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RE: Letter of Intent to Rezone 23580 Highway 94 from A-35 to CS

Baseline Engineering Corporation, on behalf of Pushpinder Brar of KB Fuel LLC, dba Fuel-B's (the "Applicant"), is requesting to rezone 23580 Highway 94 Calhan, CO, (the "Subject Property") from A-35 (Agricultural) to CS (Commercial Services). The existing convenience store and gas station is currently zoned A-35 and is classified as a legal non-conforming use.

Site Location, Size and Zoning:

23580 Highway 94, Calhan, CO 80808 – north of Highway 94, west of Ellicott Highway. Zoned A-35 (Agricultural); 4.5 acres.

Request and Justification:

The applicant is requesting to rezone the property from A-35 (Agricultural) to CS (Commercial Services). The rezone is being requested in order to address the legal nonconforming use of the property, as fuel stations are not permitted in agricultural zones. The request complies with the Criteria for Approval of a Map Amendment (Rezoning) as stated in Section 5.3.5(B) of the Land Development Code:

- **The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.**

The proposed rezone from A-35 to CS fulfills the prescribed goals identified in the El Paso County Master Plan, which states that supporting commercial uses should be considered particularly along Highway 94. The Subject Property is located in the existing Rural Center, which has some commercial uses including a small grocery store and restaurant. The Master Plan states that the County should work to expand this Rural Center with additional commercial uses to help support the surrounding growing residential. Approval of the rezoning will allow the business to continue serving nearby residents while operating as a permitted use. The proposed rezone from A-35 to CS also fulfills the prescribed objectives identified in the Ellicott Valley Comprehensive Plan.

- **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 rezoning is in compliance with C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116; as well as all other applicable statutory provisions known to the applicant.

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

The subject property is directly adjacent to a parcel zoned CS, which has a similar density and acreage. The proposed (existing) land use is compatible with other local developments in terms of density, access, scale, and aesthetics. The property is also compatible with nearby land uses; including a restaurant, church, grocery store, auto service shop, and bank.

- **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.**

The proposed use remains the same as the existing use (fuel station). Future improvements to the site can and will comply with the standards described in Chapter 5 of the Land Development Code. The proposed rezoning does not request a new use of the property, and if approved, will classify the legal nonconforming gas station as a permitted use. There will be no adverse impacts to the health, safety, and welfare of surrounding businesses and residences with the proposed rezoning.

Existing and Proposed Facilities, Structures, Roads:

The subject property has an existing fuel station and a 3,524 square foot convenience store. The associated Site Development Plan proposes a new canopy to be built above the new diesel pumps. There are also two existing sheds/trailers on the southeast corner of the site that are approximately 17.5'x13.5' each. The southeast corner of the site also contains an existing single story 2,340 square foot stucco garage building that is leased by the Ellicott Fire Protection District. The property abuts Highway 94. No new roads are proposed.

Waiver Requests and Justification:

No proposed waiver requests.

The Purpose and Need for Change in Zone Classification:

The property's use as a fuel station is considered legal nonconforming in the A-35 Zone. The applicant is proposing to rezone the property to CS in order to address the legal nonconforming status. If approved, the rezoning will be followed by a Site Development Plan, in which the applicant proposes to install new diesel pumps and a diesel tank under a new canopy.

Total Number of Acres in Requested Area:

The subject property is 4.5 acres.

Total Number of Residential Units and Densities:

No new residential units proposed. The subject property is located adjacent to two existing single family residential properties to the south across Highway 94, and directly to the east.

Number of Industrial or Commercial Sites Proposed:

No new commercial or industrial sites proposed. The applicant is not requesting to change the existing use as a fuel station.

Approximate Floor Area Ratio of Industrial and/or Commercial Uses:

Existing convenience store is 3,524 square feet; new canopy is proposed to meet minimum size requirement to avoid labeling the property as "high risk" for drainage.

The Number of Mobile Home Units and Densities:

No new mobile home units proposed. The subject property is located adjacent to one existing mobile home to the southwest, on the south side of Highway 94.

Typical Lot Sizes – Length and Width:

Typical lot sizes adjacent to the property range from 0.9 acres to 67 acres.

Type of Proposed Recreational Facilities:

No proposed recreational facilities.

Phased Construction Schedule:

All planned improvements will be constructed in a single phase.

Anticipated Schedule of Development:

The property owner anticipates beginning construction in Spring 2022, and completing construction by Summer 2022.

How Water and Sewer Will Be Provided:

Water and sanitation permits will be submitted so that the EPC can verify that the thresholds will not be exceeded with the expansion of the fuel station. If thresholds are exceeded, new permits will be applied for. The property has an existing well permit and a septic permit (permit #12931).

Proposed Uses; Relationship Between Uses and Densities:

The proposed use remains the same as existing (fuel station). Adjacent properties include single-family residential, agriculture/vacant land, retail/merchandising, and warehouse/storage. The subject property has a similar density and acreage to the adjacent property to the west, also zoned CS.

Areas of Required Landscaping:

Landscaping is required on south side of the property along the expressway at 25-foot depth; one tree required per 20 feet. Parking lot landscaping required; one island per every 15 parking spaces. Minimum of 5% of the lot shall be landscaped; minimum of one tree required for every 500 square feet of required internal landscape area. Landscaping is required to meet the standards in Section 6.2.2 of the Land Development Code. The well permit for the property will dictate whether the landscaping requirements from Chapter 6 can be met, or if an alternative landscaping plan will be required.

Proposed Access Locations:

A second access point is being proposed on the southwest corner of the property to convert the traffic direction to one-way; and to address the limited turn around space in front of the gas station. The existing access point will remain off of Highway 94 near the southeastern corner of the property, but will be modified subject to CDOT review and approval.

Traffic Impact Study Findings:

The site is projected to generate approximately 33 new morning peak hour trips, with 17 inbound and 16 outbound. Approximately 75% of these trips will be pass-by trips. The site is projected to generate approximately 52 new afternoon peak hour trips, with 25 inbound and 27 outbound. Approximately 75% of these trips will be pass-by trips. Total trips, including existing and new, would be 143 during the morning peak hour and 224 during the afternoon peak hour.

An additional access point is being proposed to allow for easier access and circulation through the site; particularly for semi-trucks. The Traffic Impact Study (TIS) acknowledges that the existing configuration of the site with a single access point makes it difficult or nearly impossible for trucks to circulate through the property.

The TIS suggests that a combined access point with the property to the west could address circulation issues, as well as the Access Code criteria and Access Guidelines contained in the Highway 94 Access Management Plan. It notes that the existing east and proposed west access designs would need to be modified to eliminate the configuration with one outbound lane between two inbound lanes. The TIS states that if a second access is permitted, a design waiver would be necessary because Access Code Section 4.4 requires 400 feet of spacing between access points. However, no additional auxiliary lanes are required for the site.

Finally, the TIS suggests that an access easement should be provided for the properties to the east, near the corner of SH 94 and Ellicott Highway, as it would allow future options for access if turn-movement restrictions are implemented due to the proximity of the property to the intersection. An access easement would assist with the goals of the Highway 94 Access Management Plan.

Approximate Acres and Percent of Land to be Set Aside as Open Space (Not to Include Parking, Drive, and Access Roads):

Will meet minimum requirements in the Land Development Code.

Thank you for your consideration,

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