

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Chair

FROM: Nina Ruiz, Planning Manager
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: CS-20-003
Project Name: Highway 94 and Curtis Road Rezone
Parcel No.: 44150-00-021

OWNER:	REPRESENTATIVE:
Land View, LLC 2908 E Gunnison Street Colorado Springs, CO 80909	Dan Kupferer Land Development Consultants, Inc. 3898 Maizeland Road Colorado Springs, CO 80909

Commissioner District: 4

Planning Commission Hearing Date:	12/17/2020
Board of County Commissioners Hearing Date:	1/26/2021

EXECUTIVE SUMMARY

A request by Land View, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to CS (Commercial Service) for the northwest 35.11 acre portion, nearest to the Highway 94 and Curtis Road intersection, of the larger 99.97 acre parcel. The applicant intends to use five (5) acres of the proposed CS-zoned area for a trucking and motor freight terminal with the remainder of the proposed CS-zoned area being reserved for future development in accordance with the permitted uses and dimensional

standards of the CS (Commercial Service) zoning district. The property is located at the southeast corner of the Highway 94 and Curtis Road intersection and is within the boundaries of the Highway 94 Comprehensive Plan (2003).

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Land View, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to CS (Commercial Service) for 35.11 acres of a larger 99.97-acre parcel.

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

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

B. Planning Commission Summary

Request Heard: As a Consent item at the December 17, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 10-0

Vote Rationale: N/A

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

Legal Notice: Advertised in Shopper's Press on January 6, 2021.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), 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 (2019):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North:	RR-5 (Residential Rural)	Residential/Vacant
	CC (Commercial Community)	Vacant
South:	RR-5 (Residential Rural)	Mobile Home Park
East:	RR-5 (Residential Rural)	Ag Residential Grazing
West:	RR-5 (Residential Rural)	Dry Farmland, Ag Grazing Land, Ag Residential

E. BACKGROUND

The 99.97-acre parcel was zoned A-4 (Agricultural) at the time of the initial implementation of zoning for this portion of El Paso County on April 13, 1983. Due to nomenclature changes, the A-4 zoning district is now known as the RR-5 (Rural Residential) zoning district.

The applicant proposes to rezone the northwest 35.11 acres, nearest to the Highway 94 and Curtis Road intersection, of the larger 99.97-acre parcel to CS (Commercial Service). The applicant intends to develop a 5-acre portion of the area being rezoned as a trucking and motor freight terminal use to allow relocation of their existing trucking and hauling business on a 5-acre portion of the rezone area. Trucking and motor freight terminal is a permitted principle use in the CS (Commercial Service) zoning district with approval of a special use and subsequent site development plan. The remainder of the 35.11 acre rezone area will be reserved for future commercial development in accordance with those uses permitted in the CS (Commercial Service) zoning district (see attached Table 5-1). Divisions of land that result in parcels greater than 35 acres are not included within the definition of subdivision, therefore, they do not need to meet the subdivision regulations. The division of the 35.11 acre rezone area from the larger parcel will not require subdivision. However, if the map amendment (rezone) area is subdivided in the future to create new commercial lots less than 35 acres in size, a preliminary plan and final plat would be required.

F. ANALYSIS

1. Land Development Code Analysis

The subject parcel is located within a largely rural and agricultural area of the County. The land immediately adjacent to the north, and across Highway 94, is a 4.16 acre parcel zoned CC (Commercial Community) and five (5) parcels zoned RR-5 (Rural Residential). The proposed map amendment (rezone) is harmonious with the adjacent commercial zoning but could be considered incompatible with the residentially zoned land primarily surrounding the map amendment (rezone) area. However, the 140-foot-wide Highway 94 right-of-way serves as a manmade

buffer and may also provide for an effective transition between the proposed commercial zoning and the residentially-zoned land.

The CS (Commercial Service) zoning district permits a wide variety of principle uses as specified in Table 5-1 of the Code (attached). Although the rezoning would allow for any, or all, of those principle uses to be established, the applicant is proposing to establish a trucking and motor freight terminal use to allow for relocation of their existing trucking and hauling business. The Code defines trucking and motor freight terminal as follows:

“A facility designed or intended to be used for the receiving or discharging of cargo and providing for the temporary or permanent storage of the conveyance vehicle”.

A trucking and motor freight terminal is permitted in the CS (Commercial Service) zoning district with approval of a special use. The anticipated impacts of that use include increased traffic generation and the visual impact of a large open truck storage and/or parking area. The traffic impacts are discussed below in the transportation portion of the report. The remainder of the rezone area will be reserved for future commercial development. Subdivision will be required to create any additional commercial lots less than 35 acres. A site development plan will be required prior to establishing any permitted principle use.

Compliance with the landscape requirements of Chapter 6 of the Code, which requires a roadway landscape setback and buffer of no less than 25 feet along Highway 94 and Curtis Road, will be required with the associated site development plan. In addition to the roadway landscaping, an additional landscape buffer of 15 feet is required between non-residential and residential zoning districts. The Parks Advisory Board has recommended that a condition of approval be added to require a 25 foot wide trail easement to be provided adjacent to the Highway 94 right-of-way on the north side of the subject parcel, which would further increase the Highway 94 buffer width. Staff is proposing a condition of approval specific to the trail easement, however, it is important to note that the applicant is offering the easement, rather than the County “requiring” dedication of the easement at the zoning stage of development. The result is a 190-foot buffer from the nearest RR-5 (Rural Residential) zoned property north of Highway 94 of which four (4) of the five (5) are presently vacant.

The adjacent land to the south, east, and west is zoned RR-5 (Rural Residential). The remainder of the 99.97 acre parcel that is not included in the rezone area will

remain a RR-5 (Residential Rural) zoning designation to the east and the south of the map amendment (rezone) area. The applicant is not proposing to rezone the remainder 64.89 acre parcel and any future residential development of smaller lots or parcels would require approval of a preliminary plan and final plat. This remainder area will serve to transition between the more intense CS (Commercial Service) zoning proposed for the rezone area and the adjacent parcels to the east and south that are not owned by the applicant.

The Curtis Road right-of-way provides a 60-foot wide manmade buffer to the west between the rezone area and the residentially zoned property across the right-of-way. Chapter 6 of the Land Development Code requires a roadway landscape setback and buffer of no less than 25 feet along the subject property adjacent to Curtis Road, which will also aid in transition on the west side of the property resulting in a total buffer of 85 feet.

2. Zoning Compliance

The applicant is requesting a map amendment (rezone) of 35.11 acres of a larger 99.97-acre parcel from RR-5 (Residential Rural) to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale, or service commercial uses. The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum district area – two (2) acres
- Minimum lot size – no minimum lot size
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet. The minimum setback is 25 feet from the perimeter boundary of the zoning district, but no minimum setback is required from any internal side or rear lot line within the same zoning district.
- Maximum building height – 45 feet
- Maximum lot coverage – no maximum lot coverage

The area included in the map amendment (rezone) request is comprised of 35.11 acres, which exceeds the two (2) acre minimum lot size requirement of the CS zoning district. Approval of a site development plan will be required prior to building permit authorization in order to ensure that all proposed structures will comply with the dimensional standards of the CS zoning district, the General Development Standards in Chapter 6 of the Code, and the requirements of the Engineering Criteria Manual. Approval of a special use application would also be

required prior to establishing a freight terminal use to allow for the applicant's trucking and freight business on the subject property.

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:

Goal 5.1 -- Maintain a land use environment, which encourages quality economic development that is compatible with surrounding land uses.

Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

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.

Goal 5.1 -- Maintain a land use environment, which encourages quality economic development that is compatible with surrounding land uses.

The subject parcels are presently located within a largely rural and agricultural area of the County. The parcels immediately adjacent to the north and across Highway 94 are zoned CC (Commercial Community) and RR-5 (Rural Residential). The land to the south is zoned RR-5 (Rural Residential). The proposed map amendment (rezone) is harmonious with the commercial zoning but could be considered incompatible with the nearby residentially-zoned land. As described above in the Land Development Code Analysis section, the right-of-way width, trail easement, and roadway landscape setbacks will provide a buffer and transition to the property located across Highway 94 and Curtis Road. The remainder of the 99.7-acre parcel outside of the map amendment (rezone) area that will maintain the RR-5 (Rural Residential) zoning will provide a buffer and use transition to the adjacent properties to the east and south.

Should the map amendment be approved, a site development plan or plans will be required prior to building permit authorization. The purpose of the site development plan review is to ensure the commercial development is functionally and aesthetically integrated within the context of adjoining properties and uses through proper planning techniques and utilization of appropriate site-specific

screening and buffering mechanisms as required by the Land Development Code.

4. Small Area Plan Analysis

The subject property is within Sub-area 2 (North Central) of the Highway 94 Comprehensive Plan (2003). The future land use map included in the Plan designates the location of the subject property as urban. Relevant policies are as follows:

- **Policy 2.2.2.** - Accommodate a compatible mix of industrial, office, commercial, residential, open space, and recreational land uses.
- **Goal 4** -Ensure commercial development is appropriate for the Planning Area.
- **Objective 4.2.** - Accommodate service and commercial developments within the Planning Area, which are oriented to local residents and employees, provide support services to Schriever AFB, or generally meet demonstrated need.
- **Objective 4.3.** - Encourage commercial developments to locate in the nodes identified in the Land Use Map.

The Plan states:

“Because of its proximity to Schriever AFB, access to major roadways, and limited rural residential development, Sub-Area 2 is recommended as an initial focal point for urban density development in the Planning Area. Recommended uses cover a broad spectrum and include commercial, light industrial, heavy industrial, multi-family, rural residential, and agricultural uses. In general, urban uses are designated between SH 94 and the northern boundary of Schriever AFB. Because of the variety of uses and densities recommended in the Sub-Area, adequate compatibility between uses is paramount. Developments should transition densities through the use of clustering, screening, and spacing. Any urban uses will require central water and wastewater services. High visibility commercial uses should be clustered in designated nodes and should not extend linearly along major transportation corridors, such as SH 94. Small urban nodes that include residential and commercial uses are envisioned for Enoch and Curtis Roads at SH 94. For these commercial uses, signage should be shared where possible. New developments should be designed to minimize the number of required access points onto major roadways. Direct access onto SH 94 should be limited to preserve its functional integrity.”

The Plan designates this property, located at the intersection of Highway 94 and Curtis Road, as an area for future development of a small urban node that includes commercial and residential uses. The Plan also emphasizes appropriate transitions be provided between any such commercial uses and surrounding residential development. The subject parcel is located within a largely rural and agricultural area of the County. The parcels immediately adjacent to the north and across Highway 94 are zoned CC (Commercial Community) and RR-5 (Rural Residential). The land to the south and west is zoned RR-5 (Rural Residential). As described above in the Land Development Code Analysis, the right-of-way width, trail easement, and roadway landscape setbacks will provide a buffer and transition to the property located across Highway 94 and Curtis Road. The remainder of the 99.7-acre parcel outside of the rezone area that will maintain the RR-5 (Rural Residential) zoning will provide a buffer and use transition to the adjacent properties to the east and south.

If the proposed rezone (map amendment) is approved, the applicant proposes to develop a portion of the rezone area as a freight terminal use to allow relocation of their existing trucking and hauling business. Approval of a special use and a site development plan would still be required prior to establishing the use within the CS (Commercial Service) zoning district. The remainder of the rezone area would be reserved by the applicant for future commercial development in accordance with the permitted uses for the zoning district. Because the Plan has envisioned both industrial and commercial uses within Sub-area 2 and specifically called for a commercial node in the location of the subject property, a finding can be made for general consistency with the Plan.

5. 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:

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

The subject property is located within Region 8, which specifies three projected areas of development along Highway 94 near Schriever Air Force Base. The subject property is within the growth area that is projected to develop by 2040.

In 2018, Region 8 had a water supply of 299-acre feet per year and a demand of 299-acre feet per year. The 2040 water supply is projected to be 299-acre feet per year and the projected demand is 396-acre feet. The 2060 water supply is projected to be 299-acre feet per year, whereas the demand is anticipated to be 484-acre feet per year. It should be emphasized that a potential shortage of water supplies for this region is expected as early as 2040.

A finding of water sufficiency is not required with rezone (map amendment) but will be required with any future subdivision request. The applicant proposes to utilize a well and septic system to support the proposed freight terminal use. The water source for the remaining portion of the rezone area will be determined at a later time.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no hazards anticipated on the subject property.

2. Wildlife

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

3. Floodplain

The property is not located within a defined floodplain as determined following review of the FEMA Flood Insurance Rate Map panel number 08041C0785G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Upper East Chico (CHEC0400) drainage basin and Livestock Company (CHWS0400) drainage basin, which are unstudied drainage basins with drainage and bridge fees. Drainage and bridge fees are not assessed with rezone requests but will be due at the time of final plat recordation should the property be subdivided in the future. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development as well as a grading and erosion control plan will be required with the subsequent land use applications.

5. Transportation

The property is located southeast of the intersection of Curtis Road and Highway 94. The submitted traffic study identifies that the primary access to the site will be from Curtis Road, at least one-quarter of a mile south of Highway 94 to comply with the intersection spacing criteria indicated in the El Paso County Engineering Criteria Manual (2020) for a minor arterial roadway. A concept site plan has been provided in the traffic study showing the location of the proposed public roadways for the buildout of the site.

The traffic study indicated that phase 1 of the development is anticipated to include only a trucking business. Per the traffic study, improvements are not required for phase 1 of the development although off-site and on-site improvements were provided for the build-out of the site. Further analysis of the improvements, roadway designs, and access locations will be provided with additional traffic impact studies associated with subsequent land use applications.

The 2016 Major Transportation Corridors Plan (MTCP) identifies 2040 roadway improvements to Curtis Road and Highway 94 along the property frontage. The MTCP indicates that Curtis Road is to be improved from an Unimproved County Road to a Minor Arterial Road. Highway 94 is to be improved from a 2-lane Principal Arterial Road to a 4-lane Principal Arterial Road.

The property will be subject to the El Paso County Road Impact Fee Program (Resolution 19-472), as amended. Traffic impact fees shall be paid in full at the time of subsequent land use approval.

H. SERVICES

1. Water

Water is to be provided by a well, which will need to be permitted with the State.

2. Sanitation

Wastewater is to be provided by a proposed onsite wastewater treatment system, which will need to be reviewed and permitted by El Paso County Public Health.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no objections to the rezoning as described.

4. Utilities

Electrical service will be provided by Mountain View Electric Association, Inc. Natural gas service will be provided by Black Hills Energy-Aquila.

5. Metropolitan Districts

The subject parcels are included within the boundaries of the Mayberry, Colorado Springs Metropolitan District as well as the Ellicott Metropolitan District. The Ellicott Metropolitan District was formed in 1995 (PCD File No. ID95003). The Ellicott Metropolitan District provides recreational services and facilities to residents of the District. The District does not collect a mill levy, but instead is financially supported with Colorado Lottery funds.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. The 2013 El Paso County Parks Master Plan shows a proposed regional trail connection impacted by the project. The proposed Highway 94 Tier II Regional Trail alignment runs along the south side of Highway 94 and is adjacent to the north edge of the subject property. The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following condition when considering and / or approving the Highway 94 Rezone:

“Designate and provide to El Paso County a 25-foot trail easement along the north side of the subject property that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail.”

Staff is proposing a condition of approval, recognizing that the applicant has offered to provide the easement. The proposed condition requires depiction of the easement on subsequent development applications and plans.

7. Schools

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

I. APPLICABLE RESOLUTION

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant has offered to designate and provide to El Paso County a 25-foot trail easement along the north side of the subject property that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail. The alignment of the easement will need to be depicted on all applicable subsequent development applications and plans, including, but not limited to, site development plans.

NOTATION

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twelve (12) adjoining property owners on November 30, 2020, for the Board of County Commissioners' meeting. Responses may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Table 5-1 Principle Uses
Planning Commission Minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

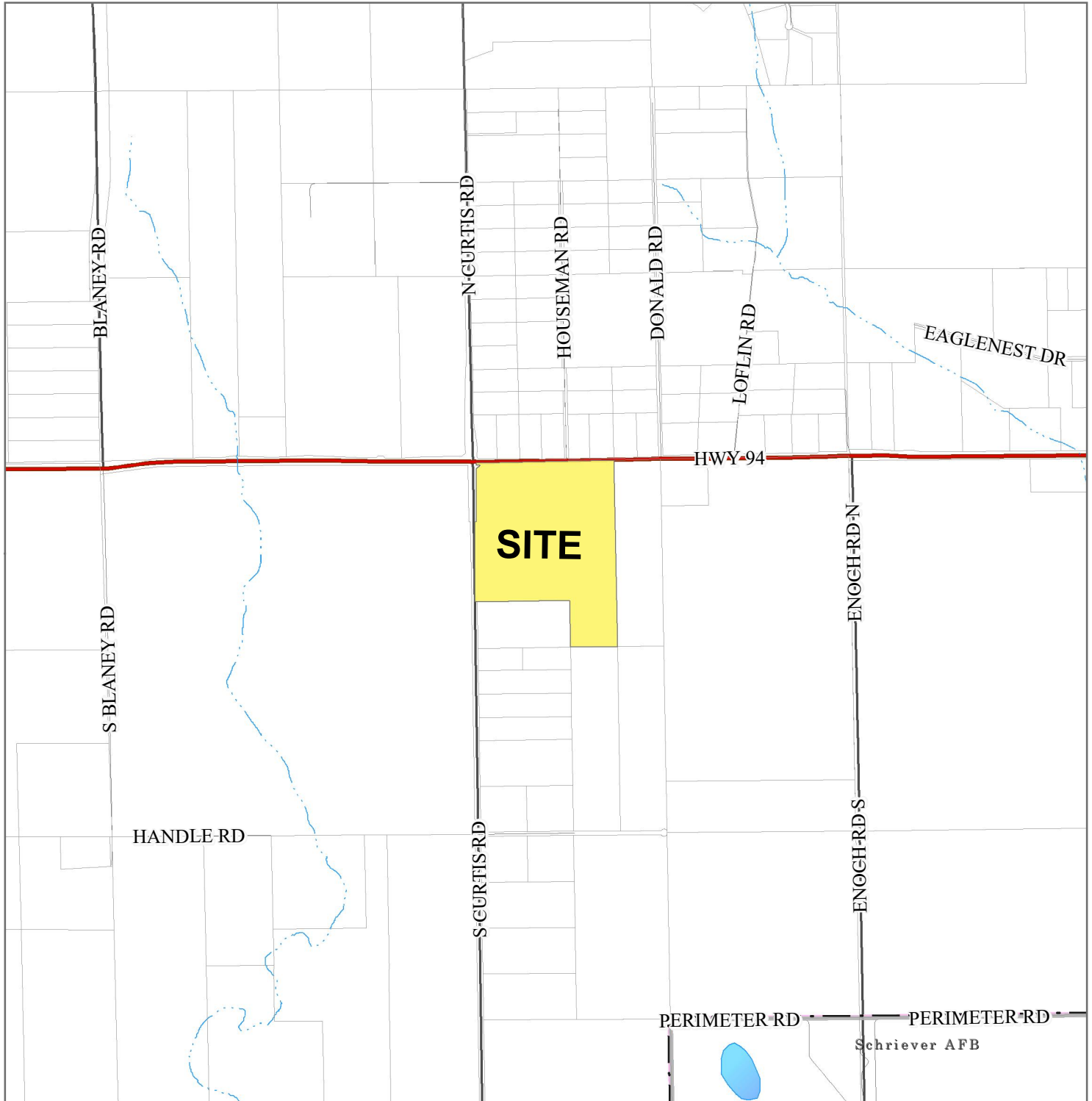
El Paso County Parcel Information

File Name: CS-20-003

PARCEL	NAME
4415000021	LAND VIEW LLC

Zone Map No. --

Date: November 25, 2020



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



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LETTER OF INTENT

June 22, 2020
August 12, 2020 (rev.)
October 5, 2020 (rev.)
November 19, 2020 (rev.)

El Paso County Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910

Attn: **Gabe Sevigny/Current Planner**

Re: **Rezone Letter of Intent – LAND VIEW, LLC**
APN 44150-00-021

LAND DEVELOPMENT CONSULTANTS, INC. is representing Ernesto Garcia Armendariz of LAND VIEW, LLC in this application for a rezone from RR-5 Residential to CS Commercial Services District for a commercial use classification for a materials trucking business.

This site is located Southeast of the intersection of US Highway 94 and Curtis Road. It is vacant range land surrounded by a variety of uses, from a mobile home park on the south to rural residential and agricultural uses. Surrounding zones are mainly County RR-5, with one exception being the 4.16 acre parcel at the Northeast corner of Highway 94 and Curtis Road being zoned CC, Commercial Community.

The owner's property consists of a total of 96.089 acres and is currently zoned RR-5. Their request is to rezone 35 acres of the property to the CS zone. This will allow them to build a commercial building for their City Link Trucking Company. This trucking company primarily hauls materials for different construction projects in the Pikes Peak Region. They currently operate out of a leased facility in Colorado Springs.

The proposed commercial trucking use will be served by a new well and septic system. Electric service is to be provided by Mountain View Electric Association per their comments dated July 28, 2020. Fire protection is to be provided by ELLICOTT FIRE PROTECTION DISTRICT per their comments dated July 10, 2020.

The primary access point will be off of Curtis Road approximately 1500 feet south of US Highway 94.

This change to a commercial zone will consist of 35 acres, and while there is not a plan in place to develop the remaining acres, in the future it can be assumed that it will be developed per the RR-5 zone requirements. The EL Paso County Master Plan is not specific as to the zoning boundaries of property as it is advisory in nature, and notes that a majority of real estate in Eastern El Paso

County is zoned RR5 and that that designation has been used as a “holding pattern” for properties until future development needs and requests arise. We find nothing within the Master Plan that would prohibit a zone change to the property.

Once the 35 acre property is re-zoned development of the property will be per the specific requirements of the El Paso County Land Development Code and the Engineering Criteria Manual as they pertain to the requested CS Zone.

The current plan for physical development of a site is the 5+ acres for a trucking company. The property owners do not have immediate plans for future development as their focus is on getting their trucking business relocated.

This application is in general conformance with the El Paso County Master Plan including applicable Sub-Area Boundary (North Central) of the Highway 94 Comprehensive Plan, map print dated December 10, 2003. It is anticipated in the Area Plan that the intersection of Highway 94, and Curtis Road will be widened in the foreseeable future as it continues to experience growing traffic counts.

El Paso County Water Master Plan anticipates that this area of the county would be reliant on water supplied by private wells, and septic systems to treat wastewater. The El Paso County Master Plan notes that “With the exception of telephone service, electricity, and some roads, urban services are limited in most of the Planning Area. Within a 20-year planning horizon, contiguous development is not expected to extend east from the City of Colorado Springs to the Planning Area, nor is it likely that Colorado Springs will extend extra-territorial services. If urban services become available, they will result from some combination of local start-up facilities, gradual upgrades to existing services, or extensions of services from outside the Planning Area.” This project would be consistent with the Plan in those regards.

Anticipating future needs the rezoning of the Property from RR-5 to CS would be beneficial to the growing Eastern Community through the development and provision of commercial services. A reduction of environmental impact through shortening shoppers commutes to services, and the resultant savings on energy, time, and money for the surrounding community will contribute to a better quality of life for local citizens. For the community the best use of this site would be re-zoning to CS.

This rezoning is in compliance with the applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116

Owner:
LAND VIEW, LLC
Ernesto Garcia Armendariz 719-473-4805
2908 E. Gunnison Street
Colorado Springs, CO 80909

Applicant
LAND DEVELOPMENT CONSULTANTS, INC.
Daniel L. Kupferer 719-528-6133
3898 Maizeland Road
Colorado Springs, CO 80909

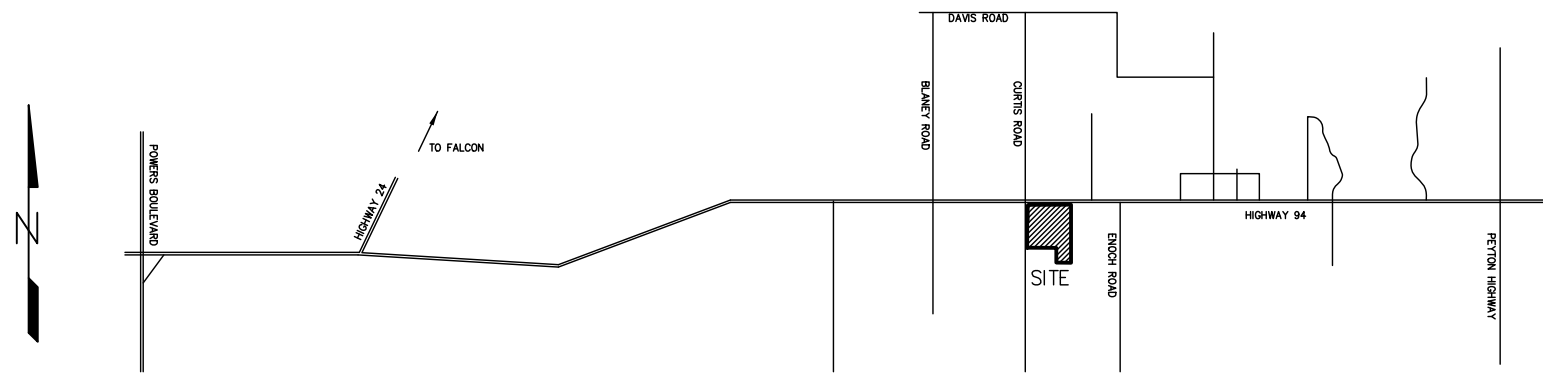
Thank you for your consideration,

LDC, Inc. by Daniel L. Kupferer
dkupferer@ldc-inc.com

CITY LINK TRUCKING REZONE MAP

225 N. CURTIS ROAD,
EL PASO COUNTY, COLORADO

APN 44150-00-021



VICINITY MAP
NOT TO SCALE

PROPERTY DESCRIPTION:

A tract of land in the Northwest Quarter of Section 15, Township 14 South, Range 64 West of the 6TH.P.M., lying South and East of the intersection of the Curtis Road and U.S. Highway No. 94, described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THOSE PORTIONS CONVEYED BY DEEDS RECORDED DECEMBER 27, 1937 IN BOOK 941 AT PAGE 173 AND APRIL 23, 2003 UNDER RECEPTION NO. 203085161 AND SEPTEMBER 21, 2006 UNDER RECEPTION NO. 206140472.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15 (ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE THE NORTH LINE OF SAID SECTION, WHICH BEARS S89°55'05"E "ASSUMED"), THENCE S00°08'22"W, 86.64 FEET ALONG THE WEST LINE OF SECTION 15, THENCE S89°51'38"E, 60.00 FEET TO THE POINT OF BEGINNING;

THENCE N45°04'02"E ALONG THE SOUTHERLY R.O.W. LINE OF SAID HIGHWAY 94 AS DESCRIBED IN RECEPTION NO. 206140472, 40.0 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY R.O.W. LINE N89°40'55"E, 975.00 FEET; THENCE S0°08'22"W, 1513.60 FEET; THENCE N89°51'38"W, 1023.72 FEET TO THE EAST R.O.W. LINE OF CURTIS ROAD; THENCE N00°08'22"E, 729.15 FEET ALONG SAID EAST R.O.W. LINE OF CURTIS ROAD (REC. NO. 203108692); THENCE CONTINUE ALONG SAID EAST R.O.W. LINE (REC. NO. 203085161), S89°51'38"E, 20.00 FEET; THENCE N0°08'22"E ALONG EAST R.O.W. LINE (REC. NO. 203085161) 748.31 FEET TO THE POINT OF BEGINNING;

CONTAINS 35.110 ACRES, MORE OR LESS.

PROJECT INFO:

EXISTING ZONE: RR - 5

PROPOSED ZONE: CS COMMERCIAL SERVICES

PROPERTY OWNER:

LAND VIEW, LLC a Colorado limited liability company
2908 E. Gunnison Street
Colorado Springs, CO 80909

PREPARED BY:

LAND DEVELOPMENT CONSULTANTS, INC.
3898 Maizeland Road
Colorado Springs, CO 80909

CITY LINK TRUCKING REZONE MAP

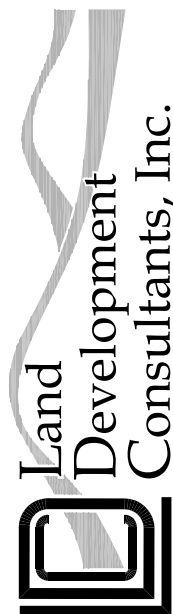
A PORTION OF THE NW QUARTER OF SECTION 15,
TOWNSHIP 14 SOUTH, RANGE 64 WEST
OF THE 6TH P.M., COUNTY OF EL PASO
STATE OF COLORADO

Project No.:

19044

Sheet:

1 of 1



PLANNING · SURVEYING

www.ldc-llc.com · TEL: (719) 528-6133 · FAX: (719) 528-8548
3898 MAZELAND ROAD · COLORADO SPRINGS, CO 80909

H Scale: 1"=200'

V Scale:

Designed By: N/A

Drawn By: BRH

Checked By: DLK

Date: 06/23/20

REVISIONS

No.	Description	By	Date
1	ADDED ADJACENT OWNERS	DLK	08-11-20
2	CORRECTED LEGAL DESC	DLK	08-11-20

CALL BEFORE YOU DIG ...

811

DIAL 811

48 HOURS BEFORE YOU DIG, CALL UTILITY LOCATORS FOR LOCATING AND MARKING GAS, ELECTRIC, WATER AND WASTEWATER.

According to Colorado law, you must complete any legal action based upon any defect in this survey or first discover such defect. In no event, may any action survey be commenced more than ten years from the date of the certification shown hereon.

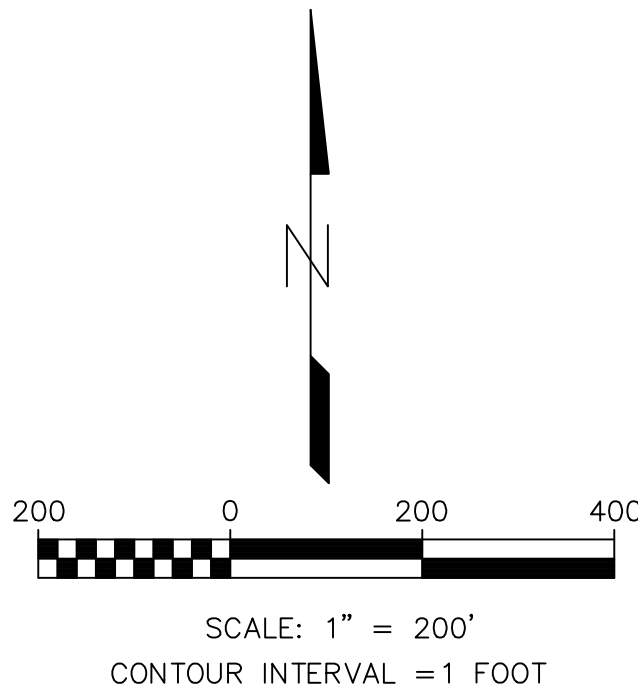


TABLE 5-1 PRINCIPAL USES

Table 5-1.

Principal Uses.

Notes:

"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

¹Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.

²Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status.

³Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status.

⁴Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

⁵A minimum of 1 acre is required.

⁶Marijuana Club is prohibited in all zoning districts.

⁷Minimum area of 35 acres. When less than 35 acres a special use is required.

⁸Use requires central water and wastewater services.

⁹ The 1 acre size limitation shall be a combined total footprint of all greenhouses on the subject lot or parcel.

	Use Type	Agricultural Zoning Districts					Residential Zoning Districts												Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts							Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
		F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4									
	Acid Manufacturing																													YES	YES				
	Adult Care Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴						S							YES	YES	YES				
	Agricultural Business		S																										YES	YES					
	Agricultural Structure	A	A	A	A	A																							YES	YES	YES				
	Agricultural Stand	A	A	A	A	A																							YES	YES	YES				
	Agritainment	A ⁷	A ⁷	A ⁷	A ⁷																								YES	YES	YES				
	Airstrip, Personal		S																										YES	YES	YES				
	Amusement Center, Indoor																	S	A	A	A			A	A	A				YES	YES				
	Amusement Center, Outdoor	S	S	S ¹														S	S	S	S			S	S	A			YES	YES					
	Animal Refuge	S	S	S	S																								YES	YES	YES				
	Auction Facility		S	S														S	A	A	A				A	A			YES	YES					
	Automobile and Boat Storage Yards																	S	S	A	A	A				A			YES	YES	YES				
	Automobile and Trailer Sales																	S	S	S	A	S			S	A			YES	YES	YES				
	Bakery, Retail																	A	A	A	A					A			YES	YES	YES				

LAND DEVELOPMENT CODE

Use Type	Agricultural Zoning Districts				Residential Zoning Districts												Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts					Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4						
Bakery, Wholesale																			A	A	A		A				YES				
Bar																		A	A	A		A	A				YES				
Barber/Beauty Shop																		A	A	A		A	A				YES				
Batch Plant																		A	A	A							YES				
Batch Plant, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES	YES			
Bed and Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							YES	YES			
Billiard Parlor																		A	A	A		A	A				YES	YES			
Boarding House																		S	S	A		S	S	A			YES	YES			
Bottling Works																		S	A	A							YES	YES			
Business Event Center	S ¹	S	S															A	A	A	A	S	S	A			YES	YES			
Car Wash																		A	A	A		A	A	A			YES	YES			
Carnival or Circus																		T	T	T							YES	YES			
Cement Manufacturing																											YES	YES			
Cemetery	S	S	S	S	S	S	S ¹	S ¹	S ¹	A	A	S ¹	S ¹	S ¹	S ¹			A	S	A		A	A	S			YES	YES			
Child Care Center	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹									T	T	T		T	T	T			YES	YES			
Christmas Tree Sales																		A	A	A							YES	YES			
Club	S	S	S															A	A	A		A	A	A			YES	YES			
GMRS Facility, Freestanding																		S	S	S	S	S	S	S			YES	YES			
GMRS Facility, Small Cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES	YES			
GMRS Facility, Stealth	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A	YES	YES			
Commercial or Retail as Part of Overall Shopping Center																		A	A	A		A	A	A			YES	YES			
Community Building	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A		S	S	A			YES	YES			
Composting Facility																											YES	YES			
Construction Equipment Storage and Field Offices, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES	YES			
Contractor's Equipment Yard																		A	A	S	S	A					YES	YES			
Convenience Store																		A	A	A		A	A	A			YES	YES			
Copy Shop																		A	A	A		A	A	A			YES	YES			
Dairy		A ³	A ³	A ³																	A	A		S			YES	YES			
Dry Cleaning Plant																											YES	YES			
Dwelling, Attached Single-Family							A ⁸	A ⁸	A ⁸	A ⁸																		YES	YES		
Dwelling, Detached Single-Family	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A	A	S	A	A	A	A			YES	YES		
Dwelling, Multifamily																		A	A	A		A	A	A			YES	YES			
Dwelling, Two-Family	S ⁰	A ⁸	S ⁰	S ⁰		S ⁰		A ⁸	A ⁸	A ⁸	A ⁸	S ⁰															YES	YES			

TABLE 5-1 PRINCIPAL USES

	Use Type	Agricultural Zoning Districts				Residential Zoning Districts													Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts					Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
		F-5	A-35	A-5	RR-5	RR-2.5	RR-4.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4							
	Educational Institution, Private			S	S				S	S			S					S	S	S			S	S				YES					
	Educational Institution, Public	A	A	A	A				A	A			A	A	A			A	A	A	A	A	A	A	A	A	A		YES				
	Electronic, Electrical, Communication Equipment Manufacturing																											YES					
	Emergency Facility, Private	S	S	S	S				S	S			S	S	S			A	A	A	A	A	S	S	S			YES					
	Emergency Facility, Public	A	A	A	A				A	A			A	A	A			A	A	A	A	A	A	A	A	A		YES					
	Energy Generation Facilities less than 50 MW																					S		S				YES					
	Explosives Manufacturing																					S		S									
	Family Care Home	A ⁴	A ⁴	A ⁴	A ⁴				A ⁴	A ⁴			A ⁴	A ⁴	A ⁴																		
	Farm	A ³	A ³	A ³	A ³																							YES					
	Fertilizer Manufacturing																					S		S					YES				
	Financial Institution																	A	A	A			A	A	A				YES				
	Firewood Sales		S ²	S ²																										YES			
	Fireworks Sales																	T	T	T			T	T	T				YES				
	Flea Market																	S	A	S	S	S							YES				
	Food Processing																					A	A		A					YES			
	Freight Terminal																				S	A	A		A					YES			
	Fuel Sales and Storage																					S		S		S			YES				
	Funeral Home																	S	A	A	A	A		A		A			YES				
	Garbage Service Facility																	A	A	A		A		A		A			YES				
	Gas Station																												YES				
	Glue Manufacturing																	A	A	A		S		S		A			YES				
	Golf Course	S	S	S	S																									YES	YES		
	Greenhouse	A	A	A	A																												
	Greenhouse (>1 acre)	S	S	S	S																												
	Group Home	A ⁴	A ⁴	A ⁴	A ⁴				A ⁴	A ⁴			A ⁴	A ⁴	A ⁴														YES	YES			
	Half-Way House	S	S	S	S																									YES	YES		
	Hazardous Material Storage																					S								YES			
	Hazardous Waste Disposal Facility																												YES				
	Health Club																												YES				
	Heavy Equipment Rental, Sales or Storage																	A	A	A	S									YES			
	Home Improvement Center																	S	A	S	S	A			A				YES				
	Hospital																					A	A		S	A				YES			
	Hospital, Convalescent	S	S	S								S	S					S	S	S			S	S	A					YES	YES		

LAND DEVELOPMENT CODE

Use Type	Agricultural Zoning Districts				Residential Zoning Districts												Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts					Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
	F-5	A-35	A-5	RR-5	RR-2.5	RR-4.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4						
Hospital, Veterinary	S		S	S														S	S	S			S	S	A				YES		
Hotel																		S	S	A			A	A	A				YES		
Human Service Shelter																		S	S	A			S	S	S				YES		
Inert Material Disposal Site	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				YES		
Inert Material Disposal Site-Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			YES		
Infectious Waste Transfer Station																		A	A	A	S	S			S			YES			
Institution, Philanthropic	S		S	S	S													A	A	A			S	S	S			YES			
Kennel Major	S	A ²	S	S								S					S	A	A	A	A		A	A	A			YES			
Kennel Minor	A ¹	A ¹	A ¹	A ¹	S	S	S	S	S			A ¹					A	A	A	A		A	A	A	A			YES			
Laboratory																	S	S	S	A	A	A	A	A				YES			
Laundromat																	A	A	A	A					A			YES			
Library	S		S	S								S					A	A	A				S	S	A			YES			
Light Industry																			S	A	A	A		S	A			YES			
Light Manufacturing																			S	A	A	A		S	A			YES			
Liquor Store																			S	A	A	A		S	A			YES			
Livestock	A	A	A	A	A	A ²						A					A	A	A				A	A	A			YES			
Livestock Feed Yard		S ²	S ³																						S			YES			
Livestock Sales Yard		A ³	S ²																					S	S			YES			
Lumber Yard		S	S														S	S	S		A	A		A	A			YES			
Manufactured Home	A	A	A	A	A	A	A	A	A			A													S			YES			
Marijuana Club ⁶																															
Marijuana Land Use, Medical																			A			A	A		A			YES			
Meat Processing, Custom		S	S																A	A	A	A			A			YES			
Medical Clinic																		A	A						A			YES			
Metal Processing Plant																															
Mineral and Natural Resource Extraction Operations, Commercial	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	YES	YES			
Mineral Processing Plant																												YES			
Mining, Construction-Related	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES	YES			
Mini-Warehouse																		S	A	A	A	A			A			YES			
Mixed-Use Residential Units																		S	S								YES	YES			
Mobile Home, Post-1976		A	A	A									A	A	A												YES	YES			
Model Home/Subdivision Sales Office	T	T	T	T	T	T	T	T	T	T	T	T															YES	YES			
Museum	S	S	S														A	A	A	A			S	S	A			YES			
Night Club																	S	A	A	S					A			YES			

TABLE 5-1 PRINCIPAL USES

Use Type	Agricultural Zoning Districts				Residential Zoning Districts												Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts					Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4						
Nursery, Retail																	A	A	A			A	A	A		YES					
Nursery, Wholesale	A	A ¹	A	A													S	A	A	A	A					YES					
Office, General																	A	A	A	A	A	A	A	A	A	YES					
Off-Premise Sign																	S	S	S	S	S	S	S	S	S	YES					
Outdoor Concert			S ²																							YES					
Outside Storage																				S	A					YES					
Over the air reception devices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES					
Parking Garage																	A	A	A	A						YES					
Parking Lot																	T	T	T	T		T	T	T	T	YES					
Peddler Sales																										YES					
Petroleum Refining																					S				S	YES					
Plaster Manufacturing																										YES					
Prison, Private		S															S	S	S	S	S				S	YES					
Proprietary School																	A	A	A	A	S				A	YES					
Public Building, Way or Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES				
Public Park and Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES				
Publishing Companies																				S	A					YES					
Race Track		S ²	S ²																							YES					
Ranch	A ³	A ³	A ³	A ³																							YES				
Recreation Camp	S	S	S	S								S														YES					
Recreational Vehicle and Boat Storage																	S		A	A	A				A	YES					
Recycling Facility																					A				A	YES					
Rehabilitation Facility										S	S						A	A	A	A		A	A	A	A	YES					
Religious Housing		S								A	A															YES					
Religious Institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	YES					
Rendering Plant		S	S ²														A	A	A	A	S	A	A	A	S	YES					
Rental Services																	A	A	A	A		A	A	A	A	YES					
Repair Shop																		A	A	A		A	A	A	A	YES					
Restaurant																		A	A	A	S					YES					
Retail Sales, General																		A	A	A						YES					
Retirement Center																		A	A	A					A	YES					
Riding Academy	S ²	A ²	S ²	S ²						A	A	S ²														YES					
Rodeo		S ²	S ²																							YES					
Salvage Yard																										YES					
Sawmill	S ²	S ²	S ²																						A	YES					

LAND DEVELOPMENT CODE

Use Type	Agricultural Zoning Districts				Residential Zoning Districts												Commercial Zoning Districts				Industrial Zoning Districts			Obsolete Zoning Districts					Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4						
Seasonal Produce Sales																	T	T	T			T	T	T		YES	YES				
Sexually-Oriented Business																	A		A			A	A	A		YES	YES				
Shooting Range, Outdoor	S ²	S ²	S ²															A	A					A		YES	YES				
Shopping Center																										YES	YES				
Slaughterhouse																					S			S		YES	YES				
Smeller																					S			S		YES	YES				
Solar Farm		S																			S			S		YES	YES				
Solid Waste Disposal Site and Facility		S	S																							YES	YES				
Stables, Commercial	S ²	A ²	S ²	S ²								S ²														YES	YES				
Stables, Private	A	A	A	A	A	A ³						A					A	A	A		S	A	A	A		YES	YES				
Store																										YES	YES				
Studio																										YES	YES				
Tannery																										YES	YES				
Temporary Housing	T	T	T	T								T					S	A	A					S		YES	YES				
Theater																										YES	YES				
Theater, Outdoor	S		S														S	S	S			S	S	A		YES	YES				
Tiny House, Recreational Vehicle Park																										YES	YES				
Tiny House, Single Lot	A	A	A	A								A				A	S	S	S		S	S	S	S		YES	YES				
Tower, Commercial (non CMRS)		S																								YES	YES				
Trash Transfer Facility																										YES	YES				
Tree Farm	A	A	A	A																						YES	YES				
Truck and Recreational Vehicle Repair Garage																			A	S	A			A		YES	YES				
Truck Farm		A ²	A																							YES	YES				
Truck Stop		S ²																	S ²							YES	YES				
Vehicle Repair Garage, Commercial																	S	S	A	S	S		A	A		YES	YES				
Warehouse																	S		A	A	A		A	A		YES	YES				
Warehouse, Flammable Material																										YES	YES				
Waste Tire Recycling																					S			S		YES	YES				
Wholesale Business			S														S			A	A		A	A		YES	YES				
Wind/Meteorological Measuring Facilities	S	S	S	S								S												S		YES	YES				
Wood Sales (Firewood)																			S							YES	YES				
Yard Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	S							YES	YES				

(Res. No. 14-243, Exh. 1, 7-1-2014; Res. No. 16-164, 5-17-2016; Res. No. 17-227, Exh. A, 8-8-2017; Res. No. 17-372, Exh. A, 12-12-2017; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-010, Exh. A, 1-9-2018; Res. No. 18-496, Exh. A, 12-20-2018; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 19-421, Exh. A, 11-12-2019)

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, December 17, 2020
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING

1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, SARAH BRITTAIN JACK, TIM TROWBRIDGE, BECKY FULLER, JAY CARLSON AND JOAN LUCIA-TREESE

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ, THOMAS GREER, AND ERIC MORAES

PRESENT AND NOT VOTING: NONE

ABSENT: NONE

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER, LINDSAY DARDEN, RAD DICKSON (VIA REMOTE ACCESS), GILBERT LAFORCE, JACK PATTON (VIA REMOTE ACCESS), ELIZABETH NIJKAMP (VIA REMOTE ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: SARAH FREER, MIKE HARRIS, CASEY LOHRMEYER, TOM DAVIS, ROB HADDOCK, TERRY STOKKA, JAKE SKIFSTAD, GREG BELWINE, JUDY VON AHLEFELDT, M. JANE SHIRLEY, JEFF BROCK, JEFFREY ZINK, KATHARINE ZINK, MARIA WILSON, NIKKI UPCHURCH, TRIPP FALL, GALE GOODMAN FLOYD,

Report Items

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

- a) The next scheduled Planning Commission meeting is for **Thursday, January 7, 2021 at 1:00 p.m.**
- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- c) **Mr. Dossey** gave a brief presentation of the EPC Engage industry-focused work session series that the PCD department will be implementing in 2021, with cooperation from other County departments. Learn more at <https://bit.ly.EPCengage.com>

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

2. Pulled Consent Items to Regular

A. Approval of the Minutes – December 3, 2020

The minutes were unanimously approved as presented. (10-0)

B. SF-20-003

RUIZ

**FINAL PLAT
WINSOME FILING NO. 1**

A request by Winsome, LLC, for approval of a final plat to create 47 single-family residential lots. The 164.4 acre property is zoned RR-2.5 (Residential Rural) and is located at the northwest corner of the Hodgen Road and Meridian Road intersection and within Sections 13, 19, and 24, Township 11 South, Range 65 West of the 6th P.M. (Parcel No.51000-00-496) (Commissioner District No. 1)

Mr. Trowbridge – I'd like more information on the waiver and the Hodgen Road access as well as the requested deviation. **Mr. LaForce** – The deviation request includes a mailbox kiosk, and our criteria noted that type 3 boxes must be located within a ROW and pull-off area. They have submitted that it doesn't have to be inside of a ROW but it will be inside a tract. People will be able to park and get out to get their mail safely. The parking is for the trailhead within their development. As far as the turn lane off Hodgen, the TIS shows the majority of traffic will go Winsome Way first, so a middle left-turn lane will be required. Site distance does meet the requirements.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, SF-20-003, FOR A FINAL PLAT FOR WINSOME FILING NO. 1, UTILIZING RESOLUTION PAGE NO. 19, CITING 20-060 WITH TWELVE (12) CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER

QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (10-0).

C. CS-20-003

DARDEN

**MAP AMENDMENT (REZONE)
HIGHWAY 94 AND CURTIS ROAD**

A request by Land View, LLC, for approval of a map amendment (rezoning) of 35.11 acres of a larger 99.97 acre parcel from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at the southeast corner of the Highway 94 and Curtis Road intersection and within Section 15, Township 4 South, Range 64 West of the 6th P.M. (Parcel No. 44150-00-021) (Commissioner District No. 4)

PC ACTION: BAILEY MOVED/BRITTAIN JACK SECONDED APPROVAL OF CONSENT ITEM 2C, CS-20-003, FOR A MAP AMENDMENT (REZONE) FOR HIGHWAY 94 AND CURTIS ROAD UTILIZING RESOLUTION PAGE NO. 27, CITING 20-061, WITH THREE (3) CONDITIONS, AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (10-0).

Regular Items

3. AL-19-006

HOWSER

**SPECIAL USE
1425 BURNHAM ST. WORKZONE SPECIAL USE**

A request by Work Zone Traffic Control, Inc., for approval of a special use for a contractor's equipment yard. The 0.53-acre property is zoned CS (Commercial Service) and is located at the southeast corner of Welton Drive and Burnham Street, approximately 500 feet north of the intersection of South Academy Boulevard and Interstate 25 and within Section 10, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65102-14-001 and 65102-14-018) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a special use. **He then asked the applicants' representative, Ms. Sarah Freer, to give their presentation.**

Mr. Trowbridge – I see where the first complaint was filed two years ago. **Ms. Freer** – There was a lot of confusion and a misunderstanding that they were trying to build

something on the property. They really did attempt to work through this themselves. When they knew there was a hearing, they brought me into the process.

Mr. Risley – As far as site circulation and traffic flow, Welton does not continue to the west, is that correct? Typically, is traffic going to the south? The County staff may address this as well. **Mr. Mike Harris** – Most of the traffic exits towards I-25, Welton dead ends to the west but we take Hartford to I-25 South. We don't tie up any intersections. We don't park on Welton, we leave that area specifically for the residents.

Mr. Howser then gave his full presentation and answered questions from the Planning Commission.

Mr. Trowbridge – One letter of opposition talks about the traffic going through the neighborhood. Could you point out her property? **Mr. Howser** – She (person in opposition) is north of the location. It is not anticipated that there will be any additional impacts. **Mr. Trowbridge** – I don't see a direct access either.

Mr. Carlson – The complainant mentions trucks parked on Welton. **Mr. Harris** – The lady that complained was assuming that we were going to do some kind of construction and tear up her neighborhood. We explained to her that it wasn't the case. The trucks that she mentioned are on Hartford. Over the road truckers often park in the areas she mentions, but they are not our vehicles.

Mr. Carlson – The screening that is required is specifically in what location? What good is a fence if your building is located up gradient of that fence area? **Mr. Harris** – It is required on the side of our building adjacent to South Academy. The banners cover our chain link fence, but it will be a 6 ft wooden fence. The fence would shield the cones. Honestly, I think they will feel better that it's an actual fence. It's not ugly currently, but we will build at the grade where the building is and not at street grade.

Ms. Fuller – We had an applicant here a couple of weeks ago that did not comply with what they were supposed to do. Is the applicant ready and willing to comply to the requirements put forth today? **Mr. Harris** – Yes, we are very willing to comply. **Ms. Casey Lohrmeyer** – WE have been very confused. The issue came about from the violation we received. From that point, you go to the website [EDARP] with zero instructions. There's no link to the applications on the website. Then you go to their site and try to locate the applications. I basically just had to figure it out. Due to staff turnover we went through several different planners. Then they were wanting elevations, and we weren't building anything. Finally, we were told we needed a special use and we are where we are now. I struggled, and I'm computer savvy. It was not an easy process.

Mr. Bailey – I agree staff needs to work with the applicants to identify and address problems in the process. I'd like to address the fencing condition specifically. It says to install the fence along Welton Drive to screen the use from residential properties. Has it been articulated clearly to the applicants that this condition is what is required or is there something more? **Mr. Howser** – As the applicant indicated, this has changed hands several times. I can't speak to anyone who worked on this in the past, but I will make my best effort to communicate those requirements. It seems like the applicant thought a fence was required along two sides and not just on one side. **Mr. Dossey** – I understand this project has changed hands a few times with the turnover of staff, but at any point if they feel confused or uninformed, they can contact me. Some conditions are trickier than others, but these are pretty straight forward. When we write conditions, we try to impose the least restrictive things possible. Certainly, if you feel like an additional side needs to be screened, then you can add or revise that condition.

Mr. Carlson – There is fencing up high on the east side, and to the right is a retaining wall. Right now, it is written that the fence will be improved. **Mr. Howser** – The condition is written to require a fence on the north.

Mr. Trowbridge – The applicant said they store old barrels; is that what they are trying to screen? If they don't store the barrels there, is a fence still required? **Mr. Harris** – You can see some yellow material, some barrels. We could move that material.

Mr. Trowbridge – If the applicants move that material, do they still need a fence? **Mr. Howser** – In order to provide 100% screening as required by the Code, the fence guarantees that screening.

Mr. Bailey – Does it have to be a solid wood fence? **Mr. Dossey** – It does cost more, but it's more of a long-term solution. Slats in a chain link fence end up blowing away, and then it becomes a code enforcement issue down the road. They can do any type of solid fence- wooden, concrete, or other similar solid fence. **Mr. Bailey** – I think it's a good faith effort to have the fence and be a good neighbor to those few neighbors who might see some of the material.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION: NONE

**PC ACTION: FULLER MOVED/LUCIA-TREESE SECONDED FOR APPROVAL
REGULAR ITEM NUMBER 3, AL-19-006, FOR A SPECIAL USE FOR 1425
BURNHAM ST. WORKZONE, UTILIZING RESOLUTION PAGE NO. 39, CITING**

20-062, WITH THREE (3) CONDITIONS, THREE (3) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (10-0)

4. CC-20-001

DICKSON

**MAP AMENDMENT (REZONE)
HADDOCK METAL ROOF**

A request by Black Forest, LLC, for approval of a map amendment (rezoning) from A-5 (Agricultural) to CC (Commercial Community). The 4.77 acre property is located on the west side of Black Forest Road, approximately 980 feet north of Shoup Road and within Section 7, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52070-00-004) (Commissioner District No. 1)

Mr. Dickson gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone). He then asked the applicant and representative, **Mr. Tom Davis and Mr. Rob Haddock**, to give their presentation.

Mr. Trowbridge – What did you hear from neighbors at the community outreach meeting and what accommodations you’ve made relative to that meeting? **Mr. Haddock** -- It was mostly attended by adjacent property owners that were noticed. There were 23 people who attended. They voiced various concerns and we feel like we answered all their questions. The only request was that we should deconstruct the barn that we are building. We are well aware that this has been a very aggressive opposition movement. We are prepared to address all the concerns voiced by the opposition.

Mr. Carlson – Were the complaints mostly that they don’t want commercial use there? **Mr. Haddock** – All the above and much more. There was mention of depleting the aquifer, and many other things, but I think they just don’t want us there.

Mr. Dickson then gave his full presentation and answered questions from the Planning Commission.

IN FAVOR:

Mr. Terry Stokka – Black Forest Land Use Committee – (provided handout) We look at conformance with the preservation plan and impact. The Plan advocates for centralized commercial activity. The impact of this building will be minimal. There will only be 8-10 people working at any given time. We look at traffic, lighting, noise, and if there is appropriate screening. The buildings have natural earth tones and materials and will blend in nicely. This has met the criteria of conformance of the preservation plan, and has minimal impact, and we recommend you approve this rezone.

Ms. Fuller – Is the Black Forest Land Use Committee a volunteer committee or elected committee? How many people of the committee participated or were active in your review? **Mr. Stokka** – We are a volunteer committee and we consider ourselves guardians of the preservation plan and of the land. We have 20-25 members. I send out pictures and information to them and they give me feedback. We look at “Is it more than just I don’t like it, or do they have valid concerns?” We measure it against the plan and also the Land Development Code. I received responses from at least half of the members in order to present these findings.

Mr. Greg Belwine – I am in favor of this project. I believe they have met all zoning regulations for this project. This will provide area residents with a good service. Commercial property needs to develop according to the Black Forest Preservation Plan and this meets the requirements. It will support at least 6 families in the area. They are a strength and asset to the community. We have lived there for 7 years. Mr. Haddock grew up in this community and he would never do anything that would be a detriment to us. I can attest to his generosity to our community as well. I fully support this request.

Mr. Jake Skifstad – I am a resident of Black Forest. I am thankful to someone going above and beyond to what was there before visually. This is so superior to what was there. They is a nice looking barn with mature trees. Rob Haddock and his family are of high integrity and moral character. He has been called a liar among other things. This is not true. I am thankful they want to bring this to our community. I’m in great support of their application.

Ms. Judy Von Ahlefeldt – I am in favor of this proposal. I agree with Mr. Stokka. It is basically a request for a rezone and is in conformance with the Black Forest Preservation Plan. (Slides shown) This will not set a precedent and will not ruin the community. However, I think it’s unfortunate that there was nothing on EDARP until September. All the commotion started because people did not have access to the information. Had they been given the correct information; they might have come better informed and not opposed as strongly as they did.

Ms. Nikki Upchurch – (from emailed statement) My property shares the east boundary with the land we are discussing today. I was informed by people at the gate of the Black Forest Farmer's Market about the commercial project on this land that had been dormant since the Black Forest fire in 2013. They had a table set up to sign a petition and there were many others there who, like me, wanted to find out about it. To say the least, I was alarmed and concerned by what I was told. I had recently purchased my land with plans to build a modest home near peaceful neighbors I had met and liked... and still do like. I was told the following about this commercial project:

- The person who purchased the land was a wealthy developer from out of state who didn't care about the community of Black Forest and that he would run possibly 3 businesses from the property.
- There would be 2 buildings on the property to run businesses from: one would be for metal building distribution and possibly manufacturing. The other building would be used for the development of technological security devices for ID recognition like retinal scans and hand printing (biometric authentication). I was given a name of a website (I did not write down and do not recall any longer) When I looked it up, the technology was affiliated with criminal justice and involved similar devices as the FBI uses.
- I was told there would be much traffic coming in and out of the property such as trucks transporting the metal buildings for distribution. The security technology employees would be on the premises in the office building for their full-time jobs.
- This commercial development could cause much disruption in the community and decrease land value.

I was a bit panicked by this and seriously considered selling my land since it was directly connected to the west boundary of this proposed commercial property. Since that time, I have investigated this development plan further and realize it to be very different from the information shared with me back in the summer. I have learned that the owner and his family have, in fact been residents of Black Forest for almost 50 years and have a family-owned small business-- not a disconnected out of state developer. I have seen first-hand how tastefully the owner is improving this property. I now realize there will be no manufacturing or distribution of metal buildings or anything else, nor will there be any mysterious security device development for biometric authentication. I am relieved to know that traffic will actually be minimal, and the project is within Black Forest Preservation Guidelines. As far as the concern of this development causing disruption and decrease in land value, I even expect it to increase the value of my lot. The covenant that will follow the land in potential future sales will protect this lot from becoming something of the nature I (and many others) were originally informed it would be. I fully support what Mr. Haddock is proposing and believe he will be a good neighbor.

IN OPPOSITION:

Mr. Jeff Brock – I live across the road from this property. My property was the highest price property to close in 2020. I have followed this on every website devoted to this project. I have not heard anyone call Mr. Haddock a liar. There are 47 non-duplicated opposition letters and 517 non-duplicated petition signatures. There were only 3 letters supporting it. Planning seems to think it meets all the criteria, that is not accurate. The CC zone district, according to LDC Section 3.2.5, is intended to accommodate retail sales establishments that serves the adjoining and contiguous neighborhood. His business will not serve the community with his wholesale business. His driveway creates a cross-intersection at an already dangerous area.

Accidents will increase due to this intersection. Mr. Haddock downplays the 12,000 square foot building. It's 2.5 times larger than my home. These buildings will absolutely not blend in with the area. Due to the drought, we are drinking heavily sedimented water. We don't need more people using that water. The value of my home will decrease. I'm against this rezone.

Ms. Gayle Goodman Floyd – Since the barn is already built, what will it be used for since he mentioned it will be used for meetings. Will traffic increase because of this commercial use? Does it set a precedent for other zoning changes that would not be welcomed? This is not contributing to the Black Forest Community like we would like it to. I was not notified as a neighbor. This serves one person and not the community.

In Summary: (sent by email)

What is the barn used for, if the development use is simply used for "meetings" what is the barn for?

Worry about any precedent being set for future businesses wishing to develop Black Forest properties.

What tax implications will follow for Black Forest residents?

The business is single server, not providing any service to the community.

This is a special community, not a place for office space or wholesale production.

Once this happens it cannot be undone. It only opens the door to future problems.

Ms. M. Jane Shirley – (submitted petitions, letters of opposition. All part of permanent record). There are 517 signatures opposing this project. Mr. Haddock company does business with 39 states and 29 foreign companies. This is over 12,000 square feet of space. Construction started prior to permitting. The well permit has several restrictions. There are no covenants, minutes, hearing notices that we can locate. This impacts all the surrounding neighbors.

Email statement: I would like to go on record because I strongly object to the rezoning of this parcel. If rezoning is approved a precedent will be set for any large corporation to follow suit. This project does NOT belong in the heart and historical district of Black Forest. It has already had a negative impact on the adjacent RR-5 zoned residents as well as the visitors who come to this area of the Forest for rest and relaxation. When major activities are held at the Community Center, cars are parked along both sides of Black Forest Road in addition to filling the parking lot. All of us in the Forest look forward to community events.

While compiling the Forest's opposition to this rezoning, four 'unusual' things occurred. One may or may not have been related to this project. It occurred during the time I was assisting with gathering petition signatures. At the Farmer's Market in late July, a gentleman in a three-piece suit with a loud abusive voice tried to intimidate me and another woman into ceasing our legal collection of signatures on the petition against rezoning. He did not visit the Market. After the tirade he got in his car and left. The following morning, I received a phone call. The man repeatedly asked what my plans were for the rest day. The voice was quite suggestive. Coincidence or not? On four different occasions, four different men at four different times made the statement: "Well, It's (the project) is better than a Kum & Go," I found that to be highly unusual.

On three different occasions, three different people at three different times made this statement: "Black Forest is going to become part of Colorado Springs in the very near future anyway. What's the big deal?" Again...this seemed odd. Residents in the Forest DO NOT want to be part of the large metropolis of Colorado Springs. We moved here to get away from that lifestyle. (I do possess emails with these two statements.) Number four are emails I received from Mr. Stokka and then Mr. Haddock. A copy of both emails is attached. I frankly do not appreciate the biblical references made to me by Mr. Haddock.

Mr. Haddock owns a nice home on Table Butte Road in northern Black Forest. He also owns 69.5 acres at 8750 Walker Road. This acreage appears to be grassland. I could see no structures from the road. WHY, why couldn't the S-5! corporate offices be built there? Thank you for your time and consideration. Parcel # 5207000004 should not be rezoned to Community Commercial.

Ms. Maria Wilson – I live next door. The CC zoning does not accommodate retail sales. This is a corporate office building. The one that comes after is what worries me. This will set a precedent. I implore you to consider the repercussions. This is spot zoning. The Historical Society has indicated that this will negatively impact the area. It will reduce the value of my home. This project will cause extensive impact to the enjoyment of my property. There are over 500 opposing this project. It's beyond obvious that this is not acceptable. The biggest fear is the precedent that it will set. We don't want corporate office buildings. We moved here to be away from that.

Mr. Jeffrey Zink – My property is across from Black Forest Road. We have been here for 20 years. We lost our house and all our trees and took 3 ½ years to rebuild. To get a commercial building across the street is insult to injury. Please consider the emotional impact that it has on us and our surrounding community.

The applicant had an opportunity for rebuttal. **Mr. Haddock** – There have been many things posted on EDARP for this project. The opposition has been extremely

aggressive. Terry Stokka sent out information through the Black Forest Land Use Committee. The historical site comment is completely undocumented. The opposition was very well organized. However, there were misstatements, and those signatures were solicited with their side and no chance for rebuttal. There are 6500 households, so it's a very small number in opposition. Only 29% were affirmed Black Forest residents. Others were in Calhan and even out of state. The purpose and spirit of the rezone is total transparency. Opposition used social media to post statements.

Mr. Tripp Fall – (from email correspondence)

Re-addressing my concerns for the record:

1. It does not serve the community
2. Efforts were made to notify the entire community, not just the immediate neighbors.
3. Are the petitions and letters being properly weighed in the decision? Are they valid?
4. We, as a community, do not want the precedent set that would allow more businesses that would not serve the community.

DISCUSSION:

Mr. Trowbridge -- When I first reviewed this, it seemed like the entrance might not be ¼ mile away, and then I looked and saw it was a commercial use there before. I find it ironic that they oppose because it claims retail, but I think a true retail space would bring so much more traffic than what this is proposing. If you look at the zoning, he could have many more uses in the A-5 zone district. He could have a group home, or a contractor's equipment yard, or an inert materials disposal site. Barns are also permitted as a principal structure in A-5. I think he's done a lot to help the Forest with the effort of replanting trees and reshaping the land. The structure itself does not look much different than a high-end home. I will be supporting this.

Ms. Lucia-Treese – The presentation was done well. You are doing above and beyond what the Code requires, and the structure does look like a high-end modern home and the use is compatible in the CC zone district. I am in support.

Mr. Moraes – for the Attorney – The applicant says he will put a covenant in place requiring that the character of the building will not change in the future. How hard will that be for a future owner to change that covenant? **Ms. Seago** – Because the County cannot enforce covenants, I'm not sure how it could be removed in the future. The document that imposes the restriction will be specified in how it is worded and its intent.

Mr. Moraes – In the future, if the business is repurposed into another use that is allowed in the CC zoning district, like a retail nursery, a store, or a business events

center, which are all all in CC that requires larger parking and lighting for later evening business, can that be modified? My biggest concerns are for the future. If the property gets sold and used as an events center, there would be more traffic, more parking, etc. **Mr. Dickson** – A site development plan would be required for any change in use to address the proposed/future use(s). We look at the highest and best use of the property. **Mr. Moraes** – Right now there are 22 spots allocated to this project because of the proposed use. However, the use may intensify like a business event center or medical clinic, 22 spots is too few or there might be business hours later than the applicant proposes. Therefore, my concerns are not for this application. I am more concerned about the future. Once rezoned CC, all those uses that are allowed in LDC Table 5-1 are allowed. I want to look ahead to what a rezoning will do to that area. **Mr. Dossey** – When we look at commercial uses and the site-specific improvements that are required, we do it based on the proposed use and layout of the site. If the use changes, the new use must accommodate for the parking, lighting etc. that is relative to the Land Development Code. This is not a special use, so I think the applicant is prepared to do covenants vs. conditions of approval. However, the County does not enforce either. If a future owner comes in, we would look at the Land Use Table to see if it is allowed in CC zoning. We try to write staff the staff report not to the use at hand but look at every use that could be in a requesting zoning district. So that's the important thing to consider, the Planning Commission should be concerned about not only the use presented but also be concerned about the future, now. Those are the uses effectively being requested. While we are considering the applicants' intent today, the intent tends to change, **Mr. Moraes** - That is my concern, while it is A-5 today, a change to CC may present in the future all the issues that come with it like traffic and lighting and hours of operation. **Mr. Dossey** – Quite honestly, some uses allowed in CC by the LDC will never happen on this piece of land as the land is too valuable. **Ms. Brittain Jack** – There are three uses that he could use according to the Land Use Chart. I would assume that the impacts were taken into consideration with regard to the impacts such as traffic when those allowed uses were tabled as they are. Is that right? **Mr. Dossey** – That is correct. It's an extensive look at all the impacts. We look at traffic impacts, hours of operation, etc.

Mr. Bailey – I believe that the staff report highlights that the CC zoning district is the least impactful zoning districts that the applicant could have requested. The Black Forest Plan at least recognizes the potential for commercial nodes, and the applicant bought land in a commercial node and chose something that wasn't going to impact the neighbors in a negative way. **Mr. Dossey** – The CS zone district is more service oriented and will have more traffic; CR will be the big box retail. So yes, CC is definitely the appropriate, least impactful zone for the intended use.

Ms. Fuller – I echo what **Commissioner Trowbridge** was saying. This is in a pocket where commercial uses can go. For those testifying, we realize that land use, particularly commercial going into a neighborhood is very emotional. When you come

into a hearing, it's not helpful to talk about personalities or how honest someone is or is not. I would encourage going forward that those things are not brought up for either side. I will be in support of this, and I can appreciate the neighbors and the effort they put in, but the opposition didn't change my view. When you come to a hearing with over 500 signatures, it gets our attention.

Mr. Moraes – I am not against this project itself; I think it would be better suited as a variance of use vs. a rezone.

Mr. Risley – We are really bound to looking at the review criteria and making a case based purely on that. The only bullet point that can be called into question is “does the proposed land use compatible with the surrounding land and zones.” My opinion is that the applicant did a good job at being sensitive to the context and surrounding area and mitigated any impacts that it could have had to the surrounding area.

Mr. Carlson – With regard to blending in with adjacent properties, it means something that it falls within that commercial development node that was designated as such. I'm in support of this.

PC ACTION: BRITTAIN JACK MOVED/LUCIA-TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 4, CC-20-001, FOR A MAP AMENDMENT (REZONE) FOR HADDOCK METAL ROOF, UTILIZING RESOLUTION PAGE NO. 27, CITING 20-063, WITH TWO (2) CONDITIONS, THREE (3) NOTATIONS, AND ONE (1) WAIVER, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-1). MORAES WAS A NAY VOTE.

Mr. Moraes – I was opposed due to future possible uses versus what was proposed. I would rather see a variance in A-5 instead of the rezone to CC

5. El Paso County Master Plan – Information Update – No Action Needed – No update was given at today's hearing.

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

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. CS-20-003
Highway 94 and Curtis Road Map Amendment

WHEREAS, Land View, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on December 17, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of John and Linda Jennings for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners:

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant has offered to designate and provide to El Paso County a 25-foot trail easement along the north side of the subject property that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail. The alignment of the easement will need to be depicted on all applicable subsequent development applications and plans, including, but not limited to, site development plans.

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 Brittain Jack seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 10 to 0 the El Paso County Planning Commission, State of Colorado.

Dated: December 17, 2020

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 15, Township 14 South, Range 64 West of the 6TH.P.M., lying South and East of the intersection of the Curtis Road and U.S. Highway No. 94, described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THOSE PORTIONS CONVEYED BY DEEDS RECORDED DECEMBER 27, 1937 IN BOOK 941 AT PAGE 173 AND APRIL 23, 2003 UNDER RECEPTION NO. 203085161 AND SEPTEMBER 21, 2006 UNDER RECEPTION NO. 206140472.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15 (ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE NORTH LINE OF SAID SECTION, WHICH BEARS S89°55'05"E "ASSUMED"), THENCE S00°08'22"W, 86.64 FEET ALONG THE WEST LINE OF SECTION 15, THENCE S89°51'38"E, 60.00 FEET TO THE POINT OF BEGINNING;

THENCE N45°04'02"E ALONG THE SOUTHERLY R.O.W. LINE OF SAID HIGHWAY 94 AS DESCRIBED IN RECEPTION NO. 206140472, 40.0 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY R.O.W. LINE N89°40'55"E, 975.00 FEET; THENCE S0°08'22"W, 1513.60 FEET; THENCE N89°51'38"W, 1023.72 FEET TO THE EAST R.O.W. LINE OF CURTIS ROAD; THENCE N00°08'22"E, 729.15 FEET ALONG SAID EAST R.O.W. LINE OF CURTIS ROAD (REC. NO. 203108692); THENCE CONTINUE ALONG SAID EAST R.O.W. LINE (REC. NO. 203085161), S89°51'38"E, 20.00 FEET; THENCE N0°08'22"E ALONG EAST R.O.W. LINE (REC. NO. 203085161) 748.31 FEET TO THE POINT OF BEGINNING;

CONTAINS 35.110 ACRES, MORE OR LESS.

RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE HIGHWAY 94 AND CURTIS ROAD MAP AMENDMENT (REZONING) (CS-20-003)

WHEREAS Land View, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 17, 2020, 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 January 26, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

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

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Land View, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) 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.
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 has offered to designate and provide to El Paso County a 25-foot trail easement along the north side of the subject property that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail. The alignment

of the easement will need to be depicted on all applicable subsequent development applications and plans, including, but not limited to, site development plans.

NOTATION

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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 26th day of January, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

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