

EL PASO COUNTY



COLORADO

COMMISSIONERS:
 STAN VANDERWERF (CHAIR)
 CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
 HOLLY WILLIAMS
 CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair**

**FROM: Mercedes Rivas, Planner II
 Gilbert LaForce, PE Engineer III
 Craig Dossey, Executive Director**

**RE: Project File #: P-21-004
 Project Name: Waterview North Residential RS-5000
 Parcel No.: 55000-00-436, 55000-00-438, and 55000-00-439**

OWNERS:	REPRESENTATIVE:
CPR Entitlements, LLC 31 North Tejon Street, Suite 500 Colorado Springs, CO 80903 PHI Real Estate Services, LLC 200 West City Center Drive, Suite 200 Pueblo, CO 81003	Dakota Springs Engineering, LLC 31 North Tejon Street, Suite 518 Colorado Springs, CO 80909

Commissioner District: 4

Planning Commission Hearing Date:	11/2/2021
Board of County Commissioners Hearing Date:	11/16/2021

EXECUTIVE SUMMARY

A request by CPR Entitlements LLC and PHI Real Estate Services LLC for approval of a map amendment (rezoning) of 23.54 acres from A-5 (Agricultural) to RS-5000 (Residential Suburban). The three (3) parcels are located northeast of the Bradley Road and South Powers Boulevard intersection and are within Section 9, Township 15 South, Range 65 West of the 6th P.M. The property is within the CAD-O (Commercial Airport Overlay District) zoning overlay but is not within an airport subzone.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by CPR Entitlements, LLC and PHI Real Estate Services, LLC for approval of a map amendment (rezoning) of 23.54 acres from A-5 (Agricultural) to RS-5000 (Residential Suburban).

Waiver(s)/Deviation(s): There are no waivers associated with the map amendment (rezoning) request.

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

B. Planning Commission Summary

Request Heard: As a Consent item at the November 2, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9 - 0

Vote Rationale: N/A

Summary of Hearing: The PC Draft Minutes are attached.

Legal Notice: Published in the Shopper’s Press on October 27, 2021.

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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North: City of Colorado Springs

Vacant

South:	CS (Commercial Service)/PUD (Planned Unit Development)	Vacant
East:	I-2 (Limited Industrial)	Vacant
West:	A-5 (Agricultural)	Vacant

E. BACKGROUND

The area proposed to be included within the map amendment (rezoning) were zoned A-2 (Agricultural) on May 10, 1942, (BoCC Resolution No. 669212) when zoning was first initiated for this area of unincorporated El Paso County. Due to nomenclature changes to the Code, the A-2 zoning district was renamed as the A-5 (Agricultural District) zoning district.

The Waterview Sketch Plan (SKP-00-002) was approved by the Board of County Commissioners on May 10, 2001 (BoCC Resolution No. 01-191). The Plan identified two (2) phases of development totaling approximately 621.59 acres, which included a maximum of 680 single-family dwellings, 330 multi-family dwelling units, 404.14 acres of commercial, 40.56 acres of open space, and 118.29 acres of right-of-way.

On October 28, 2014, the Board of County Commissioners approved a sketch plan amendment to the previously approved plan (PCD File No. SKP-13-001). That amendment altered the configuration of land uses to allow 107.3 acres of commercial uses, 184.3 acres of single-family residential uses, 39.9 acres of multi-family uses, 107.4 acres of open space, and 81.4 acres of industrial uses. On April 2, 2018, an amendment to the sketch plan (PCD File No. SKP-16-002) was approved administratively to allow for an additional 80 single-family residential lots. On October 24, 2018, another sketch plan amendment was administratively approved (PCD File No. SKP-18-002) allowing a one (1) acre increase in the amount of commercial acreage within the Plan.

On July 15, 2021, the Board of County Commissioners approved a sketch plan amendment to the previously approved plan (PCD File No. SKP-20-002). That amendment allowed for the reduction of the proposed commercial area from 38.2 acres to 22.1 acres and the industrial area from 78.9 acres to 26 acres to accommodate 1,260 additional single-family and multi-family residential units. The area included in the proposed map amendment (rezoning) is depicted in the sketch plan as being single and multi-family residential development with densities ranging from four (4) dwelling units per acre to 30 dwelling units per acre.

The proposed map amendment (rezoning) is in conformance with the land use and density depicted on the approved amended sketch plan. Should the map amendment (rezoning) be approved, the applicant proposes to submit a request for

approval of a preliminary plan and final plat to subdivide the parcel into individual lots and rights-of-way. The subsequent subdivision will need to demonstrate compliance with the standards of the RS-5000 zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

F. ANALYSIS

1. Land Development Code Analysis

The three (3) parcels, totaling 23.54 acres, which are included in the proposed map amendment (rezoning) are currently zoned A-5 (Agricultural District). The map amendment (rezoning) area is surrounded by properties zoned A-5 (Agricultural District), CS (Commercial Service), PUD (Planned Unit Development), I-2 (Limited Industrial), and property within the City of Colorado Springs. The Trails at Aspen Ridge PUDSP is located immediately south of the area proposed to be rezoned and depicts single-family residential lots with lot sizes ranging from 3,000 to 9,000 square feet in size.

The Colorado Centre development is located approximately one (1) mile to the east of the subject parcels and has been developed with single family residential lots ranging in size from 5,000 to 10,000 square feet.

On July 15, 2021, the Board of County Commissioners approved a sketch plan amendment to the previously approved plan (PCD File No. SKP-20-002). That amendment allowed for the reduction of the proposed commercial area from 38.2 acres to 22.1 acres and the industrial area from 78.9 acres to 26 acres to accommodate 1,260 additional single-family and multi-family residential units. The area included in the proposed map amendment (rezoning) is depicted in the sketch plan as being single and multi-family residential development with densities ranging from four (4) dwelling units per acre to 30 dwelling units per acre.

The proposed map amendment (rezoning) is consistent with the density and character of the surrounding developed neighborhood. The subject parcels are in proximity to properties with densities similar to the RS-5000 zoning district. The proposed map amendment is compatible, in terms of density and land use, with the surrounding planned and developed parcels. Should the map amendment (rezoning) be approved, the applicants will need to submit a request for approval of a preliminary plan and final plat to subdivide the parcel into individual lots and rights-of-way.

The property is also within the CAD-O (Commercial Airport Overlay District) zoning overlay. The CAD-O was adopted by the Board of County Commissioners

pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that they did not have concerns with the proposed development within the proposed RS-5000 zoning district and requested an avigation easement at the time of plat recordation. The property is not located within the APZ (Accident Potential Zone). Section 4.3.1 CAD-O, Commercial Airport Overlay District, of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat but does not require provision of an avigation easement. More specifically, Section 4.3.1 of the Code states:

“The following are required prior to approval of any rezoning or subdivision plat:

- The request shall be referred to Airport Advisory Commission for review and comment.
- Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval.”

The applicant will be required to comply with the above referenced section of the Code at the final plat stage of development.

2. Zoning Compliance

The applicant is requesting approval of a map amendment (rezoning) of 23.54 acres to the RS-5000 (Residential Suburban) zoning district. The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RS-6000 (Residential Suburban) zoning district are as follows:

- Minimum lot size: 5,000 square feet *
- Minimum width at the front setback line: 50 feet
- Minimum setback requirement: front 25 feet, rear 25 feet for attached structures and 5 feet for detached structures, side 5 feet *
- Maximum lot coverage: 40 percent/45 percent*
- Maximum height: 30 feet

* Minimum lot area applies to single-family detached dwellings. For two-family dwellings and all other uses a minimum lot area of 7,000 square feet is required.

* If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. A 25-foot perimeter boundary setback shall be maintained around the entire development, but a zero foot setback is allowed along any internal lot line within the development.

* Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45 percent of the total lot area.

If the map amendment (rezoning) application is approved, approval of a residential site plan for each dwelling will be required prior to construction. The site plans will need to provide a detailed depiction of the proposed residential use and compliance with all standards for the district.

3. Master Plan Analysis

a. Your El Paso Master Plan

i. Place Type: Employment Center

Place Type 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 Meadow Lake 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

Analysis:

The parcels are designated as being 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 relevant goals and objectives are as follows:

Goal LU1: Ensure compatibility with established character and infrastructure capacity.

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

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

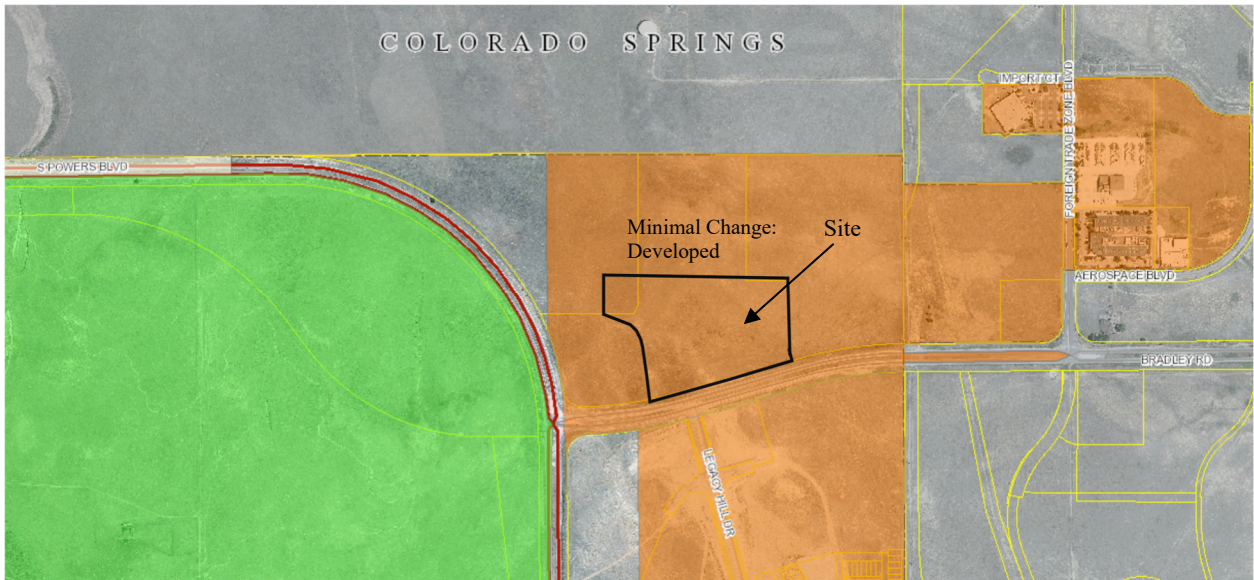
Goal M2. Ensure coordinated planning efforts for transportation impacts and access.

Objective M2-2: Continue to work with CDOT to prioritize transportation improvements along the routes that serve military bases.

As noted in the Land Development Code Analysis section of this report above, the proposed map amendment may be found to be compatible with the development pattern of the surrounding neighborhood. The proposed map amendment (rezoning) is not consistent with the uses recommended in the Master Plan for Employment Centers, but it is consistent with the goals pertaining to supporting compatible land uses (Goal LU1) and New Development areas (see below). In the Letter of Intent, the applicant indicated that proposed development will provide employees of the Peak Innovation Park with affordable and attainable housing options, which is consistent with Goal HC3.

While this area is classified as an Employment Center, the development pattern in the surrounding area indicates that residential uses in this area could be equally as appropriate as commercial and industrial uses. The subject property is adjacent to residential land uses with densities similar to those proposed with the map amendment (rezoning) request.

- ii. **Area of Change Designation:** Minimal Change: Developed
These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



The proposed map amendment (rezoning) will increase the density of the subject parcels by allowing for lot sizes of 5,000 square feet. The map amendment (rezoning) would make the subject parcels more consistent with the character of the developments to the south and east by allowing for denser residential uses than are currently allowed by the A-5 zoning district. The previously approved sketch plan amendment (PCD File No. SKP-20-002) for this property reduced the proposed commercial area from 38.2 acres to 22.1 acres and the industrial area from 78.9 acres to 26 acres to accommodate 1,260 additional single-family and multi-family residential units.

Although the area is designated as Minimal Change: Developed, it should be noted that this specific portion of the overall Waterview development is vacant (no prior development) and is zoned A-5 (Agriculture). For that reason, it would not be unreasonable to review the guidance of the “New Development” Area of Change when considering development of the property, particularly since the property has similar vacant and agricultural characteristics to the New Development areas. The following description of the New Development area makes specific reference to the development of lands currently designated as undeveloped or agricultural:

“New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas.

Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.” (Note: this language is also included in the Chapter 14, Implementation, as Priority LU3)

iii. **Key Area Influences:** Military Installations and Colorado Springs Airport/Peterson Air Force Base

The Military Installations recommends:

“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.”

The Colorado Springs Airport/Peterson Air Force Base recommends:

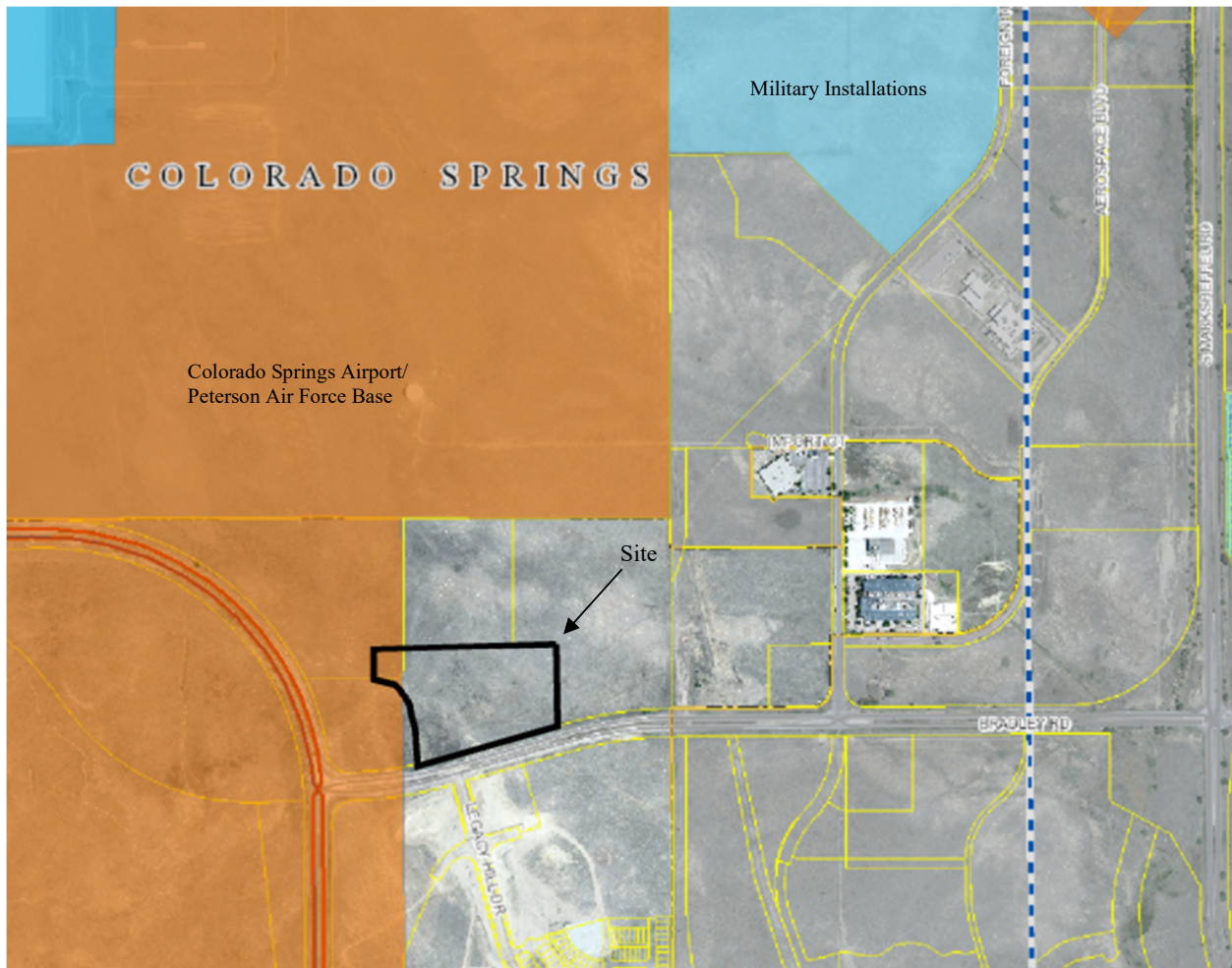
“Currently, large amounts of land adjacent to the airport are primed for commercial and industrial development, in part due to the establishment of a Commercial Aeronautical Zone (CAZ).”

“The County should continue to prioritize nonresidential growth in this area to help expand the Employment Center in unincorporated El Paso County.”

“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.”

The proposed map amendment (rezoning) is consistent with the approved sketch plan (PCD File No. SKP-20-002). While the proposed map amendment (rezoning) is not consistent with the Key Area Influence recommendations in terms of the proposed residential use, the request is consistent with the development pattern of the surrounding area which is consistent with Goal LU1. An opportunity was created for approval of the proposed map amendment (rezoning) allowing for residential uses when the sketch plan (PCD File No. SKP-20-002) was previously approved.

The proposed map amendment (rezoning) to the RS-5000 (Residential Suburban) will result in residential development which is not consistent with the recommendations for the Colorado Springs Airport/Peterson Air Force Base area. Much of the existing surrounding development is residential and would suggest that residential uses are consistent with the surrounding area but may not be consistent with the Colorado Springs Airport/Peterson Air Force Base influence area recommends. The Colorado Springs Airport, Peterson Air Force Base, and CDOT were each sent a referral for the proposed map amendment (rezoning) and had no comments or concerns.



4. Water Master Plan Analysis

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

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

Goal 1.2 – Integrate water and land use planning

Goal 6.0.11- Continue to limit urban level development to those areas served by centralized services

The subject parcels are in Region 7 of the El Paso County Water Master Plan.

Region 7 has a current central water provider supply of 15,376-acre feet per year and a current demand of 10,141-acre feet per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,959-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

A finding of water sufficiency regarding quantity, dependability, and quality is not being requested, nor is it required, with the proposed map amendment (rezoning), but would occur later at the subdivision stage of development. The subject parcels will be served by the Widefield Water and Sanitation District. The future anticipated application(s) for a preliminary plan(s) may include a water sufficiency finding request; if not included with a preliminary plan, then it must be included with each final plat application.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The El Paso County Community Service Department, Environmental Services Division, was sent a referral for this proposal and their comments are attached to this report.

The Master Plan for Mineral Extraction (1996) identifies valley fill 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the proposed map amendment (rezoning).

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0768G, which has an effective date of December 07, 2018, indicates the subject parcel is located within Zone X, areas outside of the 500-year floodplain.

4. Drainage and Erosion

The area of the proposed map amendment (rezoning) is located within the West Fork Jimmy Camp Creek and Jimmy Camp Creek drainage basins. These drainage basins are included in the El Paso County drainage basin fee program. The drainage fee shall be calculated as part of subsequently required final drainage report(s) and must be paid at the time of final plat recordation.

A preliminary drainage report is required with each preliminary plan. The preliminary drainage report provides hydrologic analysis to identify and mitigate drainage impacts to the surrounding properties by providing water quality and flood control detention. A grading and erosion control plan is not required with the rezoning requests.

5. Transportation

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

Transportation improvements necessary due to site development will be further defined with each subsequent preliminary plan and final plat. A traffic impact analysis (TIS) was received with the map amendment (rezoning) request addressing the anticipated traffic generation of the proposed project, impacts, and anticipated necessary improvements. The impacts of the traffic generated by the proposed development will require offsite mitigation by the developer (if not previously provided by others) as summarized in Table 5 of the TIS, and as identified during review of future subdivision applications. Mitigation of offsite impacts may include either construction or financial contribution toward improvements including, but not limited to, the following:

1. Traffic signal installation at Bradley Road and Legacy Hill Drive intersection;
2. Intersection improvements at the Bradley Road and Legacy Hill Drive intersection;
3. Intersection improvements at the Powers Boulevard and Bradley Road intersection; and
4. Other offsite issues to be further defined at the subdivision stages of development.

H. SERVICES

1. Water

The applicant has indicated that water service will be provided by Widefield Water and Sanitation District.

2. Sanitation

The applicant has indicated that wastewater service will be provided by Widefield Water and Sanitation District.

3. Emergency Services

The property is within the Security Fire Protection District. The District was sent a referral and did not provide a response.

4. Utilities

Natural gas service is provided by Colorado Springs Utilities and electrical service will be provided by Mountain View Electric Association.

5. Metropolitan Districts

The subject property is located within the Waterview II Metropolitan District service area. The District was created on August 31, 2006 (PCD File No. ID-06-002). The District has an ad valorem (property tax) mill levy of 40.0 mills.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) identifies the South Powers Boulevard Bicycle Route running north-south along Powers Boulevard on the west side of the property, as well as the proposed Curtis Road Bicycle route running east-west along Bradley Road through the property. Land dedication or fees in lieu of park land dedication are not required for a map amendment (rezoning) application. Fees in lieu of park land dedication will be due at the time of recording the final plat unless a park lands agreement is proposed and approved.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application. Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application but will be required with the recording of any subsequent final plats associated with the development

I. APPLICABLE RESOLUTIONS

See Attached Resolution

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5, Map Amendment (Rezoning), of the El Paso County Land Development Code (2021), 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 RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including, but not necessarily limited to, Powers Boulevard, Bradley Road, and Legacy Hill Drive. The developer's general design and financial responsibilities regarding the Bradley Road and Legacy Hill Drive intersection configuration and improvements, as well as other offsite improvements shall be determined with subsequent preliminary plan approval(s).
4. A County access permit will be required for the connection of new roads to Bradley Road. A CDOT access permit will be required for improvements to the Powers Boulevard and Bradley Road intersection. The applicant shall comply with all CDOT access permit requirements.

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 11 adjoining property owners on October 14, 2021, for the Board of County Commissioners' meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Map Amendment (Rezoning) Map

CAD-O Map and CSAAC Comments

November 2, 2021 Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

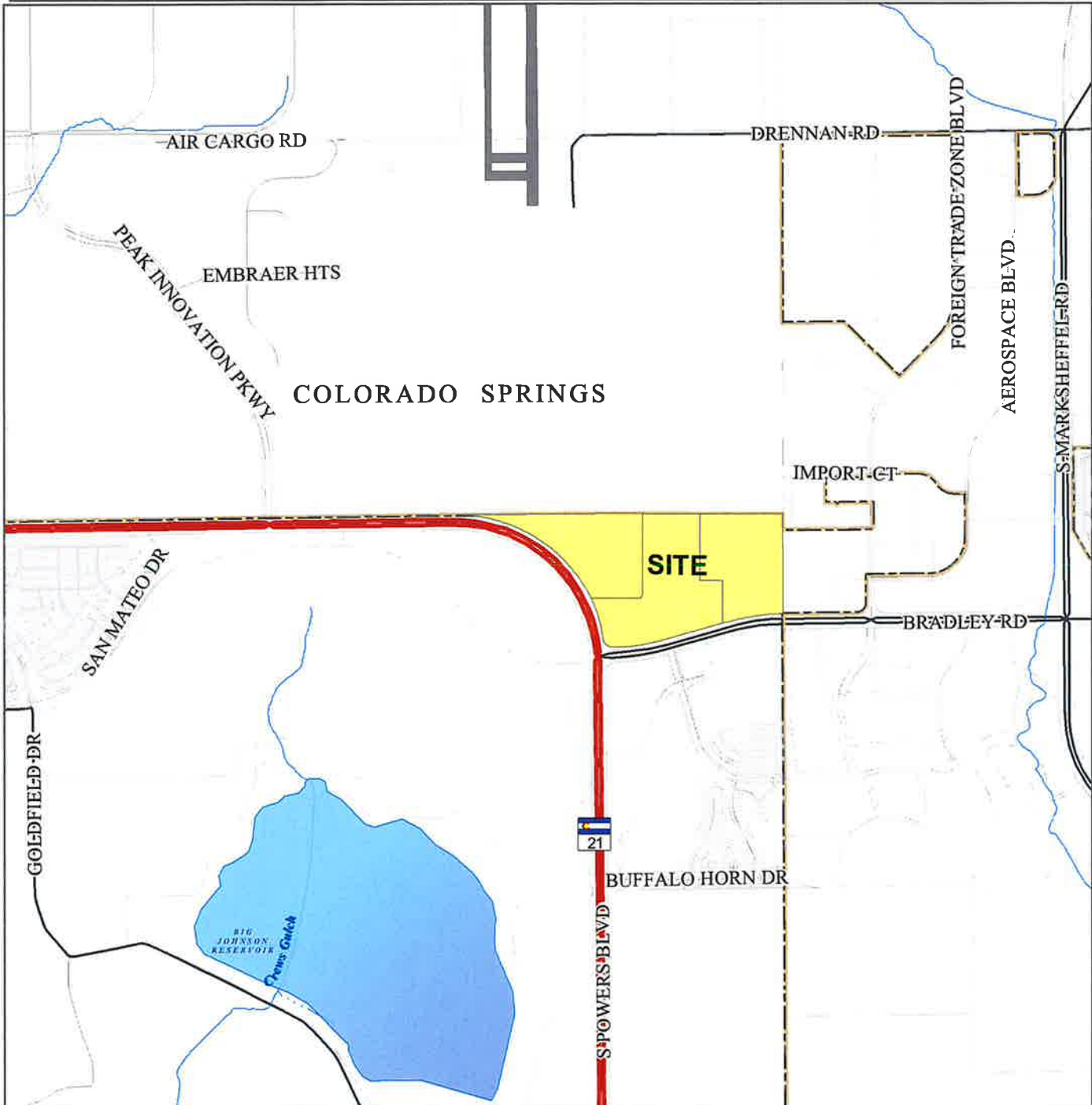
El Paso County Parcel Information

PA	NAME
550	CPR ENTITLE
550	CPR ENTITLE
550	PHI REAL EST

File Name: P-21-004

Zone Map No. --

Date: October 13, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Letter of Intent
Waterview 2020 Rezone Plan
A-5 to RS-5000

7/21

Owners: CPR Entitlements, LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 377-0224
hli.pak7@gmail.com

PHI Real Estate Services, LLC
200 West City Center Dr., Suite 200
Pueblo, CO 81003
(719) 584-2800
npannunzio@premierhomesinc.com

Applicant: CPR Entitlements, LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 377-0224
hli.pak7@gmail.com

Consultant: Dakota Springs Engineering
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 432-6889
charlescothern@springseng.com

Tax Schedule Nos.: 5500000438, 5500000439

Site Information:

History

Waterview North is a proposed mixed-use development on 116.5 acres south of the Colorado Springs Airport and northeast of Powers Boulevard and Bradley Road. Waterview North is part of the Waterview Sketch Plan; the Waterview Sketch Plan was recently approved modifying the proposed land uses in Waterview North (Sketch Plan Parcels P-14 and P-15) from Commercial and Industrial uses only, to Commercial, Industrial and Residential uses allowed under the approved **parcel P-19**.

We are rezoning 23.54 acres of the Amended Waterview Sketch Plan Parcel P-19 from the current A-5 zoning to a land use associated with El Paso County Residential (RS-5000) zoning to allow for single-family detached housing.

The legal description of the parcels is as follows:

PARCEL P-19 (RS-5000 PORTION)

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

COMMENCING AT THE NW CORNER OF SAID SECTION 9;

THENCE S81°51'23"E ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 669.38 FEET

THENCE S00°00'00"E DEPARTING SAID NORTH LINE, A DISTANCE OF 907.06 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E A DISTANCE OF 1647.06 FEET;

THENCE S00°00'00"E A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 94.86 FEET, A DELTA ANGLE OF 18°07'00", WHOSE LONG CHORD BEARS S09°03'30"W A DISTANCE OF 94.46 FEET TO A POINT OF REVERSE CURVE;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 130.05 FEET, A DELTA ANGLE OF 24°50'16", WHOSE LONG CHORD BEARS S05°41'52"W A DISTANCE OF 129.03 FEET;

THENCE S06°43'16"E A DISTANCE OF 247.45 FEET TO A POINT OF NON-TANGENT CURVE TO THE LEFT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

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

1. THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 462.89 FEET, A DELTA ANGLE OF 08°55'50", WHOSE LONG CHORD BEARS S78°48'43"W A DISTANCE OF 462.43 FEET;
2. THENCE S74°20'48"W A DISTANCE OF 870.17 FEET;

THENCE N15°39'12"W DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 489.15 FEET, A DELTA ANGLE OF 47°54'30", WHOSE LONG CHORD BEARS N39°36'27"W A DISTANCE OF 475.03 FEET;

THENCE N00°00'00"E A DISTANCE OF 288.39 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,025,310 SQUARE FEET OR 23.538 ACRES MORE OR LESS

Request and Reason:

To approve a Residential RS-5000 rezone for a portion of Parcel 19 (Sketch Plan), the 23.54 acres currently zoned as A-5. This letter serves as a request to receive El Paso County approval of the proposed RS-5000 zoning for this site.

Rezoning Approval: Section 5.3.5(B)

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

- **The application is in general conformance with the County Master Plan and previous county approvals;** in this case Sketch Planned Industrial and Commercial uses are being amended to introduce 68.4 acres of a mix of urban residential densities. The underlying Waterview Sketch Plan is scheduled for consideration by the PC on June 17, 2021 and by the BOCC on July 17, 2021. The Sketch Plan amendment has been reviewed against the El Paso County Master Plan including the 2003 Highway 94 Comprehensive Plan prior to the adoption of the current El Paso County Master Plan in 2021.
- **The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area,** and with the proposed mix of commercial, light industrial, and urban density residential land uses included on the Amended Waterview Sketch Plan. The Sketch Plan Amendment is currently under County review and scheduled to be considered for approval by the PC and BOCC. Concurrent rezone applications have been submitted for industrial (I-2), commercial (CS), multifamily (RM-30) and single-family attached (RM-12) zone districts to implement the land use scenario of the Amended Waterview Sketch Plan (2020).

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

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

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

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

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

EL PASO COUNTY MASTER PLAN

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

Land Use Goals.

The land uses and densities proposed and approved under the Amended Waterview Sketch Plan have been in review by the County prior to development and adoption of the current El Paso County Master Plan. The individual rezone applications needed to implement the uses authorized by the Sketch Plan are currently being reviewed for consistency with the newly adopted El Paso County Master Plan Land Use framework and typology recommendations. Chapter 14, Implementation states in the Land Use Applications and Master Plan Consistency narrative:

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

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

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

Industrial proposed uses are focused at the Bradley Road and Powers Boulevard Corridors within a ¼ mile of an existing Intersection with Bradley Road. All urban residential land uses access within a ½ mile distance from Bradley Road.

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

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

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

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

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

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

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

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

Community service costs are addressed effectively by using Widefield Water and Sanitation District, Mountain View Electric and CSU Gas all of which have recently updated facilities in the area for service. The site has been annexed into the Security Fire Protection District taxing area.

The County Master Plan locates the development within in the Colorado Springs Airport/Peterson Airforce Base Area on the **Key Area Map** as an area anticipating “New Development” on the **Areas of Change Map** with as a projected “Employment Center” by the

Placetypes Map. The Plan recommends prioritization of nonresidential growth in this area to help expand Employment Center land uses and densities in this area.

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

Key Area: Colorado Springs Airport/Peterson Air Force Base

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

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

Areas of Change: New Development

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

Proposed zoning, land uses, and densities are compatible with the approved 23.1 acres of commercial, the ± 167 acre urban residential Trails at Aspen Ridge, and ±5 acres of multifamily zone located along the southern border of Bradley Road opposite of the site and within the approved Sketch Plan Area. The proposed development areas and zones have been planned to mutually support each other and upon development will create the land use scenario with employment hub/business park uses.

Placetype: Employment Center

The Waterview North Sketch Plan area has been identified on the Placetype Map as an Employment Center. The Plan characterizes this placetype with Light Industrial/Business Park, Heavy Industrial, and Office uses as the primary or dominant land uses. Supporting land uses include Commercial Retail, Commercial Service, and Restaurant land uses. These supporting

uses are comparable to the supporting uses identified within the Urban Residential Placetype identified as Mixed Use, Restaurant, Commercial Retail, Commercial Service, Institutional, Parks, and Office. While the employment center and urban residential Placetypes have differing primary uses, both Placetypes share common supporting land uses demonstrating an interdependence among the differing yet complementary land uses.

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

Residential Conformance with Employment Center Placetype

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

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

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

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

Housing & Community Goals:

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

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

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

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

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

El Paso County Policy Plan

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

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

Parcel P-19 (Overall)

This application meets this policy by maintaining land use within the parameters of the adjacent proposed land uses and restrictions. The APZ-1 Airport Overlay has no impact on the property. A buffer is provided on the north and east sides and commercial to the west provides a buffer to proposed Industrial uses further west.

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

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

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

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

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

The Widefield Water and Sanitation District has indicated the ability to serve the²⁶ property as well as the State Engineers Office from previous reviews. The proposed

project is within the service boundary of the Widefield Water and Sanitation District; an inclusion agreement has recently been approved.

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

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

County Water Master Plan:

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

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

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

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

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

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

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

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

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

²Full Build out of the Widefield Water and Sanitation District is expected in the 2040 to 2060 time frame. The Water Resources Report indicates that the District has sufficient water supply

to meet the expected need to full build out. Region 7 has a current water supply of 15,376 acre-feet per year and a current demand of 10,141 acre-feet per year. The 2040 water supply is project to be 25,241 acre-feet per year and the demand is projected to be 15,846 acre-feet. As stated in the water resources report, this development is projected to need 437 acre-feet of water per year.

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

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

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

Existing and Proposed Facilities:

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

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

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

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

Offsite Improvements

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

Impact Identification:

Wildlife

Preexisting wildlife habitats and migration routes are noted for the usual prairie animals. This site has existing Bradley Road to the south and Powers Boulevard to the west. Wildlife impact to the area has already occurred due to these existing roads. A wildlife study was

commissioned and completed and has been submitted as part of the Preliminary Plan submittal and can be reviewed as part of that land use application.

Colorado Springs Airport

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

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

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

The applicant notes the following in coordination with airport concerns.

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

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

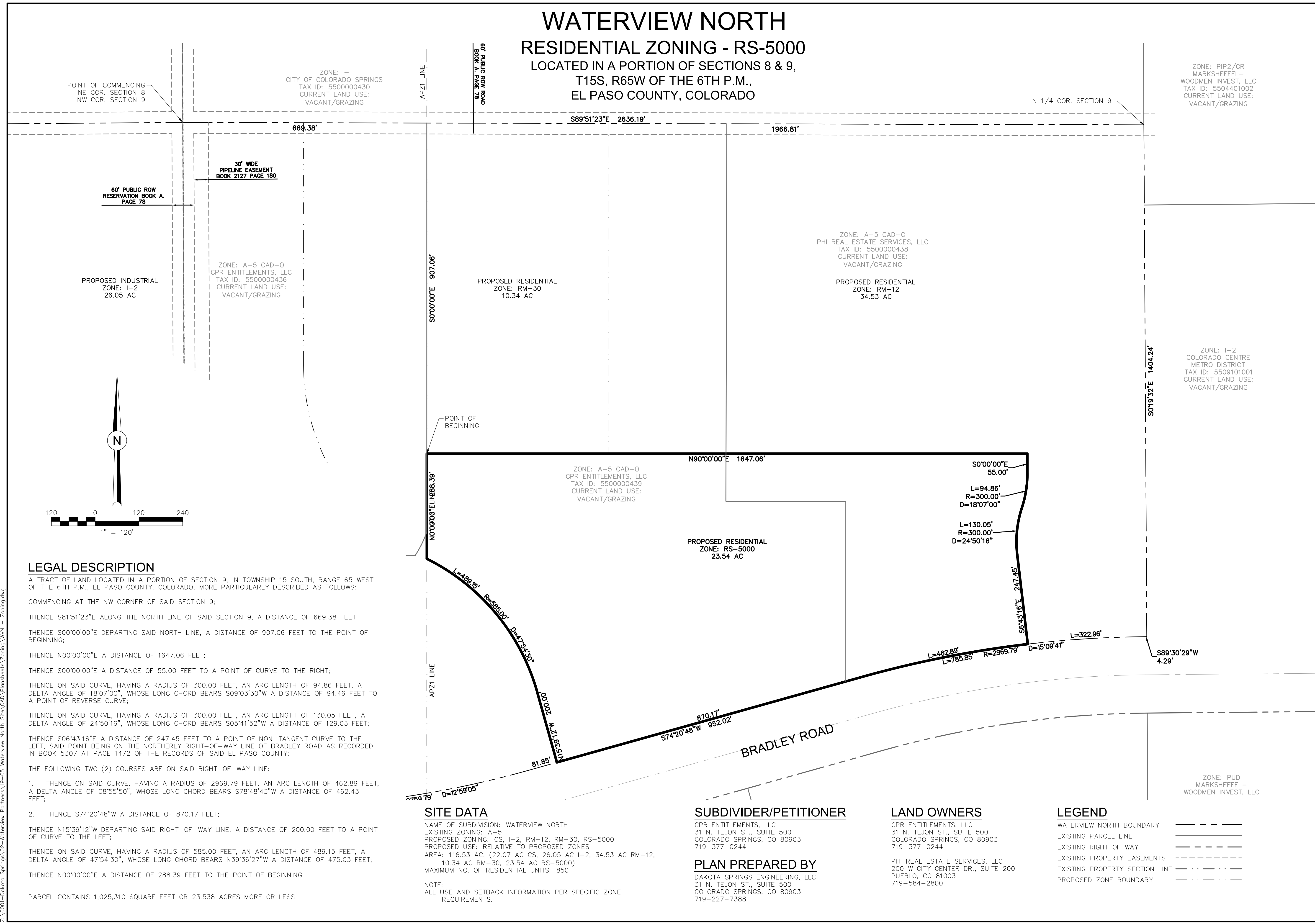
In addition to the above the applicant would like to state the following concerning mitigation of the runway lighting:

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

WATERVIEW NORTH

RESIDENTIAL ZONING - RS-5000

LOCATED IN A PORTION OF SECTIONS 8 & 9,
T15S, R65W OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO



LEGAL DESCRIPTION

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

COMMENCING AT THE NW CORNER OF SAID SECTION 9;

THENCE S81°51'23"E ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 669.38 FEET

THENCE S00°00'00"E DEPARTING SAID NORTH LINE, A DISTANCE OF 907.06 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E A DISTANCE OF 1647.06 FEET;

THENCE S00°00'00"E A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 94.86 FEET, A DELTA ANGLE OF 18°07'00", WHOSE LONG CHORD BEARS S09°03'30"W A DISTANCE OF 94.46 FEET TO A POINT OF REVERSE CURVE;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 130.05 FEET, A DELTA ANGLE OF 24°50'16", WHOSE LONG CHORD BEARS S05°41'52"W A DISTANCE OF 129.03 FEET;

THENCE S06°43'16"E A DISTANCE OF 247.45 FEET TO A POINT OF NON-TANGENT CURVE TO THE LEFT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

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

- THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 462.89 FEET, A DELTA ANGLE OF 08°55'50", WHOSE LONG CHORD BEARS S78°48'43"W A DISTANCE OF 462.43 FEET;
- THENCE S74°20'48"W A DISTANCE OF 870.17 FEET;

THENCE N15°39'12"W DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 489.15 FEET, A DELTA ANGLE OF 47°54'30", WHOSE LONG CHORD BEARS N39°36'27"W A DISTANCE OF 475.03 FEET;

THENCE N00°00'00"E A DISTANCE OF 288.39 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,025,310 SQUARE FEET OR 23.538 ACRES MORE OR LESS

SITE DATA

NAME OF SUBDIVISION: WATERVIEW NORTH
 EXISTING ZONING: A-5
 PROPOSED ZONING: CS, I-2, RM-12, RM-30, RS-5000
 PROPOSED USE: RELATIVE TO PROPOSED ZONES
 AREA: 116.53 AC. (22.07 AC CS, 26.05 AC I-2, 34.53 AC RM-12, 10.34 AC RM-30, 23.54 AC RS-5000)
 MAXIMUM NO. OF RESIDENTIAL UNITS: 850

NOTE:
 ALL USE AND SETBACK INFORMATION PER SPECIFIC ZONE REQUIREMENTS.

SUBDIVIDER/PETITIONER

CPR ENTITLEMENTS, LLC
 31 N. TEJON ST., SUITE 500
 COLORADO SPRINGS, CO 80903
 719-377-0244

PLAN PREPARED BY
 DAKOTA SPRINGS ENGINEERING, LLC
 31 N. TEJON ST., SUITE 500
 COLORADO SPRINGS, CO 80903
 719-227-7388

LAND OWNERS

CPR ENTITLEMENTS, LLC
 31 N. TEJON ST., SUITE 500
 COLORADO SPRINGS, CO 80903
 719-377-0244

PHI REAL ESTATE SERVICES, LLC
 200 W CITY CENTER DR., SUITE 200
 PUEBLO, CO 81003
 719-584-2800

LEGEND

- WATERVIEW NORTH BOUNDARY _____
- EXISTING PARCEL LINE _____
- EXISTING RIGHT OF WAY _____
- EXISTING PROPERTY EASEMENTS _____
- EXISTING PROPERTY SECTION LINE _____
- PROPOSED ZONE BOUNDARY _____

31 N. TEJON, SUITE 500
 COLORADO SPRINGS, CO 80903
 P: (719) 227-7388
 F: (719) 227-7392

DSE Dakota Springs Engineering

48 HOURS BEFORE YOU DIG,
 CALL UTILITY LOCATORS
 1-800-922-1987
 CITY OF COLORADO UTILITIES
 GAS, ELECTRIC, WATER AND WASTEWATER

J-CAD
 J-CAD DESIGNS
 719-377-0002

DESIGNED BY: **JUM** DATE: **03.12.21**

DRAWN BY: **JUM** DATE: **03.22.21**

CHECKED BY: _____ DATE: _____

SCALE: HORIZ: 1"=120' VERT: N/A STATION: FROM: TO:

WATERVIEW NORTH

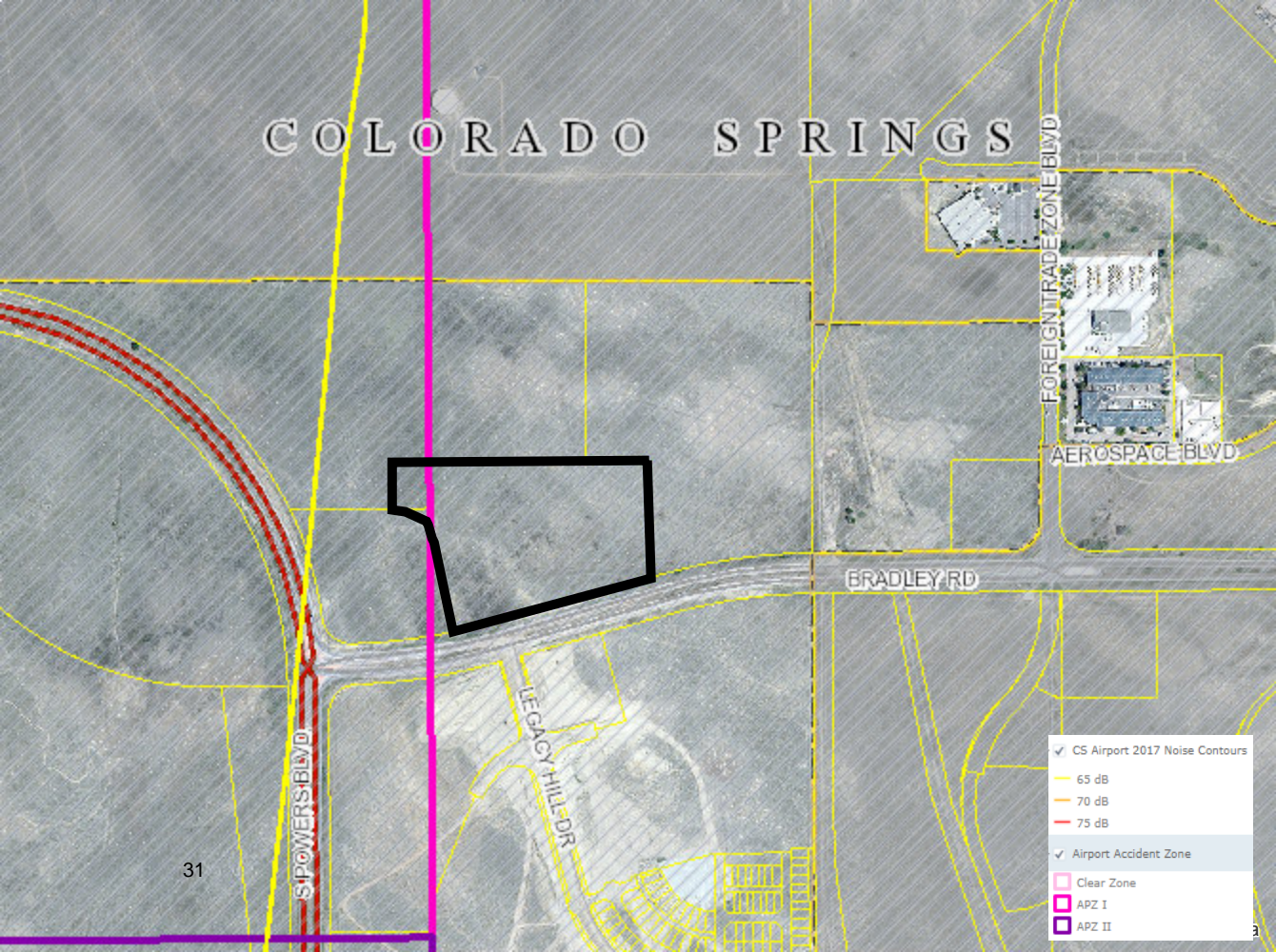
RESIDENTIAL ZONING - RS-5000

REVISIONS:	NO.	DESCRIPTION	DATE

PROJECT NUMBER: **0219-05**

SHEET **1** OF **1**

COLORADO SPRINGS



SEE ATTACHED FOR PREVIOUS REVIEW

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard August 26, 2020
Land Use Review Item #14**

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): <p style="text-align: center;">SKP202</p> SKETCH PLAN AMENDMENT - RESIDENTIAL	PARCEL #(S): <p style="text-align: center;">5500000332 5500000414</p>
DESCRIPTION: <p>Request by Dakota Springs Engineering on behalf of Rankin Holdings, LP for approval of the Waterview Sketch Plan amendment. The amendment includes modifying 52.9 acres of industrial (P-14) and 16.1 acres of commercial (P-15) to single-family residential creating a new parcel (P-19) on plan for 69 acres of residential. An additional 5.2 acres from parcel P-17 will be modified from commercial to multi-family residential and create a new parcel (P-21). The property is currently zoned I-2 (Limited Industrial). The property is located northeast of Powers Boulevard and Bradley Road.</p> <p style="color: red;"><i>Review Note: An amendment to the sketch plan was reviewed with recommended conditions by the Commission in July 2018. The most recent review for development south of this area was Trails at Aspen Ridge final plat in March 2020 (Tabled from December 2019).</i></p>	
CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL? <p style="text-align: center;">No</p>	DISTANCE/DIRECTION FROM COS: <p style="text-align: center;">0.87 miles south of Rwy 35R</p>
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: <p style="text-align: center;">45 feet above ground level; 6,045 feet above mean sea level</p>	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: <p style="text-align: center;">Accident Potential Zone 1 (APZ-1), ADNL Airport Noise subzone</p>
ATTACHMENTS: <u>WATERVIEW SKETCH PLAN AMENDMENT</u> CLICK ON SKETCH PLAN DRAWING(S) UNDER DOCUMENT LIST	

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

Subject to Airport Advisory Commission Action

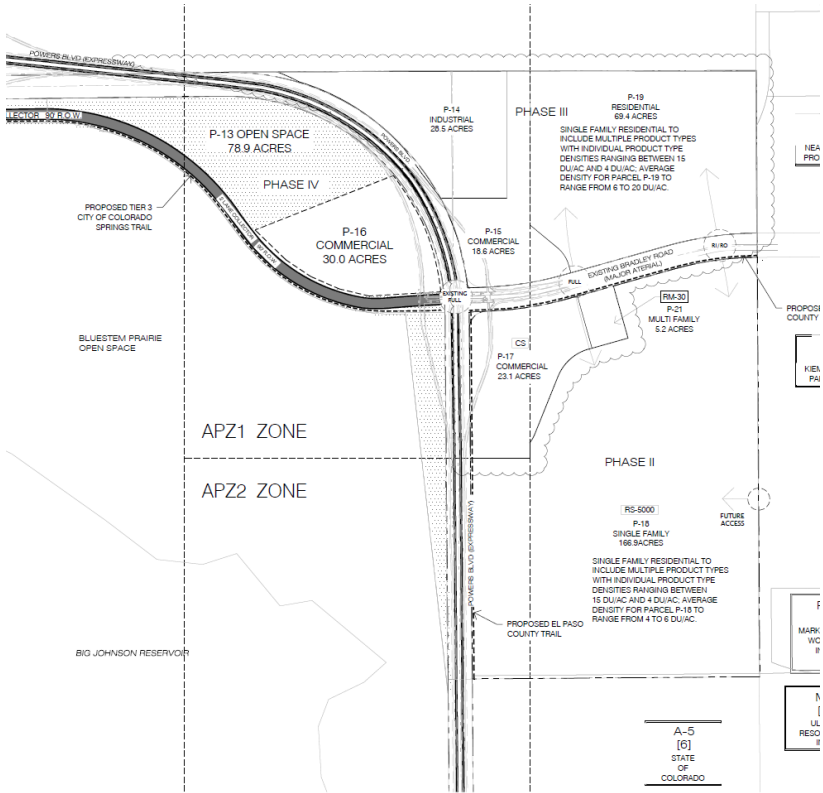
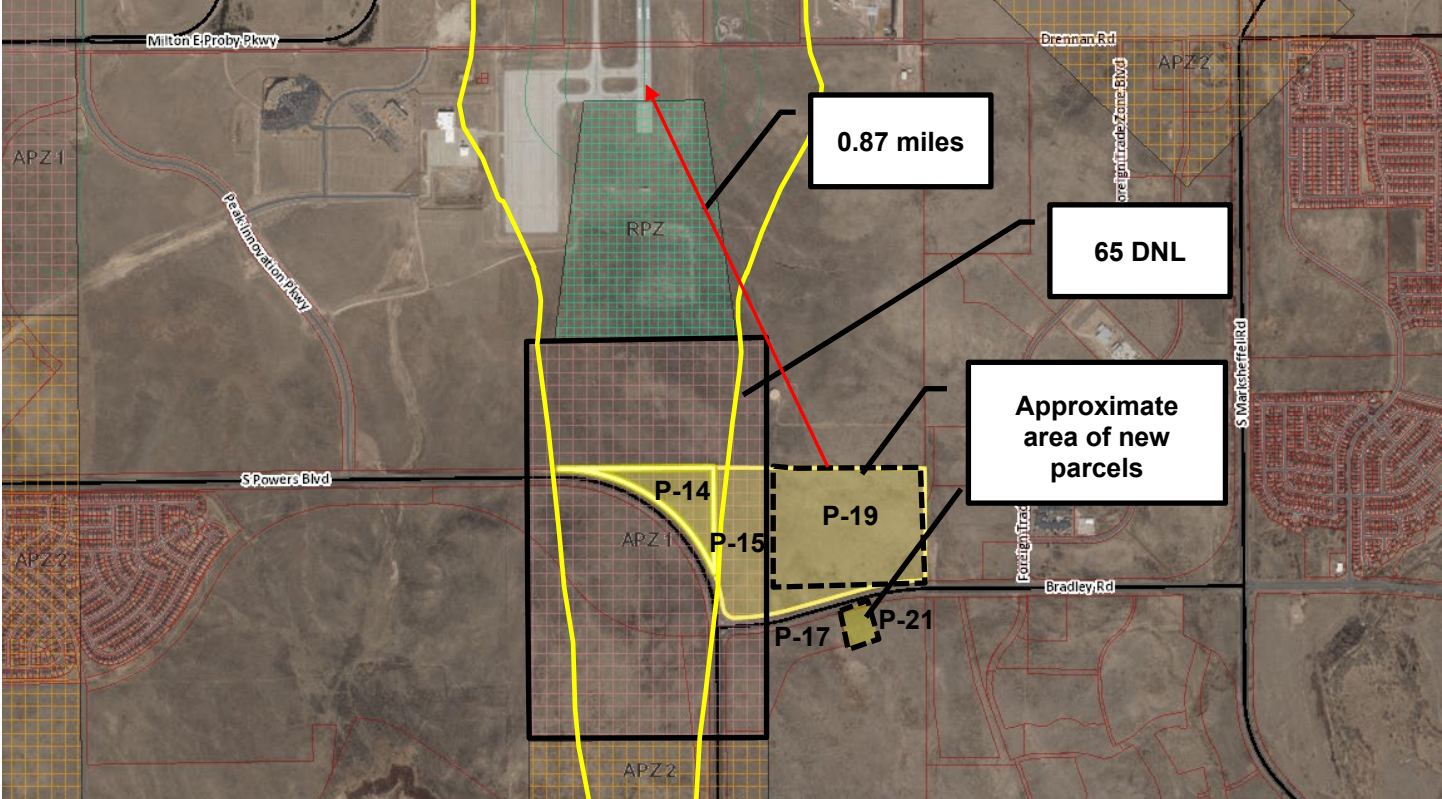
*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number).
- **Airfield Lighting Notice/Disclosure:** To be developed and provided by the Airport.
- **Noise Study:** to show an Interior noise level of 40dB (subject to change, this is close to a typical comment we make) A 40 dB indoor noise level shall be achieved by approved construction techniques as evidenced by a Noise Reduction Certificate, through a noise study/analysis by a qualified professional. In the case of land uses classified as industrial uses, only the office portion of the building is required to achieve the noise reduction.
- **Notice/Disclosure to all home buyers of their location/proximity to the Airport:** To be developed and provided by the Airport.
- **Disclosure to any renters, lessees, or sublets (typically for apartment complexes, etc. if any):** Upon accepting residency within xx, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that xx lies within an Airport Overlay Zone and is located less than xx 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, 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>).

SEE ATTACHED FOR PREVIOUS REVIEW

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard August 26, 2020
Land Use Review Item #14**

PROJECT LOCATION EXHIBIT:



Colorado Springs Airport Advisory Commission Meeting
To Be Heard July 25, 2018
Land Use Review Item #15

EL PASO COUNTY BUCKSLIP NUMBER(S): SKP-18-002, CS-18-003 SKETCH PLAN COMMERCIAL AMENDMENT AND REZONE	TAX SCHEDULE #(S): 5500000135, 5507206036
DESCRIPTION: Request by CPR Entitlement, LLC on behalf of Rankin Holdings LP for approval of the Springs at Waterview Sketch Plan amendment. The amendment includes modifying 1.7 acres of residential use to commercial use as part of the Springs East at Waterview development. The property consists of 26.64 acres and is located southeast of the intersection of Bradley Road and Powers Boulevard. Concurrent Request: Request for approval to rezone 1.7 acres from residential RS-5000 (Residential Suburban) to CS (Commercial Service). Review Note: <i>The Waterview Sketch Plan previous amendment for commercial and residential uses was reviewed and approved by the Commission in February 2018. The Springs East at Waterview preliminary plan and initial rezone and commercial development for this property was reviewed and approved by the Commission in March 2018.</i>	
CONSTRUCTION/ALTERATION OF MORE THAN 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 4,900 feet south of Rwy 35R
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 45 feet above ground level; 6,045 feet above mean sea level	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: Accident Potential Zone 1 (APZ-1); Accident Potential Zone (APZ-2); ADNL Airport Noise Subzone

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

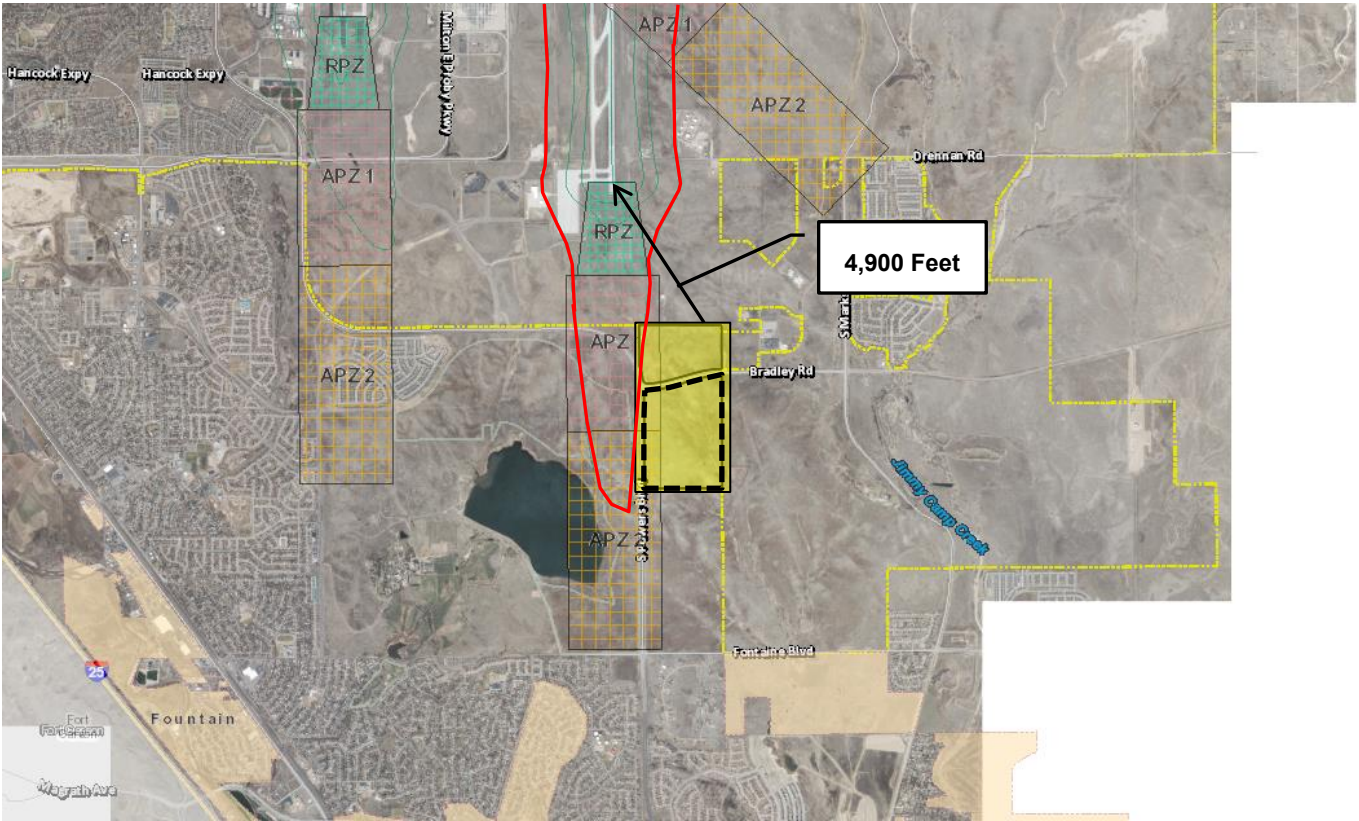
Subject to Airport Advisory Commission Action

*Airport staff recommends **no objection** with the following conditions:*

- The developer shall work with airport staff to create mechanisms for communicating aviation impacts within deeds of land development.
- An Avigation Easement or proof of previous filing (book/page or reception number) is required.
- The proposed development is within the Accident Potential Zone 1 (APZ-1) subzone of the Commercial Airport Overlay District, as adopted by El Paso County. Commercial development is permissible in the APZ-1 subzone.
- The proposed development is within the Accident Potential Zone 2 (APZ-2) subzone of the Commercial Airport Overlay District, as adopted by El Paso County. Commercial development is permissible in the APZ-2 subzone.
- Based on elevation data, 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.
- More information about the airspace evaluation submittal process is available on the FAA's Obstruction Evaluation/Airport Airspace Analysis website
34 (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Colorado Springs Airport Advisory Commission Meeting
To Be Heard July 25, 2018
Land Use Review Item #15

PROJECT LOCATION EXHIBIT:



COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, November 2, 2021
El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado 80910

SPECIAL HEARING
9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, JAY CARLSON, ERIC MORAES, BRANDY MERRIAM, TIM TROWBRIDGE, AND SARAH BRITAIN JACK

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ

ABSENT: BECKY FULLER

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, DANIEL TORRES, JEFF RICE, CARLOS HERNANDEZ, MERCEDES RIVAS, GILBERT LAFORCE, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), SPENCER PIRZADEH, KYLIE BAGLEY, EDWARD SCHOENHEIT, CHARLENE DURHAM, KARI PARSONS, ELENA KREBS, AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND MARY RITCHIE

OTHERS SPEAKING AT THE HEARING: GRANT DEWEY

Report Items

1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for **Thursday, November 18, 2021 at 9:00 a.m.**
- b) **Mr. Dossey** gave an update on the year-to-date building permits and also provided an update of the Planning Commission agenda

items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

- c) **Mr. Dossey** introduced **Mr. Carlos Hernandez, Mr. Edward Schoenheit, and Ms. Charlene Durham** as newly hired engineers for the department. He then introduced the newly hired planner III **Kylie Bagley** and the newly hired associate planner, **Spencer Pirzadeh**. Welcome everyone!

B. Public Input on Items Not Listed on the Agenda – NONE

2. CONSENT ITEMS

A. Approval of the Minutes – October 7, 2021

The minutes were unanimously approved as presented. (9-0)

B. P-21-004

RIVAS

**MAP AMENDMENT (REZONE)
WATERVIEW NORTH RESIDENTIAL**

A request by CPR Entitlements LLC, and PHI Real Estate Services LLC, for approval of a map amendment (rezoning) of 23.54 acres from A-5 (Agricultural District) to RS-5000 (Residential Suburban District). The three (3) parcels are located northeast of the Bradley Road and South Powers Boulevard intersection and are within Section 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-436, 55000-00-438, and 55000-00-439) (Commissioner District No. 4)

Mr. Trowbridge- Can staff show us the zoning in the area, I was concerned about some of the comments in the staff report about how this is not conforming in some ways, to the master plan.

Mr. Dossey – Regarding the master plan element, when we were looking at this area in terms of the placetype, this area was already sketch planned for some of these uses, but the way we looked at it is if it does change from how we looked at it to something else, we want to make sure it is in keeping of the master plan. Specifically, in consistency with the airport and the overlay. It is not that we ignored the sketch plan when we created that place type but recognized that things do change. We did what thought was right in the context overall, but certainly not ignore the sketch plan. That is where that disconnect comes from. Recognizing the presence of the airport and that key area. Before you today is an attempt to implement the sketch plan that was already approved.

Ms. Rivas – Presented zoning information of the questioned parcel, her presentation is part of the full record.

Mr. Trowbridge - It wasn't clear to me that there was other residential in the immediate vicinity, it is under the runway practically, so the airport overlay is a bit of a concern.

Mr. Bailey – Just a general comment on that, I think this is one of many examples of places where there are areas that the Master Plan identified for one use, but it is also appropriate for a variety of uses. I appreciate the question because the same kind of issues arose in my mind as well.

Mr. Dossey – You're in a transition period where you have existing approvals out there that may or may not be consistent with the Master Plan, and that is ok. The approvals got done with guidance that was different, but you are in a transitional period where existing approvals are going to be hanging out there until new sketch plans come in under the new Master Plan. You're going to see some inconsistencies, but that is the nature of implementing a new Master Plan.

Mr. Moraes – I thought we were going to use the sketch plan amendment that was approved back in July, we were going to use the policy plan that was in place prior to the Master Plan.

Mr. Dossey – It is based on when the application was made and the reason why, let's say they came in for a commercial rezoning instead of residential. You would want to look at it in context of the new Master Plan, not the old policy plan. That is where the background come into effect.

PC ACTION: LUCIA-TREESE MOVED/MORAES SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, P-21-004, FOR A MAP AMENDMENT (REZONE), FOR WATERVIEW NORTH RESIDENTIAL, UTILIZING RESOLUTION PAGE NO. 27, CITING 21-061, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. SP-20-003

PARSONS

**PRELIMINARY PLAN
STERLING RANCH PHASE II PRELIMINARY PLAN**

A request by SR Land, LLC, 8335 Vollmer Road, LLC, and Challenger Communities, LLC, for approval of a preliminary plan to create 212 residential lots. The four (4) parcels totaling 74.62 acres, are zoned RS-5000 (Residential Suburban) and I-3 (Heavy Industrial) and are located north of Woodmen Road, south of Vollmer Road and Dines Road, and are bisected by Sterling Ranch

Road. The parcels are within Sections 4 and 33, Township 12 South, and Section 5, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos. 52330-00-012, 52330-00-013, 53000-00-173, and 53000-00-222) (Commissioner District No. 2)

Ms. Merriam – I have a question regarding the traffic study. I don't see anything that goes into a main artery. How far out does the traffic study go?

Mr. Rice – Our criteria require them to look up to the intersections and roads where they have a significant impact, which is at least 5% at the intersections. So, this project when they did their original sketch plan I believe they analyzed the intersections at Vollmer up to possibly Briargate and Marksheffel and then the general traffic going south on Vollmer and the future traffic going east. There is a master traffic study that looked at all those and then when we do each preliminary plan, they narrow down the impact of each final plat. So this prelim plan was looking at the intersections of Marksheffel and Volmer and improvements that would need to be done on Vollmer with conjunction of filing two. In this case Marksheffel road has been reviewed by the City and they will take over maintenance.

Ms. Merriam – Using the human body as an example those are veins and using Powers as an artery. It is much larger and more important and the same with Woodmen. When you have a completely new development, with this you have rural traffic and you put in that urban density.

Mr. Rice – With the larger roads since there is background traffic already. It is less percentage impact from the project.

PC ACTION: MORAES MOVED/ LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, SP-20-003, FOR A PRELIMINARY PLAN FOR STERLING RANCH PHASE II, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-059, WITH SIX (6) CONDITIONS AND FOUR (4) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILTY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. SP-20-010

PARSONS

**PRELIMINARY PLAN
BENT GRASS EAST COMMERCIAL FILING NO. 3**

A request by Land First, Inc., for approval of a preliminary plan to create six (6) commercial lots. The 5.05-acre parcel is zoned CS (Commercial Service) and is located at the southwest corner of the Meridian Park Drive and Bent Grass Meadows Drive intersection, approximately 350 feet west of Meridian Road,

and is within Section 1, Township, 13 South, Range 65 West of the 6th P.M. (Parcel No. 53011-01-060) (Commissioner District No. 2)

PC ACTION: TROWBRIDGE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2D, SP-20-010, FOR A PRELIMINARY PLAN FOR BENT GRASS EAST COMMERCIAL FILING NO. 3, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-060, WITH SIX (6) CONDITIONS AND THREE (3) NOTATIONS, ONE (1) WAIVER, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Regular Items

3. VA-20-004

RUIZ

**VARIANCE OF USE
WESTERN MINING MUSEUM**

A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center. The 28.39-acre parcel is zoned RR-5 (Rural Residential) and is located at the southeast corner of the Interstate 25 and North Gate Boulevard Interchange and is within Section 7, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 62072-00-017) (Commissioner District No. 1)

Ms. Ruiz gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Variance of Use, **Ms. Ruiz** then introduced the applicant, **Mr. Grant Dewey** to provide their presentation.

Mr. Bailey – The decision to use a business center as a standard was something that you all came up with in consultation with, the applicant to get as close as possible to what they have been doing for a very long time. Is that accurate? **Ms. Ruiz**- That is accurate, yes. **Mr. Bailey**- Ok, I just don't want us to get caught up in the terminology, because business event center seems to me a little awkward here because we are trying to shoehorn this application because we don't have standards for this type of application as neatly as we would like. **Ms. Ruiz** – That's true. So in the Land Development Code it gives the authority for the director to make a determination on the most similar use. It also includes within the Land Development Code that an applicant, through the variance of use process could request a different type of use. In this case we identified that their primary use would be just the business event center, but we thought it was important that the applicant describe fully what their use is in their letter of intent and that they outline that list of additional items that they are putting under the event center that aren't specific to the events but that are associated, so that they don't run into issues in the future.

Mr. Bailey – I just don't want to lose sight that this museum has been there for a long time, it is going to continue to function as a museum as one of the ways to

keep the museum operating, business event center type activities that they want to add on this property but it's not a significant change from what they have been doing for a number of years. **Ms. Ruiz-** You are correct, they have been operating what we would consider a business event center for a number of years now out of compliance. What they are proposing is not a change. **Mr. Bailey-** But the museum is not out of compliance, the museum aspect is legitimate. **Ms. Ruiz-** The museum was approved in 1975.

Mr. Carlson- Will they continue to do the haunted mines?

Ms. Ruiz- The applicant will go over their proposed events in their application. We didn't want them to limit their selves too much because with a variance of use request you are limited to what you asked for.

Mr. Dewey presented his application to the Planning Commission.

Mr. Carlson – What prompted the need for the application?

Mr. Dewey – Back in 2015 someone asked the museum to allow them to host a tiny home jamboree and when they held that, it was bonkers due to a turnout that was far expected. Then in 2019 with the Celtic Festival, someone in the neighborhood had an issue with the traffic, so that raised the attention to the County again.

Ms. Brittain Jack – When you were doing an event, did you need to apply for a permit prior to this?

Mr. Dewey – For our own events no, but for those that were coming on to our property to hold their own events, yes. Since this has begun, we have started applying for special use permits for all of ours.

Mr. Trowbridge – Reading through several conditions and notations, I assume you read through all of those and are ok with all of those, number four caught my eye, the one that states you will be dedicating part of the right-of-way to the City. **Mr. Dewey** – Numbers one through seven are fairly familiar as far as the county putting those out there if we were to do future development and such. Number eight and beyond are relatively new, I just saw them yesterday. I haven't had enough time to process what they might mean. I think they may be more restrictive than necessary.

Mr. Trowbridge – There are a lot of restrictions about notifying different organizations a month in advance and a lot of traffic stuff in here. I am wondering how much of a burden that places on you. I am a little concerned about some of these.

Mr. Dewey – I appreciate that. I do consider them burdensome both with the amount of time in advance and extra duties that I don't think are really necessary.

Ms. Ruiz – Before I go through our presentation, I wanted to address a few things that came up during the applicants presentation that aren't part of the staffs presentation. The applicant has now made a request that the site development plan condition be eliminated. That is not an option per the Land Development Code. **Ms. Seago** can correct me if I am wrong, but I don't believe the Planning Commission and the Board of County Commissioners has the authority to remove that as part of the process. We have to formalize the site plan and have an understanding of the improvements of the property currently and if there are any improvements necessary. **Ms. Seago** – I would agree with that.

Mr. Bailey – That is part of the process that you work with the applicant to understand the site development plan that would be particular with this particular use. **Ms. Ruiz** – A lot of it is already included with the information already provided, we just need a little more information. We understand the flexibility of its use and we aren't going to tell them that each event needs to be operated the same. We just need a better understanding of the activity area and then we will put together a bubble that this is where activities will occur and then we want the parking delineated where they are going to put up the fencing per the Fish and Wildlife, just little details like that.

Mr. Bailey – A lot of the info presented today speaks to that. **Ms. Ruiz**- Yes.

Ms. Lucia-Treese – My understanding is that this was not residential community concern, but rather a concern from the county? So, you've brought up the variance of use and not because they have been bad.

Ms. Ruiz – So it came to our attention a couple of years ago that they were holding events a due to significant traffic concerns. Traffic was backed up and it was creating a situation that the County did not want to see reoccurring, that is why we sent a notice of violation out to them. It was not because of anyone complaining, this is purely brought to the County's attention due to traffic concerns. The second item that I wanted to address was the conditions of approval. He had discussed items 8 – 12 that he had potential concerns. I know that the traffic study was not included in the staff packets but those conditions of approval actually mirror what the traffic study recommends and calls for in order to deal with the traffic, **Mr. Rice** will present that in greater detail. There was also a question about submitting applications for each event. So, we have the ability to submit for a temporary use now the temporary use within the land development code states it should be temporary in nature and should not have significant impacts, staff felt that it would be inappropriate to ask him to submit a temporary use for each of these events, that is why we chose the variance of use route versus submitting multiple temporary uses. In the long run it will actually be better for him to do one variance of use, it will cost him a lot less and he will have that peace of mind knowing the variance of use has been approved.

Mr. Moraes – On that point, for example, one of the uses spoke about a carnival. In the Land Development Code, it says a carnival can't be held no more than three times a year, because the variance of use is there that restriction goes away? So, he can

have it four times a year and be ok. **Ms. Ruiz** – He could. He is going to be limited to everything that is discussed in the letter of intent.

Ms. Ruiz gave her full presentation to the Planning Commission. Her presentation is part of the public record.

Mr. Rice presented his engineering report/findings on behalf of **PCD**. His report is part of the public record.

Mr. Bailey – That is an important discussion here because these all say, “if an event is anticipated to have”. The impact of traffic is an issue. Is there any way to help them anticipate what this is or what happens if they do see an amount of people they weren’t anticipating for an event?

Mr. Rice – We reviewed what they had on their website and we recommended that they change their website to specify parking rather than saying parking wherever you want. We would look at whether or not an organizer of an event has it under control.

Mr. Bailey – You reiterated the point that for the larger events its typically an outside event organizer that has more experience dealing with the bureaucracy to make this type of thing happen. You put some of my fears to rest.

Mr. Carlson – What happens when they assume there is going to be 300 people coming but 10,000 show? Do we cancel their variance and shut down their operation?

Ms. Ruiz – In order to revoke their variance of use it has to go to the Board of County Commissioners for their approval. If it is a one time offense, we’re not going to revoke their variance of use. A lot of their events have been in operation for years, so they do have a good idea of anticipated number of people.

Mr. Moraes – I don’t have a problem with the recommended conditions. I have an issue with the note that mentions the review timelines and that the County is not responsible for the delay due to review. If they meet the time lines and all of a sudden the County can’t process in time, when do you tell them that? And does it look bad on the County.

Mr. Rice – The County isn’t going to say they need to cancel an event because the County doesn’t have time to review that. Those are timelines that we can meet, as long as the organizer is working with us. We don’t want to be put in a situation where they do submit something, and we say a change needs to occur and they don’t submit the revision until a week out. That puts us in a bad spot.

Mr. Moraes – What is the cut off? **Mr. Rice** – With these types of projects it is typically within a week. **Mr. Moraes**- I guess I wouldn’t want to see the blame put on the county.

Ms. Seago – Many of these approvals aren't issued by the county, as you can see they are issued by the City or by CDOT. In setting forth these timelines the County is trying to provide the applicant a reasonable amount of time to get these approvals. We have no control over whether or not they can obtain these approvals from the City of CDOT. That is why the applicant is encouraged to engage in this process well ahead of time if possible. If CDOT doesn't issue their special use permit, then the event can't go further. That is out of the county's hands, that is out of the applicants' hands, so the earlier the better.

Ms. Brittain Jack – Does the applicant have to go to the City, CDOT and the county for a permit?

Mr. Rice – If it is more than 250 daily visitors that is between the applicant, CDOT, and the state patrol. Typically, if it is under 250 the City doesn't have a huge concern as long as they are getting their permitting from CDOT.

Ms. Brittain Jack – So if the City and CDOT says its ok, you aren't going to do anything. **Mr. Rice** – Right.

Mr. Risley – Perhaps the applicant can tell us how many events per year they anticipate in the medium/ large range.

Mr. Dewey – I would say five for events, days would be 12 to 20. They will be seasonal. It is mostly weekends. It won't be more than 30 days. That would be the max.

Mr. Risley- If you are anticipating five events per year as you just indicated, as soon as one event is over you or the event organizer will be starting the application process for the next event which means this will be a continual process, I would go as far to say a continual burden. Very rarely do I see the overreach of the County, but in my opinion, this is an overreach. I personally struggle with this because I don't see this being asked of any other users in the area.

Ms. Ruiz – The requirements from CDOT would apply regardless if the county is putting it as a condition of approval, because the City and CDOT have rules and regulations outside of the County. What we are trying to do is to ensure per the criteria, that there aren't going to be any negative offsite impacts and we fully accommodated and considered the transportation impact, that includes the impact to CDOT and the impact to the City of Colorado Springs. We also want to make sure the applicant is fully aware of the steps that they have to take and so the county can facilitate those discussions. If we didn't have this as a condition of approval, the applicant would still need to go to CDOT and to the City, but he wouldn't have the benefit of the County assisting in the reviews and facilitating that conversation.

Mr. Dewey- The way this looks to me is that I have to have to apply for a special use permit every time, so why do I need to apply for a variance. The other piece is if CDOT has this requirement then they should come talk to me about it. I don't think it's the City or the County's job to do that for them.

Mr. Carlson- You said you didn't receive a lot of these conditions until the last few days. **Mr. Dewey** – Correct, they were in the report and so when I saw the report yesterday is when I was made aware of a lot of these. **Mr. Carlson** - Are you in a position to move forward with this? **Mr. Dewey-** I would rather have the time with my Board and others in the County to talk about these.

Ms. Ruiz – These recommended conditions of approval have been in staff comments for quite a while. The recommended conditions of approval have also been included with the traffic report prepared by his consultant.

Mr. Rice – We are trying to put this under one umbrella instead of having a separate review for each event.

Mr. Risley- Essentially what we are doing here is legitimize something that has been here since 1975.

Ms. Ruiz – The museum doesn't include these types of events, so these events are not specifically related to the museum. We consider this as a separate use. So, these types of events have not been occurring since 1975.

Mr. Risley- Understood.

Ms. Brittain Jack – Have any of the neighbors had complaints? Any public comment?

Ms. Ruiz- We haven't received any public comment at all.

Ms. Lucia-Treese – I think we are putting an undue burden on the applicant that we seem to be signaling this one applicant for these conditions, that CYA for the county to help this applicant keep their museum open and generate some additional revenue that is needed to keep it in the county. I feel like there is an overreach here. It is just not settling with me.

Note for the record – The Chair called for a recess at 10:40, hearing reconvened at 11:15. Quorum is still in place.

Ms. Ruiz – We were trying to save the applicant time and hassle but have determined that it is best if they do all the work up front and that they put more time in the site development stage, and for the County requirements that will relieve them moving forward. We will eliminate recommending conditions of approval eight, nine, ten, and twelve. We will leave number 11, regarding the temporary use. What we

anticipate happening is that when they submit their site development plan, they will include a traffic management plan. The traffic management plan will account for the small, medium and large events, it will not account for events that are larger than 750, which is why condition number 11, which will become number 10 is still included. That says if attendees could get over 750, they need to submit a temporary use to the County. There was also a question about CDOT and the City of Colorado Springs coordination, as I mentioned before the applicant has to do that, regardless if the County has a condition of approval that acknowledges that. They understand that. Condition of approval number five does include CDOT as well as other entities, so we believe we are covered.

Mr. Trowbridge- Why doesn't it just say from 250 to 1,750?

Ms. Ruiz – The reason why it is split is because we anticipate that the plan will look different for the small, medium and large events. The need for off- site parking could be different.

Mr. Dossey – There are two types of events that we need to address, those two specific ranges. My concern leaving it vague, is if we don't have the same engineer reviewing it the conditions of approval address two different type of events based upon these windows we provided, that way it is clear that what we need is based on the analysis of those two ranges.

Mr. Trowbridge – Why not put in that qualifier then? What's the difference between the two ranges? Is it medium and large events?

Mr. Bailey – Were those called out in the traffic impact study they did?

Mr. Dossey – I would prefer to leave it to the numbers and have their engineer evaluate it based off that.

Mr. Dewey – Simply those numbers are estimates I made to create some framework. I didn't find any thresholds from the City, County or CDOT. We are sticking with them in a sense because they are now in the traffic impact study.

Mr. Risley - But they were arbitrary numbers essential, yes. **Mr. Dewey** – Yes.

Mr. Moraes – I looked at previous variances of use requests and they always have the first condition that says that the variance of use is going to be in accordance with the applicants' letter of intent. I don't see that in this one. So, what condition as written says the variance is in accordance with the letter of intent?

Ms. Ruiz – With this one we were a lot more specific in the conditions of approval. If you look at notation number one, it does state "Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed

except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.” Because we have removed so many conditions of approval, if you would like to make a suggestion to add that one back in, staff has no issue or concern.

Mr. Moraes – With how you are saying it, you don’t think it is necessary because you are covered by the notation **Ms. Ruiz** – Well we did take away quite a few conditions. **Mr. Moraes** – If the use goes away for more than two years, the variance is discontinued or revoked, how does that work again with multiple uses?

Ms. Ruiz - That is in the Land Development Code, we just carry the language over to our resolutions. We would look at the use wholistically. Let’s say they stop having events, but they are listed as agritainment, we’re not going to say your variance of use is gone. **Mr. Moraes** – Lastly, peddlers’ sales as a use is just merchandise that is made off of property that is sold there. I don’t know if that is something the applicant does want to include. **Ms. Ruiz**- We would consider that part of the gift shop, farmer’s market, we would consider that as an accessory.

Ms. Merriam- I am still unclear with whether or not they need an approval per event.

Ms. Ruiz – They wouldn’t have to come back. The only time they will need to come back is if they expand or if they are out of compliance with their variance of use. The applicant may have to go to CDOT and the City every single time, we don’t know we can’t speak for them, but for the county they do not.

Mr. Dewey- I want to thank the County staff. I expressed concern about the site plan, it is my hope it can be very minimal, hopefully both in time and cost. We are open to the suggestion because of that.

IN FAVOR: NONE
IN OPPOSITION: NONE

DISCUSSION:

Ms. Lucia-Treese – I am feeling much more comfortable now with some of those conditions removed. I just felt they were an undue burden on the applicant. I want to thank the applicant and staff for coming together and mesh out the concerns we had as members of this board. I am in favor.

Mr. Carlson- I just want to say I appreciate what you are doing for the community, and I am sorry you have to go through this after all these years.

Mr. Moraes – Do we want to include a condition of approval that talks about that they have to adhere to their letter of intent?

Ms. Lucia-Treese- I think we have enough conditions and notations. I think that the applicant certainly understands the concerns of the board and the county.

Mr. Bailey – Generally I would like to see the language be the same for all of these, but I think the argument is that because we have separate conditions that call out traffic, signage, noise and that we want the applicant to adhere to the letter of intent. In this case I think what we have written here is sufficient. I am content with as it is written.

Mr. Risley – I apologize to staff about my comment about overreach. I do think where we ended up is much more reasonable and sustainable. Having grown up here I have seen what this museum represents for the community and I think it is an important part of our culture. I align with other comments about the burdensome process that you've had to go through here but hopefully that will legitimize what you are doing.

PC ACTION: LUCIA-TREESE MOVED/BRITAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, VA-20-004, FOR A VARIANCE OF USE FOR WESTERN MINING MUSEUM, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-062, WITH NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-21-004
WATERVIEW NORTH RESIDENTIAL**

WHEREAS, CPR Entitlements, LLC and PHI Real Estate Services, 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 the A-5 (Agricultural District) zoning district to RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 2, 2021; 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.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons 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 CPR Entitlements, LLC and PHI Real Estate Services, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-5 (Agricultural) zoning district to the RS-5000 (Residential Suburban) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison 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.
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 RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including, but not necessarily limited to, Powers Boulevard, Bradley Road, and Legacy Hill Drive. The developer's general design and financial responsibilities regarding the Bradley Road and Legacy Hill Drive intersection configuration and improvements, as well as other offsite improvements shall be determined with subsequent preliminary plan approval(s).
4. A County access permit will be required for the connection of new roads to Bradley Road. A CDOT access permit will be required with improvements to the Powers

Boulevard and Bradley Road intersection. The applicant shall comply with all CDOT access permit requirements.

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 Moraes seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye
Commissioner Blea-Nunez	aye
Commissioner Moraes	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye
Commissioner Merriam	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: November 2, 2021

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION (RS-5000 ZONE)

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

COMMENCING AT THE NW CORNER OF SAID SECTION 9;

THENCE S81°51'23"E ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 669.38 FEET

THENCE S00°00'00"E DEPARTING SAID NORTH LINE, A DISTANCE OF 907.06 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E A DISTANCE OF 1647.06 FEET;

THENCE S00°00'00"E A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 94.86 FEET, A DELTA ANGLE OF 18°07'00", WHOSE LONG CHORD BEARS S09°03'30"W A DISTANCE OF 94.46 FEET TO A POINT OF REVERSE CURVE;

THENCE ON SAID CURVE, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 130.05 FEET, A DELTA ANGLE OF 24°50'16", WHOSE LONG CHORD BEARS S05°41'52"W A DISTANCE OF 129.03 FEET;

THENCE S06°43'16"E A DISTANCE OF 247.45 FEET TO A POINT OF NON-TANGENT CURVE TO THE LEFT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

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

1. THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 462.89 FEET, A DELTA ANGLE OF 08°55'50", WHOSE LONG CHORD BEARS S78°48'43"W A DISTANCE OF 462.43 FEET;
2. THENCE S74°20'48"W A DISTANCE OF 870.17 FEET;

THENCE N15°39'12"W DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 489.15 FEET, A DELTA ANGLE OF 47°54'30", WHOSE LONG CHORD BEARS N39°36'27"W A DISTANCE OF 475.03 FEET;

THENCE N00°00'00"E A DISTANCE OF 288.39 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,025,310 SQUARE FEET OR 23.538 ACRES MORE OR LESS

RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE WATERVIEW NORTH RESIDENTIAL MAP AMENDMENT (REZONING) (P-21-004)

WHEREAS CPR Entitlements, LLC and PHI Real Estate Services, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the A-5 (Agricultural) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 2, 2021, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on November 16, 2021; 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 the petition of CPR Entitlements, LLC and PHI Real Estate Services, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-5 (Agricultural) zoning district to the RS-5000 (Residential Suburban) zoning district;

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.
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 RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including, but not necessarily limited to, Powers Boulevard, Bradley Road, and Legacy Hill Drive. The

developer's general design and financial responsibilities regarding the Bradley Road and Legacy Hill Drive intersection configuration and improvements, as well as other offsite improvements shall be determined with subsequent preliminary plan approval(s).

4. A County access permit will be required for the connection of new roads to Bradley Road. A CDOT access permit will be required with improvements to the Powers Boulevard and Bradley Road intersection. The applicant shall comply with all CDOT access permit requirements.

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 16th day of November, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION (RS-5000 ZONE)

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