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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
Darryl Glenn, President**

**FROM: Nina Ruiz, PM/Planner II
Mike Hrebenar, PM Group Manager
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: CS-18-002
Project Name: Springs East at Waterview Commercial Rezone
Parcel No.: 55000-00-135**

OWNER:	REPRESENTATIVE:
Rankin Holdings LP, Eugenia M & Basil E. Trust, Judy Timm 630 Southpointe Ct., Suite 200 Colorado Springs, CO 80903	Dakota Springs Engineering LLC 31 N Tejon, Suite 500 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	5/1/2018
Board of County Commissioners Hearing Date:	5/22/2018

EXECUTIVE SUMMARY

A request by Rankin Holdings LP, Eugenia M & Basil E. Trust, Judy Timm for approval of a map amendment (rezoning) of 26 acres from A-5 (Agricultural) to CS (Commercial Service). Concurrent applications have been submitted pertaining to the subject property for the following: rezoning 168.61 acres to RS-5000 and approval of a preliminary plan to create 713 residential lots. The property is located east of Powers Boulevard, south of Bradley Road and is within Section 9, Township 15 South, Range 65 West of the 6th P.M. The property is not located within a small area plan.



A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request for map amendment (rezone) approval of 26 acres from A-5 (Agricultural) to the CS (Commercial Services).

Waiver(s)/Modification(s): There are no waivers or modifications associated with the request.

Authorization to Sign: Any document necessary to carry out the intent of the Board of County Commissioners.

B. Planning Commission Summary

Request Heard: May 1, 2018, as a Consent Item

Recommendation: Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the meeting.

Legal Notice: Published in *Shopper Press* May 2, 2018

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 (2018):

- 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: A-5 (Agricultural)	Vacant
South: A-5 (Agricultural)	Vacant
East: City of Colorado Springs	Vacant
West: A-5 (Agricultural)	Blue Stem Open Space

E. BACKGROUND

The three parcels were zoned A-2 (Agricultural) on May 11, 1942, when zoning was first initiated for this area of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-2 zoning district has been renamed to the A-5 (Agricultural) zoning district.

The Waterview Sketch Plan (SKP-00-002) was approved by the Board of County Commissioners May 10, 2001, by Resolution No. 01-191. At the time of the Waterview Sketch plan approval, approximately 647 acres was acquired by the Trails, Open Space and Parks (TOPS) program now known as the Blue Stem Open Space area. Conditions were imposed limiting all zoning within the sketch plan area to Planned Unit Development (PUD), additionally there was a condition requiring two lanes of Bradley Road, a four (4) lane arterial, to be built by the completion of Phase 1 (single-family development known as Painted Sky Filing Nos. 1-6).

In 2014, the Sketch Plan (SKP-13-001) amended two of the conditions of approval for the 2001 Waterview Sketch Plan. Those conditions included removal of the requirement for Planned Unit Development zoning within the boundaries of the sketch plan and the downgrading of Bradley Road from Grinnell Boulevard to Powers Boulevard from an arterial roadway to a collector roadway. It also required the completion of Bradley Road with Phase 1 from Grinnell Road to Goldfield Road. This roadway has been constructed and accepted by El Paso County for maintenance. Phase 4 will require the final build-out of Bradley Road from Goldfield Road to Powers Boulevard.

The commercial development will be responsible for recommended off-site improvements, still to be identified, on the adjacent Bradley Road. A traffic study will be required with the submittal of any preliminary plan and final plat to determine regional cost sharing of improvements on Bradley Road.

An administrative amendment to the sketch plan was approved April 2, 2018 to decrease and reconfigure the commercial area from 108.6 acres to 107.5 acres, to eliminate one phase of multi-family development reducing the multi-family area from 39.9 acres to 28.5 acres, and to increase the single family residential area from 339.8 acres to 351.2 acres. As a result, the total number of dwelling units allowed in the sketch plan area was reduced from 2,096 to 2,017 dwelling units. Concurrent applications have been submitted for the subject parcel (Schedule No. 5500000135) for the following: rezoning 168.61 acres to RS-5000, rezoning 26 acres to CS, and approval of a preliminary plan to create 713 residential lots.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Board of County Commissioners made a finding of compatibility and conformity with the previously approved sketch plans (SKP-00-002, SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002). The request for a map amendment (rezone) approval from A-5 (Agricultural) to CS (Commercial Service) is in conformance with the approved sketch plan.

2. Zoning Compliance

The applicant is requesting to rezone 26 acres of the subject parcel to the CS (Commercial Service) zoning district. The CS zoning district is intended to accommodate retail, wholesale, or service commercial uses that serve the general public. The density and dimensional standards for the CS zoning district are as follows:

- Minimum zoning district area – 2 acres
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet.
- Maximum building height – 45 feet

The applicants have submitted a concurrent application for a preliminary plan that will be scheduled for hearing later this year. The applications, as submitted, demonstrate compliance with the dimensional standards of the Land Development Code (2017).

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan.

Relevant policies are as follows:

Policy 6.1.1- Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

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.

Policy 6.1.5- Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:

- *Maximize the economy and efficiency of land use*

- *Preserve open space or natural areas*
- *Integrate employment, shopping, housing, schools and other uses*
- *Accommodate multi-modal transportation linkages*
- *Allow for variations in design and character*

Policy 6.1.10

Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Policy 6.1.11- *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

Policy 10.1.2

Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

Policy 13.1.2- *Support the provision of land use availability to meet the housing needs of county residents.*

The Colorado State Land Board owns 320 acres located directly to the south. At the time of the original Waterview Sketch Plan approval in 2000, approximately 647 acres was acquired by the Trails, Open Space and Parks (TOPS) program now known as the Blue Stem Open Space area, which is located directly to the west of the subject property. The parcels located directly to the east are within the limits of the City of Colorado Springs and are within the Bradley Heights PUD Concept Plan. The Bradley Heights PUD Concept Plan shows dense residential development as well as multi-family development directly adjacent to the subject property. Several commercial areas and a school site are also planned within the PUD concept plan. The parcel located directly to the north is zoned A-5, but has been slated for future commercial development in the approved sketch plan.

Public water, sanitation, gas, and electric are all available for commercial development. A finding of consistency with the Policy Plan was made by the El Paso County Board of County Commissioners with the previously approved sketch plans (SKP-00-002, SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002). The request for approval of a map amendment (rezoning) from A-5 (Agricultural) to CS (Commercial Services) is in conformance with the approved sketch plan.

4. Small Area Plan Analysis

The subject parcel is not located within a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies that development of the property will have a high wildlife impact potential. A natural features report will be reviewed with the preliminary plan application. El Paso County Community Services Department, Environmental Division and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no potential deposits in the area of the subject property. 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

A portion of the property is within the APZ I (Airport Accident Potential Zone) subzone of the CAD-O (Commercial Airport Overlay District) overlay district. The limits of the APZ I are graphically depicted on the zoning map. The limits shall be included on any future preliminary plans and final plats. The APZ I subzone does not allow for residential development. Special use approval is required within the APZ I subzone for mixed use development, playgrounds, parks, arenas, golf courses, cemetery, stables, offices, commercial, retail and wholesale, and sexually-oriented businesses. Approval of a special use would be required prior to site development plan approval should one of the previously mentioned uses be proposed in the future. The Colorado Springs Airport Advisory Commission and Peterson Air Force Base were sent a referral and have no outstanding comments.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies that development of the property will have a high wildlife impact potential.

3. Floodplain

The property is located within flood zone X in the FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0768F, which is an area of minimal flood hazard and determined to be outside the 500-year floodplain.

4. Drainage and Erosion

The property is located within the Windmill Gulch drainage basin. The basin is included in the El Paso County drainage basin fee program and fees will be due at the time of final plat(s) recordation.

A preliminary drainage report is included with the concurrently reviewed preliminary plan request (SP-16-005). The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties.

5. Transportation

A traffic impact study is included with the concurrently reviewed sketch plan amendment request (SKP-16-051). The study identifies an increase of approximately 2,500 vehicle trips compared to the previous Waterview Sketch Plan Amendment traffic impact study (SKP-13-001). The study identified recommended off-site improvements on the adjacent Bradley Road and Powers Boulevard. Detailed analysis including trigger points for the construction of all required future improvements, cost estimates, and escrow amounts will be determined with the traffic impact study associated with the preliminary site plan and final plat applications.

A deviation request regarding intersection spacing for the two proposed access points on Bradley Road were approved with the concurrent sketch plan amendment.

The additional traffic generated by the proposed increase in density is not anticipated to cause adverse impacts to the surrounding transportation network. Traffic impact fees will be paid at the time of recording the final plat(s).

H. SERVICES

1. Water

Water will be provided by Widefield Water and Sanitation District. Findings with regards to water sufficiency are not required with map amendment (rezoning) requests.

2. Sanitation

Sanitary sewer will be provided by Widefield Water and Sanitation District.

3. Emergency Services

The property is within the Security Fire Protection District. The District was provided an opportunity to comment on the rezoning request and has no outstanding comments.

4. Utilities

Colorado Springs Utilities will provide natural gas service and Mountain View Electric will provide electrical service to the property.

5. Metropolitan Districts

The property is located within Waterview II Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application or for a final plat(s) for commercial purposes.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a rezone application or for a final plat(s) for commercial purposes.

I. APPLICABLE RESOLUTIONS

See Attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. 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 (2016), staff recommends the following conditions and notations.

CONDITIONS

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

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on April 16, 2018, for the Board of County Commissioner hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Approved Sketch Plan
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Assessor's Office

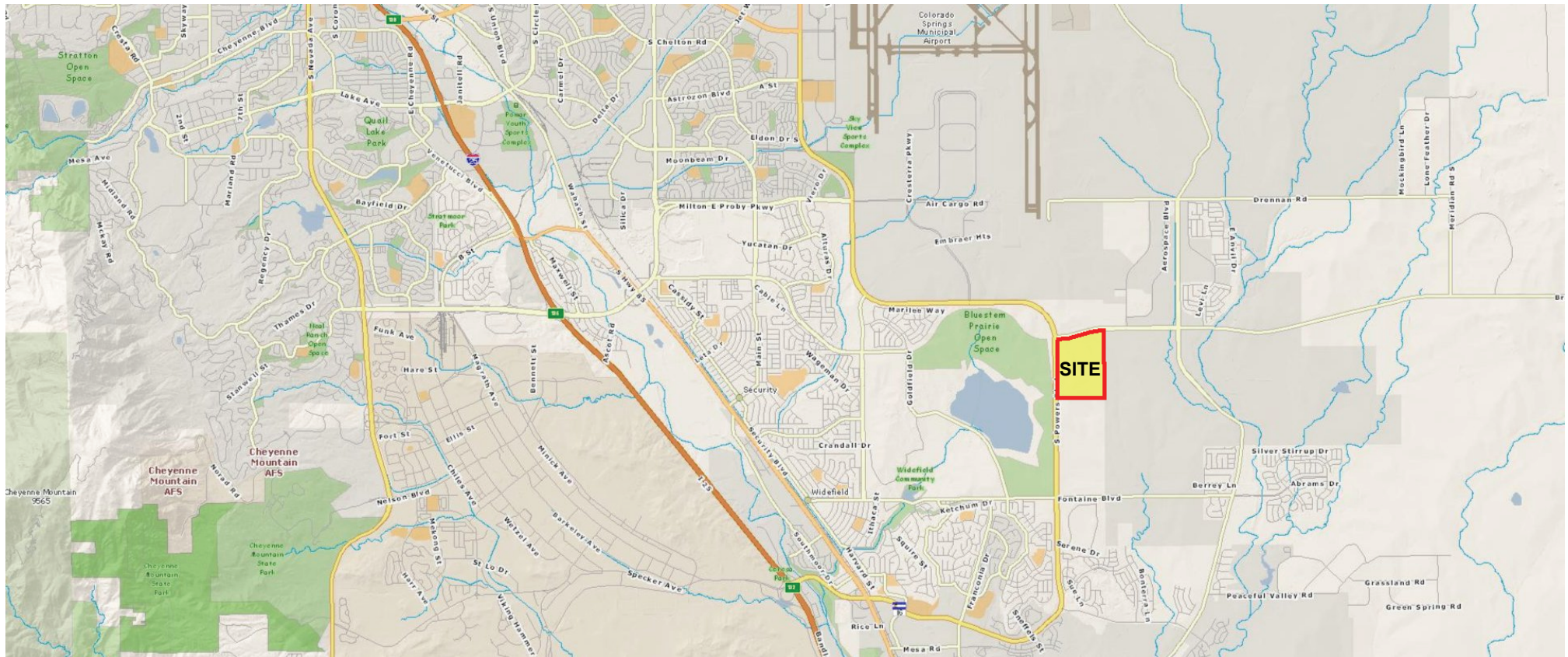
0 09-15-65

SCHEDULE: 5500000135

OWNER: RANKIN HOLDINGS LP

BLUME EUGENIA M & BASIL E TRUST

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Letter of Intent
Waterview East Zoning-Commercial

02/18

Owners: Rankin Holdings LP
Eugenia M. & Basil E. Trust
Judy R. Timm
630 Southpointe Ct, Suite 200
Colorado Springs, CO 80903

Applicant: CPR Entitlement. LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903 (719) 377-0244

Consultant: Stantec
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 227-7388

Tax Schedule Nos.: 5500000135

Site Information:

Waterview East is a proposed mixed use development on 195.2 acres; including 713 single family (RS-5000) lots on 168.61 acres and 26.64 acres of commercial (CS) development. The request for Residential Zoning for Parcel P-18 has been previously submitted along with a Preliminary Plan for the residential and commercial development. This application is for Commercial (CS) Zoning for Parcel P-17.

The site lies in Section 9 of Township 15 South, Range 65 West. The proposed commercial development is at the southeast corner of Bradley Road and Powers Boulevard.

The property is presently zoned A-5 and is part of the Waterview Sketch Plan. An Amendment to the Waterview Sketch Plan has been recently submitted and will be processed prior too/or simultaneously with this application. The Sketch Plan amendment proposes access be modified to allow the full movement Bradley Road access to be located closer to Powers Boulevard and the secondary Bradley Road access be located closer to the easterly property boundary. In addition, the commercial acreage has been increased to encompass the full movement access while the residential acreage has been decreased accordingly.

The proposed Zoning area legal description is as follows:

LEGAL DESCRIPTION

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

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9; THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY R.O.W LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY AND A POINT ON A NONTANGENT CURVE TO THE LEFT;

THE FOLLOWING 3 COURSES ARE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD.

1. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 2759.79', A DELTA ANGLE OF 15°09'41", 730.29' FEET ALONG THE SAID SOUTHERLY R.O.W. LINE;
 2. THENCE S74°20'48"W A DISTANCE OF 545.14' ALONG THE SAID SOUTHERLY R.O.W. LINE;
- TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

1. THENCE S15°39'12"E A DISTANCE OF 470.00';
 2. THENCE S74°20'48"W A DISTANCE OF 365.87 FEET TO A POINT OF CURVE TO THE LEFT;
 3. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 410.00 FEET, A DELTA ANGLE OF 52°19'12", 374.39 FEET;
 4. THENCE S22°01'36"W A DISTANCE OF 538.11 FEET TO A POINT OF CURVE TO THE RIGHT;
 5. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 13°32'40", 61.46 FEET;
 6. THENCE S00°00'00"W A DISTANCE OF 48.76 FEET;
 7. THENCE N00°00'00"W A DISTANCE OF 515.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWERS BOULEVARD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
- THE FOLLOWING TWO COURSES ARE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF POWERS BOULEVARD.
8. THENCE N00°29'10"W A DISTANCE OF 1123.40 FEET TO A POINT OF CURVE TO THE RIGHT;
 9. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET, A DELTA ANGLE OF 87°49'03", AN ARC LENGTH OF 229.91 FEET, WHOSE LONG CHORD BEARS N43°25'21"E A DISTANCE OF 208.05 FEET TO A POINT ON THE SOUTHERLY 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 3 COURSES ARE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD.

10. THENCE N87°19'53"E A DISTANCE OF 53.06 FEET TO A POINT OF CURVE TO THE LEFT;

11. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 2969.79 FEET, A DELTA ANGLE OF 12°59'05", AN ARC LENGTH OF 673.03 FEET, WHOSE LONG CHORD BEARS N80°50'20"E A DISTANCE OF 671.59 FEET;

12. THENCE N74°20'48"E A DISTANCE OF 406.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 26.64 ACRES, MORE OR LESS.

Request and Reason:

To approve a Zone change for 26.64 acres of commercial (CS) development. This letter serves as a request to receive El Paso County approval of Zoning for this site.

The proposed Zoning 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.

This application meets this policy by maintaining land use in accordance with the Waterview Sketch Plan and within the parameters of the adjacent proposed residential properties to the east; both in Waterview and Bradley Heights approved in the City of Colorado Springs. Access will be from Bradley Road in accordance with the approved Sketch Plan. Capacity of these roads is addressed in the accompanying TIS.

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 Fontaine Boulevard north to the property. Easements are being acquired from the State Land Board for installation.

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

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.

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 Fontaine Boulevard north to the property. Easements are being acquired from the State Land Board for installation.

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 the Waterview Sketch Plan with associated residential and commercial land uses.
- The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area.
- The site is suitable for the intended use.

This request meets the criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code by the following:

- The application for Zoning is in conformance with the County Master Plan.
- The subdivision is in conformance with the accompanying Zoning application and the application to amend the Sketch Plan.
- The proposed subdivision is consistent with the adjacent subdivision design.
- The proposed water supply is adequate and will be provided by the Widefield Water and Sanitation District.
- The proposed sewage disposal is to be provided by the Widefield Water and Sanitation District.
- Adequate drainage solutions are provided and follow MDDP and DBPS recommendations.
- Necessary services (fire protection, police, recreation, utilities) have been provided and will continue to be provided by the Widefield Water and Sanitation District, Security Fire Protection District, El Paso County, the City of Colorado Springs (gas) and Mountain View Electric (electric).
- Fire Protection will be provided by the Security Fire Protection District.
- Offsite impacts are minimal and will be mitigated as part of construction.
- Adequate public facilities and infrastructure are provided.
- The subdivision meets all other El Paso County criteria or waivers have been requested in this document.
- No mineral extraction is planned for this site.

Existing and Proposed Facilities:

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

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

Offsite Improvements

- Widefield Water and Sanitation District sewer and water extensions from Fontaine Boulevard north across the State Land Board property to Waterview East.
- Construction of a Potable Water Pump Station in the northerly portion of the property to provide adequate pressure for the northern portion of the site and additional Waterview Sketch Plan property to the north.

Traffic Impact Fees:

The applicant requests that platted lots within Waterview East be included in the county wide Public Improvements District (PID) being formed and implemented as part of the Traffic Impact Fee resolution.

The calculated Traffic Impact Fee for the commercial development will depend on actual uses based on future platting and development.

Impact Identification:

Included with the accompanying Preliminary Plan submittal is a Wildlife Impact report for Parcels P-17 and P-18. This report indicates a potential for minor wildlife impact to the burrowing owl and recommended mitigation.

Waiver Requests:

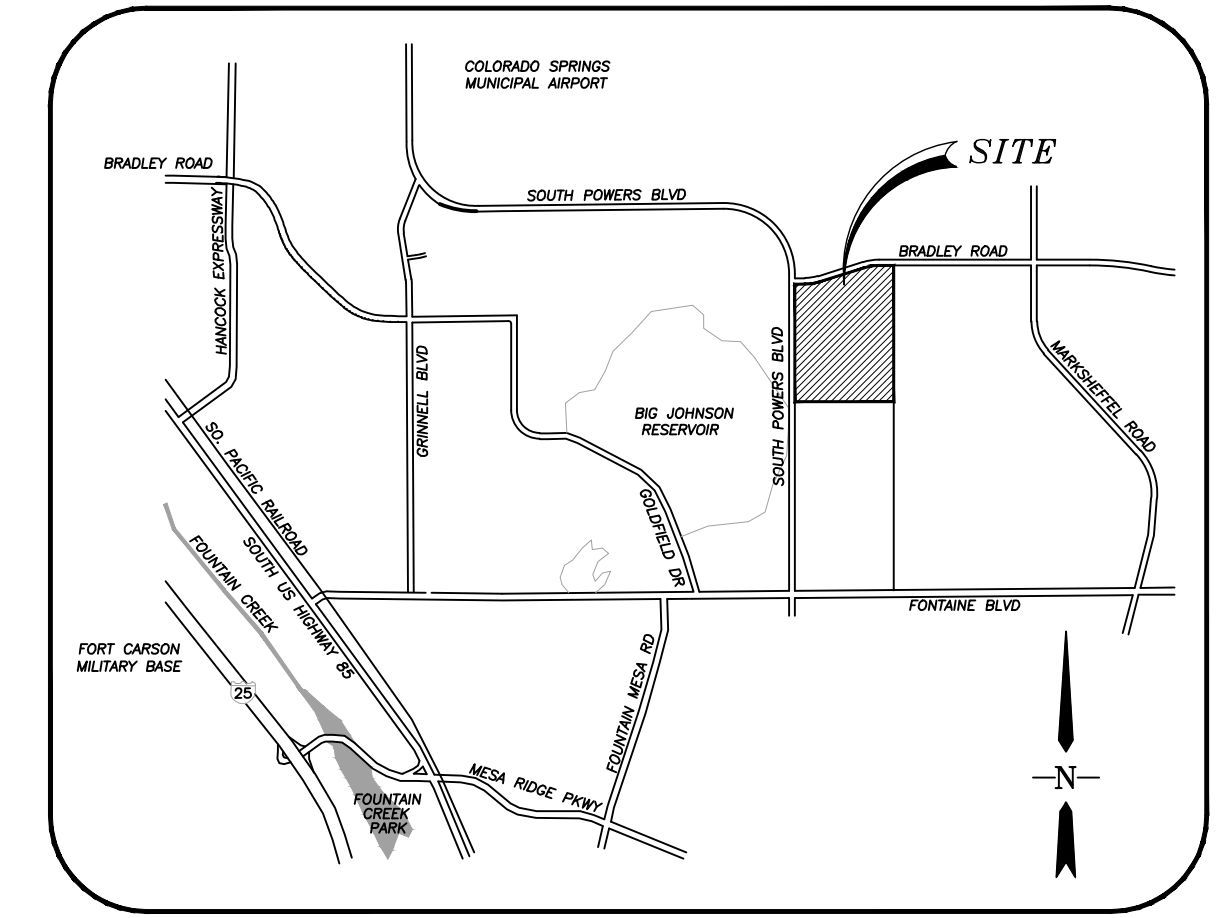
None anticipated.

Respectfully,

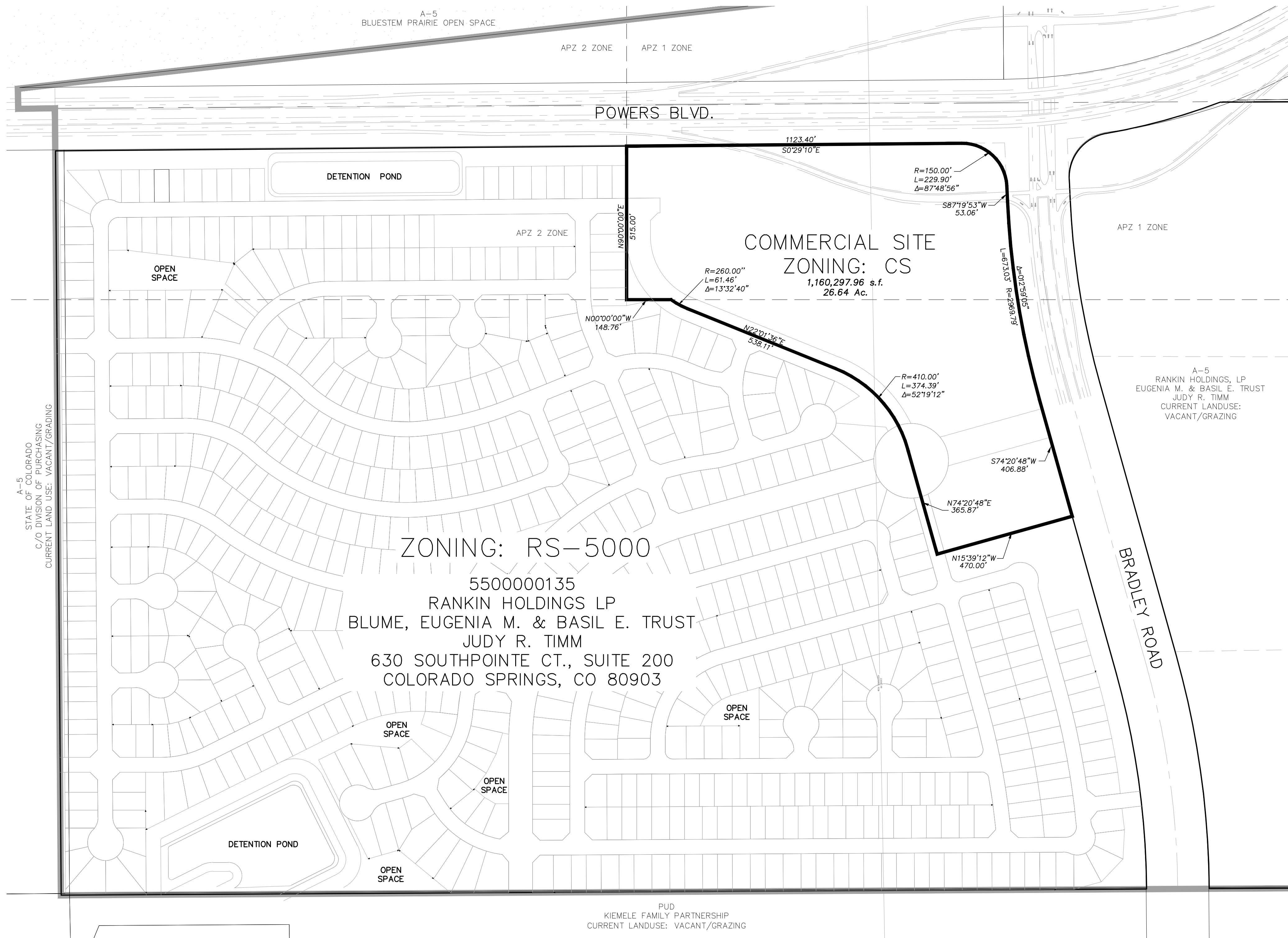
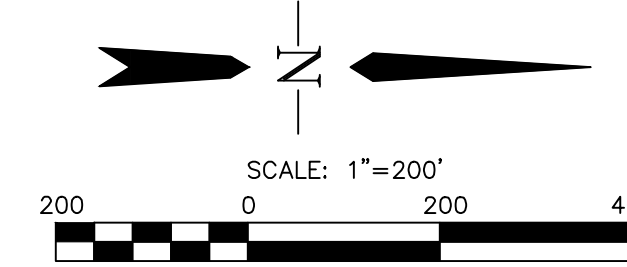
P.A.Koscielski
CPR Entitlements, LLC

WATERVIEW EAST - COMMERCIAL SITE ZONING MAP

LOCATED IN A PORTION OF SECTION 9, T15S, R65W OF THE 6TH P.M.,
EL PASO COUNTY, STATE OF COLORADO



VICINITY MAP
N.T.S.



**COMMERCIAL SITE
ZONING: CS**
1,160,297.96 s.f.
26.64 Ac.

ZONING: RS-5000

5500000135
RANKIN HOLDINGS LP
BLUME, EUGENIA M. & BASIL E. TRUST
JUDY R. TIMM
630 SOUTHPONTE CT., SUITE 200
COLORADO SPRINGS, CO 80903

SITE DATA:
NAME OF SUBDIVISION: WATERVIEW EAST
EXISTING ZONING: A-5
PROPOSED ZONING: CS
PROPOSED USE: COMMERCIAL AND OPEN SPACE
AREA (GROSS): 26.64 ac. (26.64 Commercial)
AREA (NET): 24.91 ac. (24.91 Commercial)
STREET PAVEMENT TYPE: BITUMINOUS PAVEMENT
CURRENT LAND USE: VACANT/GRAZING

LAND OWNER:
RANKIN HOLDINGS LP
EUGENIA M. & BASIL E. TRUST
JUDY R. TIMM
630 SOUTHPONTE CT., SUITE 200
COLORADO SPRINGS, CO 80903

SUBDIVIDER/PETITIONER:
CPR ENTITLEMENTS AND SWV, LLC
31 N. TEJON ST., SUITE 500
COLORADO SPRINGS, CO 80903

PLAN PREPARED BY:
STANTEC
1110 ELKTON DRIVE, SUITE B
COLORADO SPRINGS, CO 80907

LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS:
THAT WATERVIEW INVESTMENTS LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND:
THAT INCLUDES: A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9; THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY R.O.W. LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY AND A POINT ON A NONTANGENT CURVE TO THE LEFT;
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2. THENCE S74°20'48"W A DISTANCE OF 545.14' ALONG THE SAID SOUTHERLY R.O.W. LINE;
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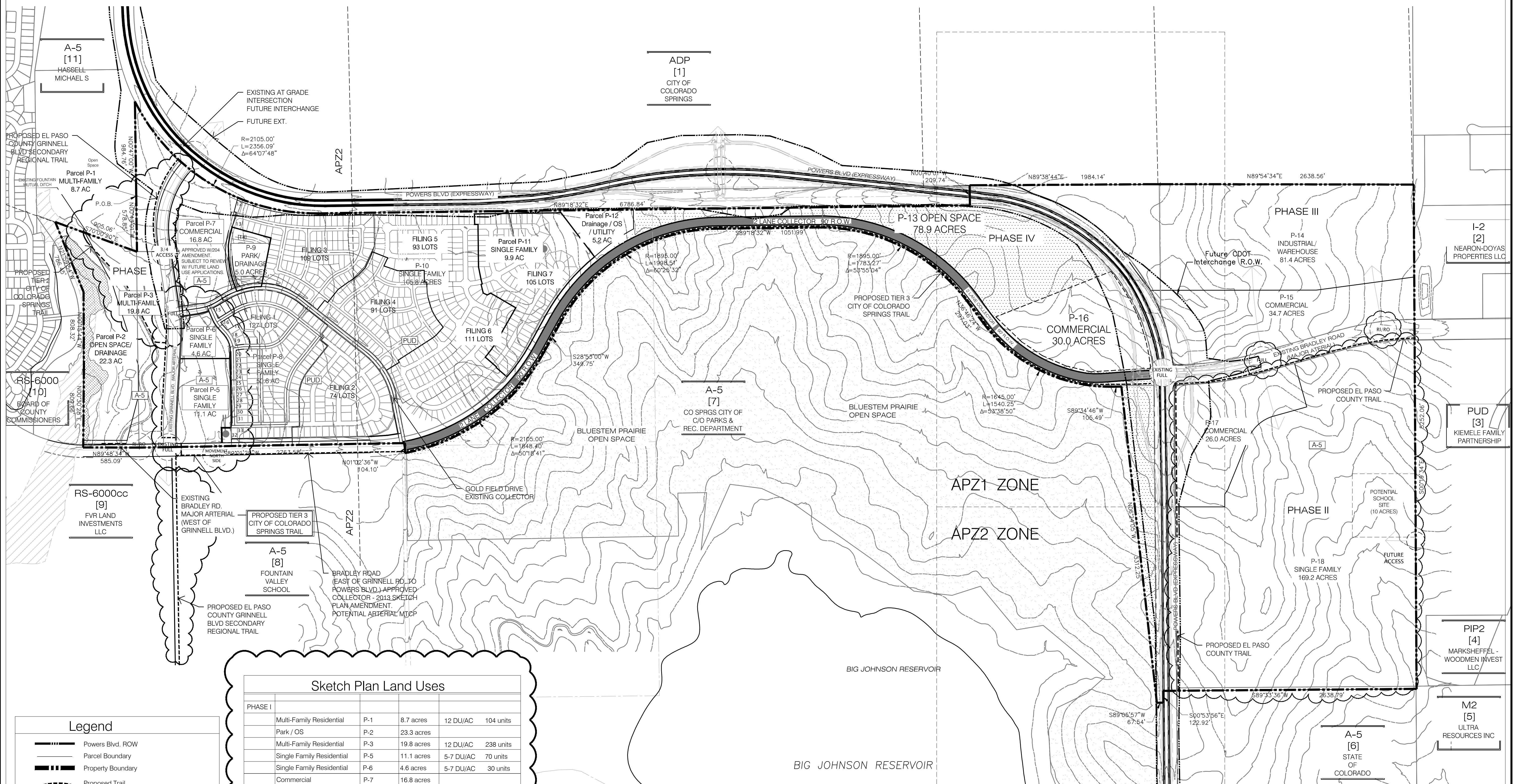
Computer File Information	
Creation Date: 5-31-17	Initials: BG
Last Modification Date: 2-8-18	Initials: BG
Full Path & Drawing File Name: V:\1817\active\181710214\CAD\Plansheets Zoning Map	
Acad Ver. 2014	Scale: see plan Units: Feet

Index of Revisions	

EL PASO COUNTY
COLORADO

Stantec
Stantec Consulting Inc.
1110 Elkton Drive
Suite B
Colorado Springs, CO 80907
Tel. (719) 432-6889
Fax.
www.stantec.com

WATERVIEW EAST - COMMERCIAL ZONING MAP		
Designer: BG	Structure Numbers	Project No./Code 181710214 CS-18-002 Sheet Number 1 of 1
Detailer: BG		
Sheet Subset:		



Legend

- Powers Blvd. ROW
- Parcel Boundary
- Property Boundary
- Proposed Trail
- Existing Wetlands
- Proposed Access
- Existing Fountain Mutual Company Ditch
- Intersection
- Open Space
88.2 Acres Total
- Right of way needed for Powers Blvd.
42.7 Acres Total

Sketch Plan Land Uses

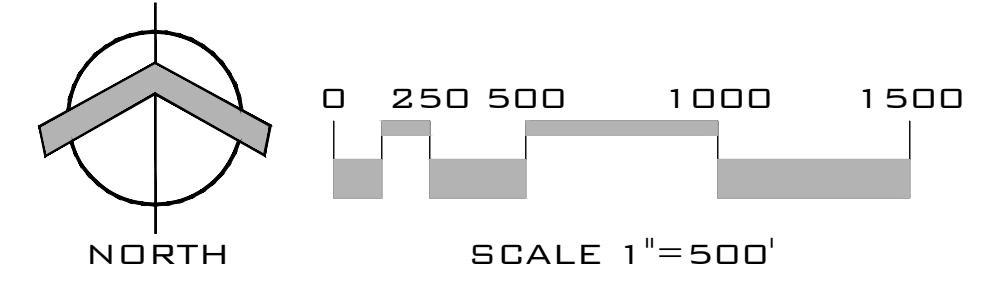
PHASE I					
Multi-Family Residential	P-1	8.7 acres	12 DU/AC	104 units	
Park / OS	P-2	23.3 acres			
Multi-Family Residential	P-3	19.8 acres	12 DU/AC	238 units	
Single Family Residential	P-5	11.1 acres	5-7 DU/AC	70 units	
Single Family Residential	P-6	4.6 acres	5-7 DU/AC	30 units	
Commercial	P-7	16.8 acres			
Park / OS	P-12	5.2 acres			
EXISTING/ DEVELOPED					
PHASE I	Single Family Residential	P-8	50.6 acres	4-6 DU/AC	201 units
	Park / OS	P-9	5.0 acres		
	Single Family Residential	P-10	105.8 acres	4-6 DU/AC	459 units
	Single Family Residential	P-11	9.9 acres	4-6 DU/AC	50 units
PHASE II	Commercial	P-17	26.0 acres		
	Single Family Residential	P-18	169.2 acres	4-6 DU/AC	865 units
PHASE III	Industrial	P-14	81.4 acres		
	Commercial	P-15	34.7 acres		
PHASE IV	Proposed Open Space	P-13	78.9 acres		
	Commercial	P-16	30.0 acres		
	Total All		681.0 acres		

Phasing Plan

Phase I: 1-5 years
 Phase II: 3-7 years
 Phase III: 5-10 years
 Phase IV: 8-15 years

NOTE: PHASING IS BASED UPON THE MARKET AND SUBJECT TO CHANGE.

Approved
 By: Craig Dossey, Executive Director
 Date: 04/02/2018
 El Paso County Planning & Community Development



DATE: 12-3-16
 DRAWN: B.GOODWIN
 APPROVED: C.K.COTHERN

REVISIONS:

DATE:	BY:	COMMENTS:

PLAN SHEET

SHEET NO.
2
 OF 2 SHEETS

JOB_NO_0001-02-16-01

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Gioia moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. CS-18-002**

WHEREAS, Rankin Holdings LP, Eugenia M & BalilE Trust, Judy Timm 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) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on May 1, 2018; 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:

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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing;

4. The proposed map amendment (rezoning) is not in general conformance with the El Paso County Master Plan including applicable Small Area Plans.
5. The proposed land use or zone district is not 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 not 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 Gary and Brenda Brinkman 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 CS (Commercial Service) zoning district be approved by the Board of County Commissioners:

See Exhibit A

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 CS (Commercial Services) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a

substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

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

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

Commissioner Gioia	aye
Commissioner Curry	aye
Commissioner Friedman	aye
Commissioner Wood	aye
Commissioner Dillon	aye
Commissioner Lucia-Treese	aye
Commissioner Risley	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

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

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9; THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY R.O.W LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY AND A POINT ON A NONTANGENT CURVE TO THE LEFT; THE FOLLOWING 3 COURSES ARE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD.

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2. THENCE S74°20'48"W A DISTANCE OF 545.14' ALONG THE SAID SOUTHERLY R.O.W. LINE;

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2. THENCE S74°20'48"W A DISTANCE OF 365.87 FEET TO A POINT OF CURVE TO THE LEFT;
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RESOLUTION NO. 18-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE SPRINGS EAST AT WATERVIEW COMMERCIAL MAP AMENDMENT (REZONING) (CS-18-002)

WHEREAS Rankin Holdings LP, Eugenia M. & Basil E. Trust, Judy Timm 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 CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 1, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on May 22, 2018; 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. Changing conditions clearly require amendment to the Zoning Resolutions.
8. 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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Rankin Holdings LP, Eugenia M. & Basil E. Trust, Judy Timm 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 CS (Commercial Service) 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.
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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 22nd day of May, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

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