

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 Planning Commission
 Brian Risley, Chair**

**FROM: John Green, Planner II
 Gilbert LaForce, PE Engineer III
 Craig Dossey, Executive Director**

**RE: Project File #: CS-21-001
 Project Name: Waterview North Commercial
 Parcel No.: 55000-00-438 and 55000-00-439**

| | |
|---|---|
| OWNERS: | REPRESENTATIVE: |
| CPR Entitlements, LLC 31 North Tejon Street, Suite 500 Colorado Springs, CO 80903 | Dakota Springs Engineering, LLC 31 North Tejon Street, Suite 518 Colorado Springs, CO 80909 |

Commissioner District: 4

| | |
|--|-------------------|
| Planning Commission Hearing Date: | 11/18/2021 |
| Board of County Commissioners Hearing Date: | 12/14/2021 |

EXECUTIVE SUMMARY

A request by CPR Entitlements, LLC, for approval of a map amendment (rezoning) of a 22.07-acre portion of two parcels from A-5 (Agricultural) to CS (Commercial Service). The two (2) parcels, totaling 82 acres, are located at the northwest corner of the Bradley Road and South Powers Boulevard intersection and are within Sections 8 and 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 and within both the Accident Potential Zone (APZ) I and Accident Potential Zone (APZ) II airport subzones.

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, for approval of a map amendment (rezoning) of a 22.07-acre portion of two parcels from A-5 (Agricultural) to CS (Commercial Service).

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:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

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

Colorado Springs Airport

| | | |
|--------|-------------------------|--------|
| South: | CS (Commercial Service) | Vacant |
| East: | A-5 (Agricultural) | Vacant |
| West: | A-5 (Agricultural) | Vacant |

E. BACKGROUND

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

On May 10, 2001, the Waterview Sketch Plan (PCD File No. SKP-00-002) was approved by the Board of County Commissioners (BoCC Resolution No. 01-191). That Plan identified two (2) phases of development totaling approximately 621.59 acres, which included a maximum of 680 single-family detached dwellings, 330 multifamily dwelling units, 404.14 acres of commercial area, 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). The amendment altered the configuration of land uses within the sketch plan area to allow 107.3 acres of commercial uses, 184.3 acres of single-family residential uses, 39.9 acres of multifamily residential 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 (PCD File No. SKP-20-002) to the previously approved plan. The amendment allowed for a reduction of the total area proposed for commercial uses from 38.2 acres to 22.1 acres and the total area proposed for industrial uses from 78.9 acres to 26 acres to accommodate 1,260 additional single-family and multifamily residential units. The area included in the proposed map amendment (rezoning) is designated for commercial uses in the sketch plan.

F. ANALYSIS

1. Land Development Code Analysis

The two (2) parcels, totaling 22.07 acres, included in the proposed map amendment (rezoning) are currently zoned A-5 (Agricultural). The map

amendment (rezoning) area is adjacent to properties within unincorporated El Paso County zoned A-5 and CS, and properties located within the incorporated boundaries of the City of Colorado Springs.

The Colorado Centre development is located approximately one (1) mile to the east of the subject parcels and has been developed with single-family detached dwellings on lot sizes ranging from 5,000 to 10,000 square feet in size. Additionally, the Sunrise Ridge Subdivision is located approximately two (2) miles south of the subject property and consists of detached single-family dwellings on lots ranging in size from 7,300 square feet to 13,000 square feet. Both of the above referenced residential developments are located in an area of the County that lacks basic commercial services, such as fueling stations, restaurants, and grocery stores. The lack of supporting commercial services in the area combined with the existing and proposed density of residential development in the area would suggest that the proposed commercial map amendment is appropriate for the area and would be beneficial to the existing and future residents of El Paso County.

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 commercial development. There is no restaurant or gas station within one (1) mile of the proposed map amendment. As such, those new residents to the area are forced to travel a greater distance into the City of Colorado Springs to obtain basic commercial services. If the proposed map amendment is approved, the subject property could be used for commercial development that would support the existing and proposed residential developments in the area.

The proposed map amendment (rezoning) is consistent with the character of the surrounding developed neighborhood. Specifically, there are several commercial and industrial developments in the area that are consistent with the proposed zoning. To the south, across Bradley Road, are located two parcels zoned CS (Commercial Services). The subject property is located immediately adjacent to the south of the Colorado Springs Airport and in close proximity to the new Amazon Fulfillment Center (1/2 mile west of the subject property). Both of the facilities are major employers in the region and are accessed from the area of the

propose map amendment (rezoning) via Bradley Road and Powers Boulevard. Additionally, the subject property is located approximately one-half (1/2) mile west of a node of industrial and commercial zoning located at the intersection of Bradley Road and Foreign Trade Zone Boulevard. The commercially zoned properties are currently vacant. The industrial-zoned portion consists of vacant property, a transportation center offices, and a warehouse facility. The presence of existing commercial and industrial zoning in the area indicates that the proposed map amendment (rezoning) is consistent with existing and potential land uses in the area.

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 did not provide a response but previously responded to the sketch plan indicating that they have no concerns (see comments attached). The property located within the APZ (Accident Potential Zone) I and II. Commercial, Office, and Warehousing require approval of a special use within the APZ I. 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.

The proposed map amendment (rezoning) is in conformance with the land use depicted on the approved sketch plan as well as the commercial and industrial

properties in the area. Furthermore, the commercial development will provide new and existing residential developments in the area with necessary goods and services. Should the map amendment (rezoning) be approved, the applicant proposes to proceed through the applicable subdivision processes. The subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

2. Zoning Compliance

The applicant is requesting approval of a map amendment (rezoning) of 22.07 acres to the CS (Commercial Service) zoning district. The CS (Commercial Service) 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 (Commercial Service) zoning district are as follows:

- Minimum lot size: None
- Minimum width at the front setback line: None
- Minimum setback requirement: 25 feet for front, rear, and side yard * ** ***

- Maximum lot coverage: None
- Maximum height: 45 feet

*Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

**The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

***Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

****If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

If the map amendment (rezoning) application is approved, approval of a site development plan will be required for each commercial use prior to construction.

The site development plans will need to provide a detailed depiction of the proposed use and compliance with all of the standards of the CS (Commercial Service) zoning district. The subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

3. Master Plan Analysis

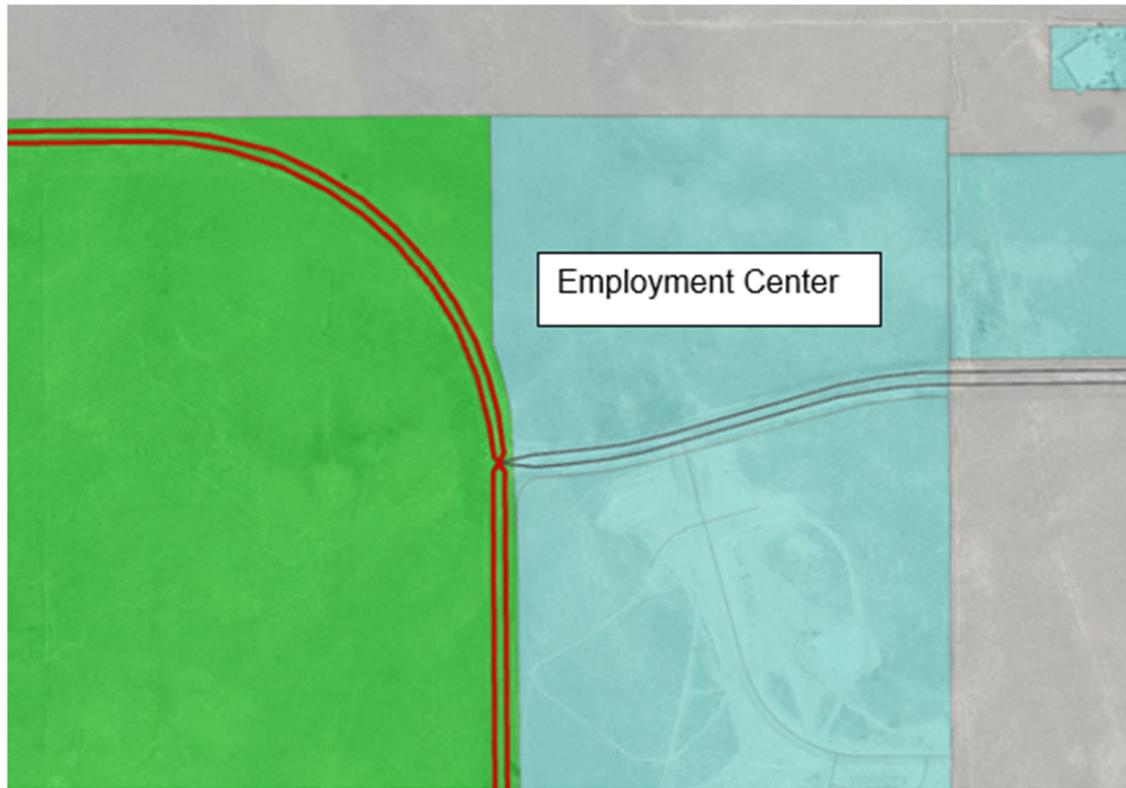
a. Your El Paso Master Plan

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 1.1: Ensure compatibility with established character and infrastructure capacity.

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

Goal 3.3 – Encourage the development of commercial districts in underserved areas.

Goal 3.5 – Coordinate with military installations to foster new development and jobs.

Priority LU3: The New Development 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 should 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.

As noted in the Land Development Code Analysis section of the report above, the proposed map amendment may be found to be compatible with the development pattern of the surrounding neighborhood and the goals of the placetype designation, which supports commercial and industrial land uses in Employment Centers. The proposed commercial zoning is consistent with the zoning adjacent to the subject property to the south and is also anticipated to support the existing and proposed residential uses in the neighborhood.

The Colorado Centre residential development and the Sunrise Ridge Subdivision are located in close proximity to the subject property. The subject property is located in an area of the County that lacks basic commercial services to support residential development. Additionally, the subject property is located immediately south of the Colorado Springs Airport and in close proximity to the new Amazon Fulfillment Center (1/2 mile west of the subject property). If the proposed map amendment is approved, the subject property could be used for commercial development that would support the existing and proposed residential developments in the area. As such, the proposed map

amendment (rezoning) is consistent with the primary land use recommendations in the Master Plan for Employment Centers and with the character of the surrounding neighborhood, and will complement the existing uses in the area.

ii. Area of Change Designation: 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 use such as an employment hub or business park adjacent to an urban neighborhood.”

The proposed map amendment (rezoning) will match the character of surrounding commercial and industrial developments. The proposed map amendment (rezoning), and subsequent commercial development, will also provide necessary goods and services for those existing and planned residential developments in the area.



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.”

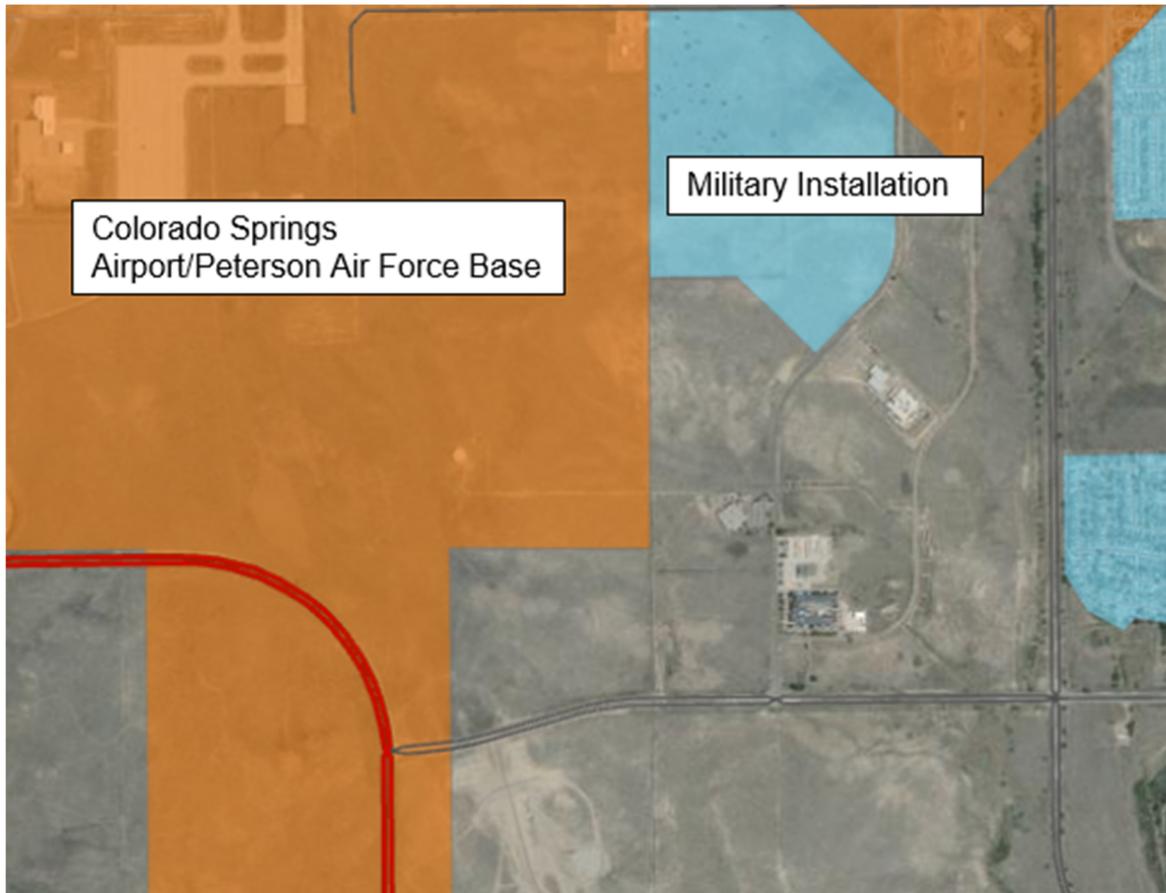
The Colorado Springs Airport/Peterson Air Force Base recommends:

“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 Key Area Influence recommendation that these areas include commercial and industrial growth to support the Colorado Springs Airport and Peterson Air Force Base. As noted above, the request is also consistent with the development pattern of the surrounding area which supports Goal LU1. The proposed map amendment will encourage commercial development in an area of the County that lacks basic commercial services. The BoCC also has determined that the proposed map amendment (rezoning) is an appropriate use for the subject parcels in approving the applicable sketch plan (PCD File No. SKP-20-002). 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 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 including a finding of water sufficiency. However, if the finding is not included with the preliminary plan(s), then a finding must be made each subsequent 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, final plat, and site development plan. 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 the 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 future service will be provided by Widefield Water and Sanitation District.

2. Sanitation

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

3. Emergency Services

The property is within the Security Fire Protection District. The Security Fire Protection 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 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 a 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 are not required for commercial subdivisions.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application or for commercial subdivisions.

I. APPLICABLE RESOLUTIONS

| | |
|-------------|---------|
| Approval | Page 27 |
| Disapproval | Page 28 |

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission 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 CS (Commercial Service) 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 each subsequent preliminary plan approval.
4. A County access permit will be required for the connection of new roads to Bradley Road or any other County roadway. 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 map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 ten (10) adjoining property owners on November 3, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map

El Paso County Parcel Information

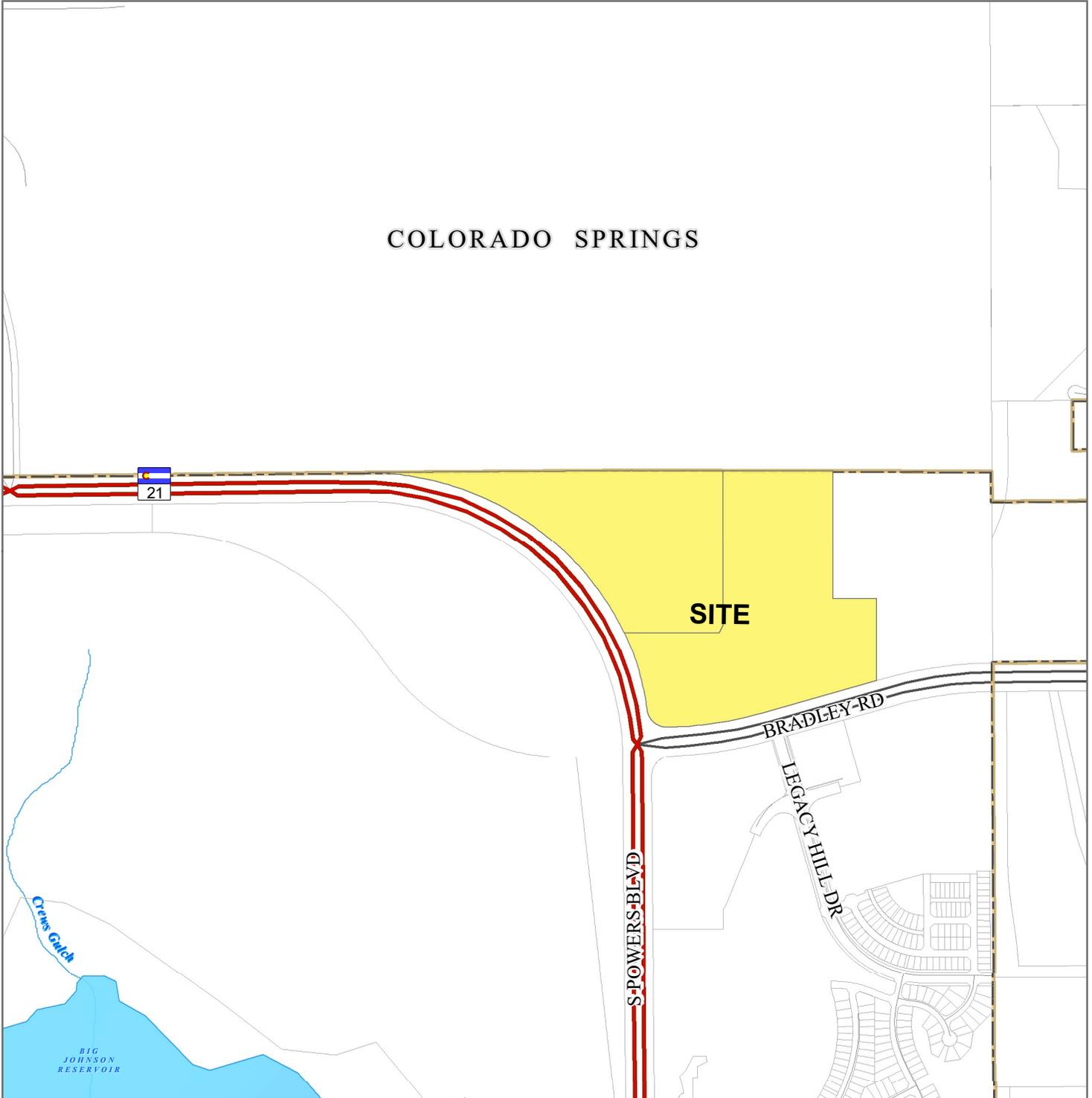
| PARCE | NAME |
|---------|----------------------|
| 5500000 | CPR ENTITLEMENTS LLC |
| 5500000 | CPR ENTITLEMENTS LLC |

File Name: CS-21-001

Zone Map No. --

Date: November 1, 2021

COLORADO SPRINGS



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
19 (719) 520-6600



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Letter of Intent
Waterview 2020 Rezone Plan A-5 to CS

4/21

Owners: CPR Entitlements, LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 377-0224
hli.pak7@gmail.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.: 5500000436, 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-15**.

We are rezoning 22.1 acres of the Amended Waterview Sketch Plan Parcel P-15 from the current A-5 zoning to a land use associated with El Paso County Commercial (CS) zoning.

The legal description of the parcels is as follows:

PARCEL P-15 (COMMERCIAL USE)

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 8 AND SECTION 9, BOTH 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 331.37 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S81°51'23"E A DISTANCE OF 338.00 FEET;

THENCE S00°00'00"E DEPARTING SAID NORTH LINE, A DISTANCE OF 1195.45 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

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 S39°36'27"E A DISTANCE OF 475.03 FEET;

THENCE S15°39'12"E A DISTANCE OF 200.00 FEET TO A POINT 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 FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF POWESRS BOULEVARD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472 (NOW HIGHWAY 21):

- 1) THENCE S74°20'48"W A DISTANCE OF 81.85 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, AN ARC LENGTH OF 625.43 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS S80°50'19"W A DISTANCE OF 624.10 FEET;
- 3) THENCE S87°19'53"W A DISTANCE OF 64.33 FEET TO A POINT OF CURVE TO THE RIGHT;
- 4) THENCE ON SAID CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 216.56 FEET, A DELTA ANGLE OF 82°43'14", WHOSE LONG CHORD BEARS N 51°18'28" W A DISTANCE OF 198.24 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;

5) THENCE ON SAID CURVE, HAVING A RADIUS OF 2105.00 FEET; AN ARC LENGTH OF 485.69 FEET, A DELTA ANGLE OF 13°13'11", WHOSE LONG CHORD BEARS N16°33'28"W A DISTANCE OF 484.61 FEET;

THENCE N56°26'42"E DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 545.66 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 342.60 FEET, A DELTA ANGLE OF 33°33'18", WHOSE LONG CHORD BEARS N16°46'39"W A DISTANCE OF 337.73 FEET;

THENCE N00°00'00"E A DISTANCE OF 665.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 961,408 SQUARE FEET OR 22.071 ACRES MORE OR LESS

Request and Reason:

To approve a Commercial CS rezone for Parcel P-15, the 22.1 acres currently zoned as A-5. This letter serves as a request to receive El Paso County approval of the proposed CS zoning for this site. Approximately ±5 acres in the proposed CS zone is being developed as the commercial/office component of a mixed use Veteran’s Village Mixed Use Project. The Project proposes a mixed-use campus that provides approximately 250 market rate apartment units on the 10.34 acres in association with an adjacent business center hub for use as business incubator space for small business growth and development with supporting office space on 5 acres in the proposed CS zone.

El Paso County Land Development Code

The proposed Zoning Request is in conformance with the El Paso County Land Development Code based on the following Code analysis:

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.
- **The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area,** and with the mix of industrial, and urban density residential land uses included on the Amended Waterview Sketch Plan. The Sketch Plan Amendment is currently under County review. Concurrent rezone applications have been submitted for industrial (I-2), commercial (CS), multifamily(RM-30),

and single-family attached (RM-12) and detached (RS-5000) zone districts to implement the land use scenario of the Amended Waterview Sketch Plan (2020).

- **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.

EL PASO COUNTY MASTER PLAN

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.

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. 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 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.

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.

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 is planned together with zoning applications supportive of mixed land uses as depicted on the Amended Waterview Sketch Plan (PCD File No. 20-2) that 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

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 Undeveloped “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***” . *[Emphasis Supplied]*

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. 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

Primary Employment Center uses include, Light Industrial/Business Park, Heavy Industrial, and Office Uses. Supporting land uses include Commercial Retail, Commercial Service, and Restaurant 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.

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-14

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 restricts the types of uses that can be proposed. Powers Boulevard and Bradley Road to the south and west provides a significant buffer to uses south and west of the site.

Development of the property south of Bradley Road (commercial and residential uses) have 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 Industrial use.

Access will be from Bradley Road via Powers Boulevard. 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.

Summarize findings of TIS pertaining to this this rezone in this Letter of Intent.

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 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 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.

Full 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 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.

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:

While Industrial Land Use seems like the least likely land use to be negatively affected by any activity or lighting from the Colorado Springs Airport, the limited Commercial Land Use permitted within the APZ-1 Airport Overlay are not likely to be negatively affected either.

