-mile military reservation buffer. The Military placetype consists of the installations and the supporting land uses that surround them. Military installations are major land owners and employers and to help support sustainable growth in the community they must also be adequately supported. The relevant goals and objectives are as follows:

**Goal LU1** – Ensure compatibility with established character and infrastructure capacity.

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

**Goal HC1** – Promote development of a mix of housing types in identified areas.

**Goal HC3** – Locate attainable housing that provides convenient access to goods, services, and employment.

**Objective HC1-6** – Single-family attached housing such as townhomes, rowhomes, and multi-unit apartment homes should be used to create seamless transitions between low-intensity and high-intensity neighborhoods as well as nonresidential uses.

**Goal M1** – Support compatible land uses within and in close proximity to bases and associated facilities.

**Objective M1-1** – Continue to include military installation representatives in regional planning efforts such as transportation plans, master plans, and facilities planning to ensure compatibility among future desired development and military operations.

The proposed map amendment may be considered compatible with the development pattern of the surrounding neighborhood and is an continuation of the ongoing Claremont Ranch development. The proposed uses associated with the PUD are not consistent with the uses recommended in the Master Plan for Employment Centers; however, the

proposal is consistent with several goals and objectives within Land Use and Housing chapters of the <u>Master Plan</u>.

The property is located adjacent to single-family residential uses to the east and commercial and industrial uses to the west of Marksheffel Road. The applicant indicates in their letter of intent that multifamily residential uses on the subject property may be suitable as a transition between the employment center west of Marksheffel Road and the single-family detached residential uses to the east. The Employment Center placetype identifies transitional uses, buffering, and screening as appropriate to limit the impacts high intensity industrial and commercial uses may have on single-family detached housing.

The property is located within two (2) miles of Peterson Air Force Base. While the property is not located within the Military placetype, it is located within the two-mile reservation buffer for the placetype. The buffer is intended to encourage development near the military institutions that is functionally compatible with military operations. The proposed uses are consistent with the Military placetype and multifamily residential is listed as a supporting use within the placetype. The Military placetype identifies the importance of locating higher-density residential uses near military institutions.

#### **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. A relevant priority is as follows:

**Goal LU3 Priority** – The Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment will be intense enough to transition the existing development setting to an entirely new type of development.



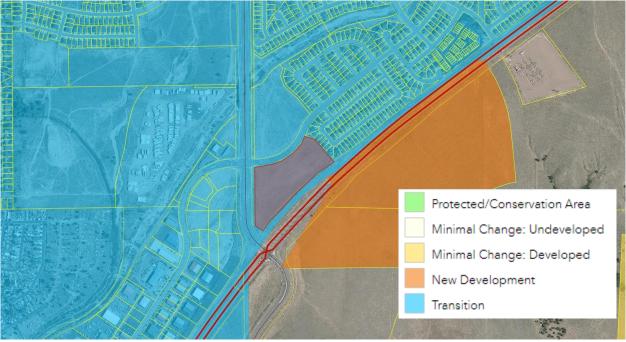


Figure G.2: Area of Change Map

#### **Analysis:**

The proposed map amendment may significantly alter the character of the surrounding area by providing high-density multifamily residential development to an area predominantly consisting of single-family detached residential development. However, the higher density proposed on this property may act as a suitable buffer between the single-family detached residential development to the east and the commercial and industrial uses to the west. The recently approved sketch plan amendment changed the use classification of the subject property from a hotel / commercial site to a site for multifamily residential uses. The proposed map amendment is consistent with the previously approved sketch plan amendment.

#### c. Key Area Influences

El Paso County represents a vast area composed of many distinct areas. These "Key Areas" have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is potentially influenced by two Key Areas: 1) Colorado Springs Airport/Peterson Air Force Base and 2) Military Installations.

#### **Colorado Springs Airport/Peterson Air Force Base**



Colorado Springs Airport is the second largest in the State of Colorado with continually rising passenger totals and activity. Currently, large amounts of land adjacent to the airport are primed for commercial and industrial development, in part due to the establishment of a Commercial Aeronautical Zone (CAZ). The Board of County Commissioners approved the CAZ to attract local businesses and spur development on the available land. The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County. Employment Centers not only provide additional job opportunities for County residents but it expands the County's tax base, providing more opportunities to address other County issues such as upgrades to infrastructure, expansion of services and development of new roadways. Peterson Air Force Base also utilizes the Colorado Springs Airport for military flight operations and hosts various military activities critical to national security. The County should also coordinate future development adjacent and within the Colorado Springs Airport Accident Potential Zone (APZ) and within the Peterson Air Force Base buffer area with the Airport and the Base to ensure growth does not negatively impact the primary functions of Peterson Air Force Base or the Airport. Coordination with Colorado Springs Airport should also be considered, as necessary.

#### **Military Installations**

Colorado state law requires local governments to notify military installations of development applications taking place nearby, as per Colorado Revised Statute § 29-20-105.6. El Paso County has five military installations: Cheyenne Mountain Air Force Station, Fort Carson Army Base, Peterson Air Force Base, Schriever Air Force Base, and the U.S. Air Force Academy.

Given the central role the military plays in the region, El Paso County has worked to support its military installations through its land use, transportation, and natural resource planning efforts. Areas directly adjacent to the installations are critical to successfully planning for the County's projected growth, economic viability, and the various operations of the individual bases. Recommendations and policies will be specific and different for each installation, as outlined in Chapter 9 Military.



Figure G.3: Key Area

#### **Analysis:**

The property is located in close proximity to the Colorado Springs Airport (COS) and Peterson Air Force Base (AFB). Both the COS Airport Advisory Commission and the AFB were sent referrals for the proposed map amendment. COA has no outstanding comments and Peterson AFB did not provide a response.

#### 2. Water Master Plan Analysis

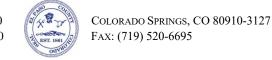
The <u>El Paso County Water Master Plan</u> (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. 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.

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Goal 1.2 – Integrate water and land use planning.



- **Goal 3.1** Promote cooperation among water providers to achieve increased efficiencies on infrastructure.
- **Goal 3.4** Promote cooperation between water providers to achieve increased efficiencies on storage.
- **Goal 3.7** Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.
- **Goal 4.5** Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.
- **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.
- **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 the economies of scale to do so can be achieved.
- **Policy 6.0.1** Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.
- **Policy 6.0.11** Continue to limit urban level development to those areas served by centralized utilities.

The <u>Water Master Plan</u> includes demand and supply projections for central water providers in multiple regions throughout the County. The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

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"Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps."

The <u>Plan</u> identifies the current demands for Region 5 to be 4,211 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,443 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 9,608 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 523 AFY is anticipated for Region 5.

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the <u>Water Master Plan</u>. The needs analysis in the <u>Plan</u> states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. The property is currently platted as a Tract and cannot be developed for multifamily use prior to subdivision action. A finding of water sufficiency is required with subsequent plat application(s). Should the request be approved, a site development plan application will be required to initiate any multifamily use on the property.

#### 3. Other Master Plan Elements

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

The <u>Master Plan for Mineral Extraction</u> (1996) identifies floodplain 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 were identified during the review of the map amendment.



#### 2. Floodplain

FEMA Flood Insurance Rate Map (FIRM) pane number 08042C0756G which has an effective date of December 7, 2018, indicates the subject parcel is located within Zone X, areas outside of the 500-yr floodplain.

#### 3. Drainage and Erosion

The site is located within Sand Creek drainage basin (FOFO4000) which is a studied basin and a part of the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with map amendment (rezoning) requests.

Drainage report, grading, and erosion control plan will be required with the subsequent subdivision application. The drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties.

#### 4. Transportation

The <u>2016 Major Transportation Corridors Plan Update</u> (MTCP) identifies State Highway 24 capacity improvements in the vicinity of the project.

The site is accessed via Meadowbrook Parkway which is classified as a Non-Residential Collector roadway. The traffic impact study assumed a highest and best use traffic generation of approximately 1,038 average weekday vehicle trips from 150 multi-family dwelling units. The study anticipates submitting a deviation request to omit an eastbound right turn lane at the project access along Meadowbrook Parkway with the subsequent subdivision application for the ECM Administrator's consideration.

The site is within the Central Marksheffel Metropolitan District. Based on the intergovernmental agreement (Resolution No. 12-387) no additional road impact fees would be assessed on future development within the current boundaries of the District.

#### I. SERVICES

#### 1. Water

Water is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments.

#### 2. Sanitation

Wastewater is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments.

#### 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, Inc. (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU). Both utility providers were each sent referrals and have no outstanding comments.

#### 5. Metropolitan Districts

The property is located within the boundaries of the Cherokee Metropolitan District and the Central Marksheffel Metropolitan District. The Cherokee Metropolitan District is a central water and wastewater provider and has committed to providing water and wastewater services to the property. The Central Marksheffel Metropolitan District was organized primarily to finance the design, acquisition, installation, and construction of street, landscaping, traffic and safety control, water, sanitary and storm sewer, and park and recreation improvements. Both Districts were each sent referrals and have no outstanding comments.

#### 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.

#### 1. APPLICABLE RESOLUTIONS

Approval Page 27 Disapproval Page 28

#### J. STATUS OF MAJOR ISSUES

There are no major issues.

#### K. 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 <u>El Paso County Land Development Code</u> (2019), 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 RM-30 (Residential Multi-Dwelling) 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.

#### L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seventeen (17) adjoining property owners on July 29, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

#### M. ATTACHMENTS

Vicinity Map Letter of Intent Rezone Map

Airport Advisory Commission Recommendation

PC Resolution

**BoCC** Resolution

#### Airport Advisory Commission Recommendation

#### **El Paso County Parcel Information**

PARCEL NAME
5404304013 | ROCKWOOD HOMES LLC

ADDRESSCITYSTATE5436 CARVEL GRVCOLORADO SPRINGSCO

ZIP ZIPLUS

5]

Date: July 28, 2022

File Name: P-22-003

Zone Map No.: --







June 14, 2022

#### APPLICANT-OWNER/CONSULTANT INFORMATION:

#### **OWNER**

ROCKWOOD HOMES, LLC Attn: John Raptis 5436 Carvel Grove Colorado Springs, CO 80922 Email: john@rwhomes.co Phone: 719-930-5087

#### **PLANNING/ENGINEERING**

KIMLEY-HORN & ASSOCIATES Attn: Kevin Kofford 2. North Nevada Avenue, Suite 300 Colorado Springs, CO 80903 Email: kevin.kofford@kimley-horn.com

Phone: 719-453-0180

#### TRANSPORTATION ENGINEERING (TRAFFIC IMPACT STUDY)

KIMLEY-HORN & ASSOCIATES
Attn: Jeff Plank
4582 South Ulster Street, Suite 1500
Denver, CO 80237
Empil: ioff planek@kimley.hern.com

Email: jeff.planck@kimley-horn.com

Phone: (303) 228-2300

#### REQUEST

Rockwood Homes LLC (Applicant) requests the rezoning of Parcel No. 5404304013 (±9.8 AC) from the PUD CAD-O (Commercial/Hotel District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) CAD-O District. The parcel is located in the southwest corner of the Claremont Ranch subdivision (See Vicinity Map for Details), at the northeast corner of Marksheffel Road and US 24 intersection. Specifically, the tract is located at 1249 Meadowbrook Parkway, El Paso County, Colorado Springs.

The Applicant intends to develop +/-150 multifamily units in several buildings on the ±9.8 AC site with a maximum density of 30 DU/AC in the proposed RM-30 zone. The planned community will include several multifamily unit buildings, office, club house, swimming pool,



landscaping, and open spaces. Parking will be provided with a combination of attached and detached garages, and uncovered surface parking. Final community and site plan details are currently being refined for site development plan submittal.

#### REVIEW CRITERIA AND JUSTIFICATION

#### **ZONING COMPLIANCE**

Development of the site shall be in conformance with the zoning requirements of the RM-30 zone, including landscape buffering/screening requirements of the Code summarized below:

- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
  - Front 25-feet feetSide/Rear: 15-feet
  - The minimum distance between buildings shall be 10 feet.
- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:
  - Non-Arterial: 10 feet (1 tree/30 feet of Crawford Ave frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
  - 15-feet along frontages adjacent to single-family residential uses
  - 15-feet along residential boundary where compatibility is a concern
  - 1 tree/25-feet of common property line
  - o A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
  - o A minimum of 15% of the lot or parcel shall be landscaped.
  - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

The site falls within CAD-O Overlay Zoning District. Within the overlay district, the site is located in the APZ-2 subzone. Per table 4-7 in section 4.3.1-E of the CAD-O Overlay zoning district requirements, multi-family is an allowable use for APZ-2.

Per the FAA requirements, the development shall provide an avigation easement for the site during the replat of the development. Additionally, upon accepting residency within Claremont Ranch West, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Claremont Ranch West lies within an Airport Overlay one and is located less than 3 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. No additional height or use restrictions are enforced for CAD-O APZ-2.



#### **JUSTIFICATION**

The applicant requests approval of the rezoning based on findings of consistency and general conformance with the following map amendment (rezoning) review criteria. Master Plan conformity will be discussed in terms of general conformity with the Your El Paso Master Plan (Master Plan) and El Paso County Water Master Plan (WMP).

#### Criteria for Approval:

 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.

In approving a rezone, it shall be found that the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan. There has been higher density residency in Claremont Filing No. 7 and residential uses introduced along Marksheffel, Constitution, and Hwy 24 corridor.

#### **COUNTY MASTER PLAN**

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

LAND USES PLACETYPES • 0 0 0 0 0 0 Large-Lot 0 0 0 0 0 0 Suburban 0 0 0 0 0 0 0 Urban Residential 0 0 . • Rural Center 0 . 0 0 0 Regional Center 000 . . . **Employment Center** Regional Open Space 0 0000 0 Mountain Interface Military 00 000 0 . • 0 0 Utility

O Supporting Land Use.

Less prevalent and serve to support the primary land use.

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

More prominent and play a pivotal role in

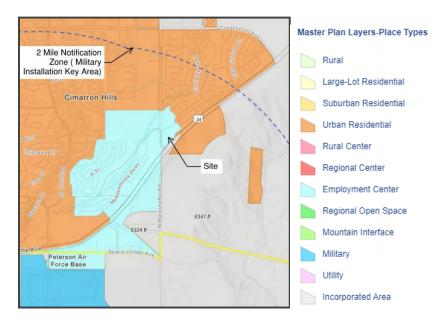
characterizing that placetype



#### Land Use

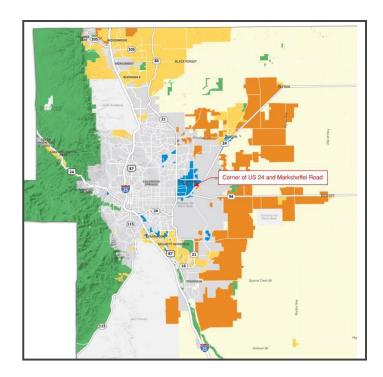
The "Your El Paso Master Plan" locates this property within the Employment Center Placetype which typically include land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.

The property is also located within the two mile notification zone/buffer which is considered to be part of the Military Installation Key Area and Military Placetype because it of the close proximity to Peterson Airforce Base. The Military place type allows for a variety of primary uses and supporting uses to support the military installations around them. Multifamily Residential is one of the primary land uses allowed within this place type.



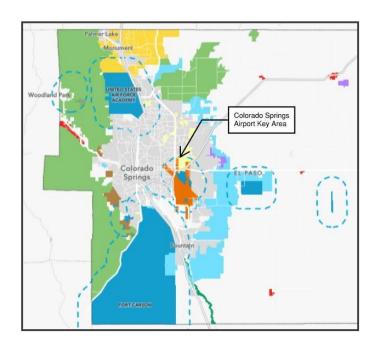
The site's located at the intersection of two major roadways, US Hwy 24 and Marksheffel Road. Per the Master Plan, the site, and the surrounding area west of the site falls within the Employment Center Placetype. However, the site is isolated from the surrounding Employment Center Placetypes by US Hwy 24 and Marksheffel Road. Being in close proximity to the the Urban Residential Placetype and isolated from the other Employment Center Placetypes, the site location is better suited to pursue a use that supports the Urban Residential Placetype. Multi-family is a suitable use to support Urban Residential Placetypes per the Master Plan and is considered a primary land use in the Military Placetype. The proposed Rezone proposes multifamily development with a gross max density of 30 DU/AC consistent with the urban density place type characteristics and with typical multifamily developments.





The site is within a "Transition" Area as shown on the Areas of Change Map. These areas are described as being fully developed areas that may experience substantial changes in character. Redevelopment In these areas is expected to be intense enough to transition the land use patterns to an entirely new type of development. The proposed multi-family use will provide a transition from the planned attached residential on the north, existing detached residential to the east, and commercia/light industrial uses to the west and northwest. The proposed land use transition and scenario is consistent with the Transition Area designation in the Areas of Change chapter.





From the Master Plan Key Area map, the site falls within the Colorado Springs Airport Key area and the Military Installation Key Area. Currently the second busiest commercial service airport in Colorado, this airport is a transportation hub that has experienced significant growth in passenger totals over the past few years and shares facilities with Peterson Airforce Base. Per the Master Plan, the commercial airport growth is expected to increase. The El Paso County unincorporated lands surrounding the airport are essential to support the growth of both the Colorado Springs Airport Key Area and Military Installation Key Area. As our site falls within both Key Areas, the development intends to support the needs of the key areas where the site is best suited to do so. Falling within the APZ-2 sub-zone, the proposed multi-family use is an allowable use per zoning and a supportive use for the growing employee base brought in by the airport and the Commercial Aeronautical Zone (CAZ) sub-zone surrounding the airport. Multifamily is also an considered a Primary Land Use within the Military Installation Key Area. This use supports the master plan's intent to consider multifamily apartments to help provide affordable housing options for future residents working at existing or new businesses around Colorado Springs Airport and Peterson Airforce Base.

#### Infrastructure Capacity (Utilities and Urban Services)

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



Water & Wastewater Services: Cherokee Metro District
 Natural Gas: Colorado Springs Utilities

Electric Service: Mountain View Electric Association

• Fire Protection: Cimarron Hills FD

Public Schools:
 Library Services:
 Falcon School District #49
 Pikes Peak Library District

Roads: El Paso County Road and Bridge
 Police Protection: El Paso County Sheriff's Department
 Parks, Trails, Open Spaces: El Paso County, Colorado Springs, CMD

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

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

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

The housing type in the adjacent area is characterized by higher urban residential densities including but not limited to single family detached & attached, townhome, and apartment densities and supporting commercial retail uses along Marksheffel especially at the Marksheffel/Constitution intersection.

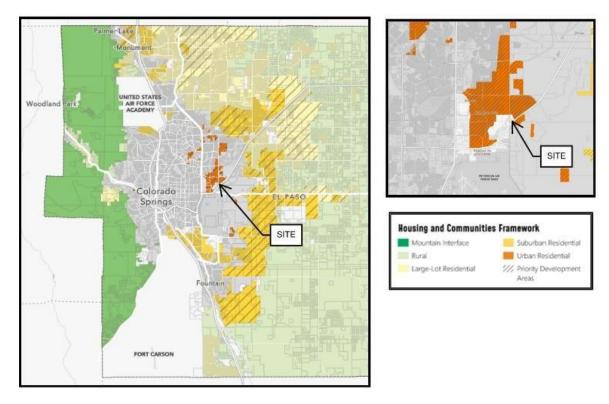
The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along and adjacent to Marksheffel Road and Meadowbrook Pkwy.

The proposed multifamily housing development will provide an additional +/-150 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near conveniently located next to Peterson Airforce Base and to major transportation thoroughfares (Marksheffel Rd, Constitution Ave, Powers Blvd, SH 24, & SH 94) which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region. The increased residential densities provide additional customer base in support of existing and planned commercial at the Constitution/Marksheffel intersection, Powers Blvd corridor, and at the SH 24/SH 94 commercial node.

The proposed rezone and development of multi-family housing will provide additional housing choices to meet the current regional demand for workforce, affordable, and attainable



housing. The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. Rental/leasing prices will be market rate which are comparable to rent rates for similarly aged communities in El Paso County that provide comparable unit and community amenities. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses and workforce housing demands.

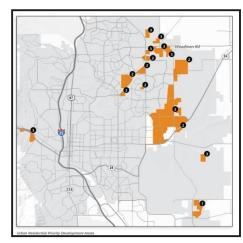


According to the Priority Development Areas Map in the Master Plan, the site is located adjacent to an Urban Residential Priority Development Area where "new residential development should be prioritized first for new residential development to accommodate growth". The site's location is best suited to support the intent of the Urban Residential Priority Development Area.

From the El Paso County Planning and Community Development GIS Application, the site is designated as an 'enclave or near an enclave' key area. Based on the Master Plan, the site is located near enclave 2, "Larger Enclaves".



Urban Residential Priority Development (Areas Larger Enclaves) According to the Your El Paso Master Plan, "Larger enclaves, including Cimarron Hills, currently exhibit the Urban Residential place-types characteristics. They have denser housing clustered together with a wide variety of commercial and employment businesses to create a complete community. However, some have only one or two uses due to their size. All of them have been designated as transition areas within the Areas of Change because all or part of them could be redeveloped to better support the establishment of complete communities. "



"Overall, the County should prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise."

Although our site is not located within the Larger Enclave, it is geographically situated directly adjacent to support this. Multi-family falls within the dense residential characteristic expected for Larger Enclaves and areas near this enclave and would provide housing options to a predominately single-family residential community and for the area within the Military Installation Key Area.

#### **WATER MASTER PLAN ANALYSIS**

#### WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

**Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.

**Goal 6.0** – Require adequate water availability for proposed development.

**Policy 6.0.8** – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures. **Policy 6.0.11** – Continue to limit urban level development to those areas served by centralized utilities.

The development area is located in REGION 5 as identified on the EI Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. CMD has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good, and Cherokee is in compliance with all regulatory limits.

CMD has issued a formal letter of commitment for water and wastewater. The proposed development is anticipated to generate a total water demand of 38.0 AF/year. In addition to



water commitment CMD has established a wastewater commitment stating "Based on a conservatively low 0% consumptive use of domestic water, the development is expected to produce 27,000 gallons of wastewater per day, representing 1% of CMD's wastewater capacity. This usage is in line with anticipated wastewater demand for this area of the district."

## 3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; POTENTIAL HAZARD AREAS

#### Hydrologic Features/ Flood Hazard/ Floodplain

There are no major hydrologic features within the project site. Review of FEMA Firm Panel '08041C0756G', effective date 'December 7,2018' shows the proposed project are is outside of a FEMA flood risk area. The parcel is identified as Zone X – Area of Minimal Flood Hazard.

#### Wetlands

There are no jurisdictional wetlands found within the proposed project site.

#### **Geological & Soil Hazards**

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

#### Vegetation & Wildlife

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

#### Sites of Historical Significance

This site is currently vacant land and has no known historical significance.

#### **Air Quality**

The proposed multifamily development is not anticipated to negatively impact air quality. Any air quality concerns during potential earthwork can be mitigated with construction practices. There are no expected long term air quality concerns.

#### Water

The proposed multifamily residential development is not anticipated to be a source of water pollution.

#### **Noise**



The El Paso County land development code requires impacts of noise to be minimized to residents. A noise study will be conducted and included along with later submissions. All proposed noise mitigation will be in compliance with El Paso County Land Development Code 8.4.2 Environmental Design Considerations.

#### **Traffic**

Based on the analysis presented in the provided Traffic impark study, Kimley horn believes Claremont Filing 7 will be successful incorporated into existing and future roadway network. The development will have one proposed access point on Meadowbrook Parkway. The access will be a proposed full movement access. The proposed access measures 550 feet from the Marksheffel Drive (measured right-of-way to centerline). the proposed access is expected to meet operational, vehicle queue, and sight distance standards per the Traffic Impact Study and is recommended to remain as proposed. A copy of the Traffic Impact Study has been provided with this submittal.

#### **Social Impacts**

The proposed rezoning and associated development will provide the community with high quality reasonably priced home options for working class citizens. The site will provide transition from the existing single-family homes to the east and the existing commercial and industrial sites to the west. It supports the military installations nearby by providing another housing option. There is convenient access to major roadways and commerce areas, military installations, as well as local bus routes. As required by the county of El Paso, an adjacent property owner notification has been distributed regarding the potential rezone.

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the County Code. Planned multifamily uses, which represent a downzoning from the permitted uses under the current PUD(CAD-O) Commercial/Hotel oriented zoning.

The site is located adjacent to existing utility infrastructure and service lines. No major utility improvements or upgrades are anticipated in order to adequately serve the site.

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.



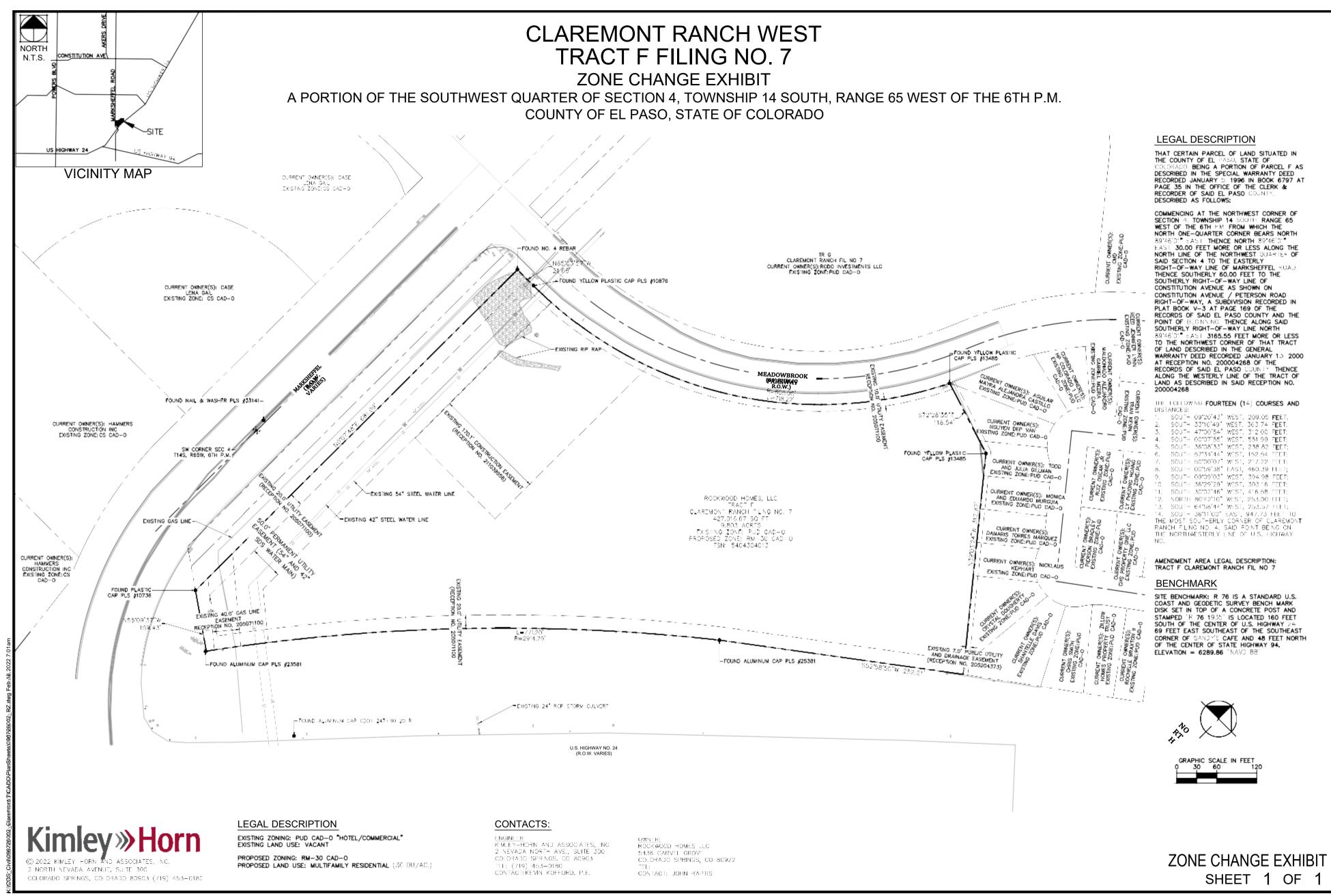
Please contact me at (719) 453-0180 or	Kevin.Kofford(	@kimley-horn.com	<u>ı.</u> should you have
any questions.			

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Kevin Kofford, P.E.

Project Manager



## Colorado Springs Airport Advisory Commission Meeting To Be Heard March 23, 2022 Land Use Review Item #07

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S):	PARCEL #(S):
P223, SKP222	5404304013
Residential Rezone and Concept Plan Amendment	

#### **DESCRIPTION:**

Request by Kimley-Horn on behalf of Rockwood Homes LLC for approval of a rezone for Claremont Ranch West from PUD CAD-O (Commercial/Hotel District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) CAD-O District. The parcel is located in the northeast corner of Marksheffel Road and US 24 intersection. The property consists of ±9.8 acres. **Concurrent Request:** Request for approval of an amendment to the Claremont Ranch Sketch Plan to change proposed land use from Hotel/Commercial to Multi-family Residential.

CONSTRUCTION/ALTERATION OF MORE THAN1 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS:  2.5 miles North of Rwy 17L
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:
40 feet above ground level; 6460 feet above mean sea level	Accident Potential Zone 2 (APZ-2)

#### **ATTACHMENTS:**

https://epcdevplanreview.com/Public/ProjectDetails/179391 https://epcdevplanreview.com/Public/ProjectDetails/179382

CLICK ON ZONING MAP UNDER DOCUMENTS LIST CLICK ON SKETCH PLAN UNDER DOCUMENTS LIST

#### STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

Subject to Airport Advisory Commission Action

Airport staff recommends **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 parcel.
- Airport Acknowledgment: Upon accepting residency within Claremont Ranch West, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Claremont Ranch West lies within an Airport Overlay Zone and is located less than 3 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.
- **Noise:** Although it appears that the proposed development will be located outside of the 65 DNL noise contour, the developer is encouraged to work with the airport for noise mitigation measures and procedures. The developer should notify tenants of potential noise impacts in their lease agreement, or wherever appropriate, to ensure all future tenants are made aware of noise impacts associated with aircraft overflight
- 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).

# Colorado Springs Airport Advisory Commission Meeting To Be Heard March 23, 2022 Land Use Review Item #07

#### **Project location exhibit:**





#### MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Brittain-Jack moved that the following Resolution be adopted:

# BEFORE THE PLANNING COMMISSION OF THE COUNTY OF EL PASO STATE OF COLORADO

**RESOLUTION NO. P-22-003** 

WHEREAS, Rockwood Homes, LLC 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 PUD to RM-30; and

WHEREAS, a public hearing was held by this Commission on August 18, 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 was provided as required by law for the hearing before the Planning Commission.
- The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
- 4. 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.
- 5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.
- 6. 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

- 7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
- 8. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Rockwood Homes, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from PUD to RM-30 zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notations shall be placed upon this approval:

#### 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.
- Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the <u>Land Development Code</u> 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 Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain-Jack	aye
Commissioner Trowbridge	aye
Commissioner Patterson	aye
Commissioner Whitney	aye
Commissioner Schuettpelz	aye
Commissioner Merriam	nay

The Resolution was adopted by a vote of 8 to 1 by the El Paso County Planning Commission, State of Colorado.

August 18, 2022

<u></u>	
Brian Risley, Chair	

THAT CERTAIN PARCEL OF LAND SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF PARCEL F AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED JANUARY 5, 1996 IN BOOK 6797 AT PAGE 35 IN THE OFFICE OF THE CLERK & RECORDER OF SAID EL PASO COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., FROM WHICH THE NORTH ONE-QUARTER CORNER BEARS NORTH 89°46'01" EAST; THENCE NORTH 89°46'01" EAST, 30.00 FEET MORE OR LESS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 TO THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD; THENCE SOUTHERLY 60.00 FEET TO THE

SOUTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE AS SHOWN ON CONSTITUTION AVENUE / PETERSON ROAD RIGHT-OF-WAY, A SUBDIVISION RECORDED IN PLAT BOOK V-3 AT PAGE 169 OF THE RECORDS OF SAID EL PASO COUNTY AND THE POINT

#### **RESOLUTION NO. 22-**

### EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

## APPROVAL OF Claremont Ranch Tract F (REZONING) (P-22-003)

WHEREAS A request by Rockwood Homes, LLC for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RM-30 (Residential, Multi-Dwelling). The 9.8-acre property is located at the northeast corner of US Highway 24 and Marksheffel Road and within Section 4, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54043-04-013) (Commissioner District No. 2)

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on August 18, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on September 6, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Board of County Commissioners.
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
- 3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
- 4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

- 5. The proposed land use will be compatible with existing and permitted land uses in the area.
- 6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
- 7. For the above-stated and other reasons, the proposed Amendment to 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.
- 8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves A request by Rockwood Homes, LLC for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RM-30 (Residential, Multi-Dwelling). The 9.8-acre property is located at the northeast corner of US Highway 24 and Marksheffel Road and within Section 4, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54043-04-013) (Commissioner District No. 2)

**BE IT FURTHER RESOLVED** the following conditions and notations shall be placed upon this approval:

#### 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.
- Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the <u>Land Development Code</u> and <u>Engineering Criteria Manual</u>.

#### **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** the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 6th day of September, 2022 at Colorado Springs, Colorado.

	OF EL PASO COUNTY, COLORADO
ATTEST:	Bv:
	Stan VanderWerf - Chair
Ву:	
County Clerk & Recorder	

#### **EXHIBIT A**

THAT CERTAIN PARCEL OF LAND SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF PARCEL F AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED JANUARY 5, 1996 IN BOOK 6797 AT PAGE 35 IN THE OFFICE OF THE CLERK & RECORDER OF SAID EL PASO COUNTY, DESCRIBED AS

#### FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., FROM WHICH THE NORTH ONE-QUARTER CORNER BEARS NORTH 89°46'01" EAST; THENCE NORTH 89°46'01" EAST, 30.00 FEET MORE OR LESS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 TO THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD; THENCE SOUTHERLY 60.00 FEET TO THE

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