

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

---

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 3/23/2023  
RE: P-22-024, TR El Paso Land LLC Rezone

Project Description

A request by TR EL PASO LAND LLC for approval of a map amendment (rezoning) from R-4 (Planned Development) to A-35 (Agricultural). The 275.89-acre property is located approximately at the northwest corner of intersections of South Ellicott Highway and Drennan Road. (Parcel No.3500000245) (Commissioner District No. 4).

Notation

Please see the attached PC Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Schuettpelz moved / Moraes seconded for approval of Consent Item Number 2C, P-22-024 for a Map Amendment (Rezone), TR El Paso Land LLC Rezone, utilizing the resolution attached to the staff report, with two (2) conditions and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. **The motion was approved (8-0).** The item was heard as a consent agenda item.

Discussion

This item did have discussion at the Planning Commission hearing and was unanimously recommended for approval. Ms. Fuller asked why the zoning district was changing to a less dense zoning district. Ms. Mathy answered by explaining that the current R-4 zoning is obsolete and is no longer applicable to current criteria, whereas A-35 is consistent with the surrounding area and is a zoning district that meets today's standards. No public responses were received in regard to the application from the adjacent properties.

Attachments

1. Adopted PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Draft BOCC Resolution.

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, March 2nd, 2023  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** BRIAN RISLEY, TOM BAILEY, JAY CARLSON, BECKY FULLER, ERIC MORAES, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** TIM TROWBRIDGE, BRANDY MERRIAM, AND SARAH BRITTAIN JACK.

**STAFF PRESENT:** MEGGAN HERINGTON, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, ED SCHOENHEIT, JEFF RICE, CARLOS HERNANDEZ, CHARLENE DURHAM, SCOTT SHEVOCK, GAYLA BERRY, JUSTIN KILGORE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** DOUGLAS HALVERSON, BRYAN BAGLEY, JENNIFER ZIEGLER, AND DAN MAS.

#### **1. REPORT ITEMS**

##### **A. Planning Department**

**Ms. Herington** updated the board with the status of filling the Planning Commission vacancy. PCD is still working with the Planning Commission's Commissioner Liaison, Commissioner VanderWerf, and a formal decision should be made soon. Six applications were received.

**Mr. Kilgore** advised the board that the next PC meeting will be held March 16, 2023, and the next BOCC Land-Use meeting will be held March 21, 2023.

**B. Call for public comment for items not on hearing agenda. NONE.**

**2. CONSENT ITEMS**

**A. Adoption of Minutes of meeting held** February 16, 2023.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. MS2110**

**HOWSER**

**MINOR SUBDIVISION  
MA SUBDIVISION**

A request by Land Resource Associates for approval of a minor subdivision to create one (1) lot and two (2) tracts. The 62.60-acre property is zoned RR-5 (Residential Rural) and is located at the southeast corner of the intersection of Walker Road and State Highway 83. (Parcel Nos. 61000-00-535; 61000-00-536) (Commissioner District No. 1.

**DISCUSSION**

**Mr. Risley** stated that his architectural firm worked on the Monument Academy project, but his firm no longer has any financial connection to Monument Academy or the Monument Academy Foundation, which is the applicant for this project. His firm is not currently doing work for the applicant. He believes that he can participate fairly and without bias. He consulted with the County Attorney's Office, which agreed there is no conflict of interest.

**Ms. Herington** asked if Mr. Risley would like to address the Consent Agenda in its entirety. She asked if they would make one motion, or two separate motions.

**Mr. Risley** answered that he prefers to address each item individually in case one needs to be pulled to the Called-Up Agenda. The Planning Commission will make a motion on each item.

**PC ACTION: CARLSON MOVED / MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, MS-21-010 FOR A MINOR SUBDIVISION, MA SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**IN FAVOR:** RISLEY, BAILEY, CARLSON, FULLER, MORAES, PATTERSON, SCHUETTPELZ, WHITNEY.

**IN OPPOSITION:** NONE.

**COMMENT:** NONE.

**C. P2224**

**MATHY**

**MAP AMENDMENT (REZONE)  
TR EL PASO LAND LLC REZONE**

A request by TR El Paso Land LLC for approval of a map amendment rezoning 275.89 acres from R-4 (Planned Development) to A-35 (Agricultural). The property is located near the northwest

corner of South Ellicott Highway and Drennan Road. (Parcel No.3500000245) (Commissioner District No. 4).

**DISCUSSION**

**Ms. Fuller** stated that she has never seen someone rezone to a less dense zoning district. She asked why it’s occurring in this circumstance?

**Ms. Mathy** replied that the property is currently zoned R-4 which is an obsolete zoning district. The applicant is requesting a rezone to Agricultural (A-35) to be a relevant zoning district. When a property is in an obsolete zoning district, PCD recommends it be rezoned to a current zoning district to be within today’s standards. While rezoning to A-35 is less dense, it matches the character of the surrounding area. She added that the applicant plans to develop the land in ways relevant to A-35.

**PC ACTION: SCHUETTPELZ MOVED / MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-22-024 FOR A MAP AMENDMENT (REZONE), TR EL PASO LAND LLC REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**IN FAVOR:** RISLEY, BAILEY, CARLSON, FULLER, MORAES, PATTERSON, SCHUETTPELZ, WHITNEY.

**IN OPPOSITION:** NONE.

**COMMENT:** NONE.

**3. CALLED-UP CONSENT ITEMS.** NONE.

**4. REGULAR ITEMS**

**A. P2222**

**PARSONS**

**MAP AMENDMENT (REZONE)  
SCHMIDT MULTI-DWELLING REZONE**

A request by Turkey Canon Quarry Inc. for approval of a map amendment rezoning 33.44 acres from RR-5 (Residential Rural) to RM-30 (Residential, Multi-Dwelling). The property is located immediately adjacent and west of Vollmer Road and south of future Marksheffel Road. (Parcel No. 52000-00-562) (Commissioner District No. 2).

**STAFF PRESENTATION**

**Mr. Moraes** clarified that this request for a rezone does not include the triangular area of the parcel to the northeast, and only includes the area southwest of the future Marksheffel Road depicted on the presentation slide.

**Mr. Parsons** stated that is correct. The portion to the northeast is part of the same parcel but will likely be right-of-way at final plat. It is difficult to say exactly because there are currently no construction drawings. It is not anticipated that there will be any multi-family development building in that portion of the lot.

**Mr. Moraes** asked if this rezone includes that area?

**Ms. Parsons** presented the next slide in her presentation which showed the rezone would not extend north of the future Marksheffel Road. Presentation continued.

**Mr. Whitney** asked Ms. Durham to elaborate on the statement that the future Marksheffel Road extension would be built to the City of Colorado Springs' standards?

**Ms. Durham** explained that there is an agreement between the City and County that Marksheffel in the adjacent development, Sterling Ranch is city-owned and maintained.

**Mr. Whitney** asked if that was due to future annexation?

**Ms. Durham** answered the developer is electing not to annex the subject property.

**Ms. Parsons** added that City and County staff worked together during the approval of Sterling Ranch regarding the construction drawings of Marksheffel Road. The developer was required to deed that right-of-way over to the City within 30 days of the plat recording. The City technically owns Marksheffel Road although they have not accepted that improvement because the developer is still constructing. A similar agreement is anticipated with this development.

## **APPLICANT PRESENTATION**

**Ms. Fuller** stated that concerning drainage, there's no other place for the detention pond.

**Ms. Barlow** agreed that it has to be located there.

**Ms. Fuller** asked if there was any idea of how many buildings would be built? She knows it's not part of review criteria, she's just curious.

**Ms. Barlow** answered the question after a brief recess. The concept drawings submitted by the future developer (which may be modified after looking at site constraints) propose a range from 22 to 24 buildings.

## **PUBLIC COMMENT**

**Mr. Douglas Halverson** stated he also wrote letters to PCD. He is a realtor but is speaking as a neighbor. He doesn't think some aspects of this project fit with other multi-family projects in the area. Other apartment developments are completely closed off from the neighborhoods. Over by Prominent Pointe, everything feeds outside of the apartment complex and there are a lot of parking problems. Neighbors of this proposal fear parking will bleed into their neighborhood because there is no buffer to prevent that. He stated he does not have a problem with more residential building but would prefer single-family homes, not apartments. Higher density would be fine in Wolf Ranch and Briargate. He also has concerns that nothing was in the presentation addressing what will be east. He stated that once one apartment is developed, there will be

more. He was sitting by a realtor associate of his, who stated her clients would not want to live in a neighborhood connected to apartments.

**Mr. Bryan Bagley** (virtual) is a Silver Ponds resident. He stated he bought his home because he liked the rural look and feel, and he would prefer to maintain that look and feel. He stated this doesn't feel compatible when this is proposing the least dense zoning of RR-5 to the most dense at apartment complexes. Regarding the comments of the berm, he doesn't know who would complain south of the berm when no one lives south of it because it is a quarry. He believes that all Silver Ponds residents north of the berm would like it to stay as a buffer. He thinks the statement of Ms. Barlow's that this area was always planned to be something other than RR-5 was misleading. That was not disclosed to him when he purchased his property and he doesn't think that can be true when it is zoned RR-5. The existing quarry being redeveloped into residential was not disclosed. He would like a buffer between Silver Ponds and Marksheffel Road and would prefer that the berm stay. If the area is going to be developed, he would prefer the largest lot sizes possible to be consistent with the surrounding neighborhood. He stated that RR-5 to apartments does not feel compatible.

**Ms. Jennifer Ziegler** (virtual) is a Silver Ponds resident. She thinks this rezone is ugly, abrupt, and doesn't make sense. She stated that only a handful of her neighborhood's residents were notified of the meeting in December 2022 even though the Schmidt parcel is adjacent to the southern border of Silver Ponds. She does not believe apartments next to rural 2.5-acre lots meets the requirement of seamless zoning in the Master Plan. She walks this area. The wildlife will be affected. The Schmidt property is already being called "Phase 1" and "Phase 2". She hopes the letters of opposition have been read and show their anger and heartbreak. She does not want to be rezoned to apartments. She stated she likes the dark night skies, the quiet, and the views; She believes this will steal all of that. She asks that Ms. Parsons and Ms. Barlow go back to their client, Mr. Schmidt, and think of a more suitable use for this area. This proposal is a 16,000% increase in density. The roads cannot even handle the current building. She urged the residents of the County to take notice of their District 2 representative, Commissioner Carrie Geitner's, response.

**Ms. Seago** responded that the implication that Ms. Parsons works for Mr. Schmidt was inappropriate and untrue. Ms. Parsons is a County employee and her duty is to review applications, to assist applicants with coming into compliance with the Land Development Code, and to present the application to the Planning Commission (and BOCC) for review.

**Mr. Dan Mas** (virtual) lives in Black Forest. He stated that Land Development Code 5.3.5(D) lists the criteria of approval and states all criteria must be met for a map amendment. Regarding criteria number 3, page 3 of the applicant's letter of intent describes the area north as RS-6000, northeast as RR-2.5, south as a PUD with Colorado Springs for single-family residential 6 dwelling units per acre, and east as mixed-use medium and high-density residential for 5-8 dwelling units per acre. The most dense of the surrounding zones is RS-6000 which is for single-family residential. Between RS-6000 and RM-30 zoning, there is RS-5000 (single-family and 2-family residential) then RM-12 (12 dwelling units per acre to accommodate moderate-density single-family attached and low-density multi-dwelling). RM-30 is for 30 dwelling units per acre for moderate-density multi-dwelling development. He stated that zoning between RS-6000 to RM-

30 skips multiple graduations of zoning. For the adjacent and surrounding RR-5 and RR-2.5, it is an even more extreme jump in zoning. He referenced Ms. Seago's comments from February 16, that it is the burden of the applicant to establish the review criteria have been met. He stated that after his review of the zone-skipping needed to accommodate the applicant's request, he does not believe the criteria of approval number 3 has been satisfied. Criteria number 3 is independent from criteria number 1's requirement for conformance with the Master Plan. He referenced his past review of the PC's Quasi-Judicial procedure and stated that he noticed the application on February 16 was reviewed with more articulation. He stated that fair, logical, and un-biased decision making based on facts and evidence is appreciated.

**Ms. Barlow** stated the applicant is Turkey Canon Quarry. The property is called the "Schmidt Property". She pulled up a vicinity map of the area to address the comment made that the apartments would have direct access to the neighborhood to the south. The applicant is proposing to extend the existing road from the south. The apartments will access this collector road to Marksheffel Road, not directly into the neighborhood. The County has parking requirements that will be met by the applicant during the site development plan. There will be single-family development (mostly detached, but possibly some attached) in the western part of this parcel, but that application has not been submitted yet. She believes the two speakers from Silver Ponds may misunderstand this proposal. When the applicant mailed notices, they only included properties adjacent to the land that was being rezoned, not the entire parcel. When the County notifies of the hearing, they include the entire parcel which caused people in Silver Ponds to believe there was a proposal of apartments directly across from their neighborhood, which is not the case. The proposed multi-family zoning does not abut Silver Ponds and there will be a significant arterial roadway separating the two. She continued that there are two berms on this site. The berm which affects the RM-30 rezone is the south berm which extends across the southern length of the property. The northern side has a berm as well that will go away and become Marksheffel Road. Regarding zoning, she does not think it is the intent that zoning types be followed progressively. However, since there is also commercial zoning in the area, she thinks one could argue that multi-family residential is the next step from commercial. This provides a transition, compromise, and buffer amongst the variety of existing zoning types and future traffic along Marksheffel. She also doesn't think it's as simple to look at the existing zoning of RR-5 and state it's a 16,000% increase of density. She stated that this property has consistently been identified as an area of future growth and development not only in the Master Plan, but also the previous Falcon and Peyton Small Area Plan.

## **DISCUSSION**

**Mr. Carlson** asked Ms. Seago about her input on a question he asked regarding public notice.

**Ms. Seago** replied and clarified that his question was about a point made in the letter of opposition from Mr. & Mrs. Bagley, paragraph 4, points A and B. Point A pertains to the letter of public notice mailed by County staff. The letter identified the name of the project and dates of the hearings correctly but had an incorrect link to an EDARP file. In her opinion, that does not create a legal concern in terms of notice. An interested party could still access the information by entering the name of the project on EDARP or even by calling the planner. Point B was addressed by Ms. Barlow. The vicinity map sent by the County used the entire parcel but the applicant is requesting to rezone only a portion of that, depicted on the applicant's map.

**Mr. Bailey** stated that this area is very complicated because of the transitions with everything going on. Ms. Barlow correctly pointed out that the major intersection has been anticipated here for a long time and will substantially change the nature of the area. To him, looking at compatibility from the undeveloped or less developed part towards this intersection goes the wrong way. It is known that there will be a very intense intersection that is going to mitigate many traffic problems the letters of opposition point out. He stated there cannot be roads without development around to support it. The Master Plan identifies this area as potential for growth. In his opinion, the key area of compatibility that must be looked at is the transportation corridor that Vollmer [and the Marksheffel expansion] is going to become. He stated that the plans he has seen adequately represent and consider the needs of the environment balancing with the higher priority, which is transportation corridors which support the entire County, not just a couple of isolated neighborhoods. He does see this as compatible with the Master Plan and compatible with surrounding zoning. He thinks the PC should recommend approval of this project and developments like this so that developers continue to build roads. Otherwise, there will be pockets of roads to nowhere and the County will never get the infrastructure that is needed. He will be in favor of this application.

**Ms. Fuller** stated that compatibility is always a main concern for her. When she looks at what is going to happen with Vollmer and Marksheffel, these roads create natural buffers between the property to the north. In general, there is a lot going on in this area. She was concerned about the single-family neighbors to the south, but she thinks the extra buffer of the detention pond mitigates those concerns. This is a logical place to have a more intense density of housing. She will be in favor of this application.

**Mr. Whitney** understands the frustration that members of the public expressed by Ms. Barlow's comment during her presentation that RR-5 was essentially a holding zone or a transition zone. He stated that to those who purchase and live on RR-5 lots, it is not a holding zone. He understands the frustration of those wondering after they buy in RR-5, can they not depend on it remaining RR-5? He understands Mr. Bailey's comments, but he also understands the frustration of those who thought they were buying into something they were not. He appreciates Ms. Barlow stating the intention is to build single-family units on the western portion of this property, but he doesn't think that will actually happen.

**Mr. Schuettpelz** commented that he thinks this rezone fits in this area with Marksheffel and Vollmer Roads, RR-5, RS-6000, and commercial. He thinks the multi-family fits in with the southern single-family neighborhood after consideration of the detention pond buffer. He will be in favor of this application.

**Mr. Carlson** stated that if he were to look at this map without knowing the future of the roads, he would have agreed with the opposing comments from neighbors. However, knowing the plans, he believes there will be adequate buffer. He also stated it was important to him that there is a detention pond buffer for those living to the south. He agreed that multi-family projects need to happen at intersections, so he thinks this will be a good place for it. He agreed that RR-5 should not be looked at as a holding device and stated that whatever is proposed on the western part of this lot will be looked at with its own criteria for density. He will be in favor of this application.



**PC ACTION: FULLER MOVED / PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, P-22-022, FOR A MAP AMENDMENT (REZONE), SCHMIDT MULTI-DWELLING REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**IN FAVOR:** RISLEY, BAILEY, CARLSON, FULLER, MORAES, PATTERSON, SCHUETTPELZ, WHITNEY.

**IN OPPOSITION:** NONE.

**COMMENT:** NONE.

**MEETING ADJOURNED at 10:51 A.M.**

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

SCHAVETPELZ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-024  
TR EL PASO LAND LLC REZONE

WHEREAS, TR El Paso Land, 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 R-4 (Planned Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 2, 2023; 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 were 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 and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. 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.

WHEREAS, when approving a map amendment, the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of TR El Paso Land, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the R-4 (Planned Development) zoning district to the A-35 (Agricultural) zoning district be approved by the Board of County Commissioners with 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 A-35 (Agricultural) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

MORAES seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	aye / no / abstain / <u>absent</u>
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent
Joshua Patterson	<u>aye</u> / no / abstain / absent
Bryce Schuettpeiz	<u>aye</u> / no / abstain / absent
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	aye / no / abstain / <u>absent</u>

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 2<sup>nd</sup> day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley  
Brian Risley, Chair

DATED: March 2, 2023

## EXHIBIT A

A portion of the South 1/2 of Section 12, Township 15 South Range 63 West of the 6th/ P.M., El Paso County, Colorado, described as follows:

BEGINNING at the at the West ¼ Corner of said Section 12, thence, N89°38'02" E, 2654.68 feet along the North line of the Southwest 1/4 of said Section 12 to the Northeast Corner of said Southwest 1/4;

Thence N89°38'27"E, 2654.86 feet along the North line of the Southeast 1/4 of said Section 12 to the East 1/4 Corner of said Section 12;

Thence S00°45'57"E, 2652.07 feet along the East line of the Southeast 1/4 of said Section 12 to the Southeast Corner thereof;

Thence S89°53'58"W, 1326.34 feet along the South line of the Southeast 1/4 of said Section 12;

Thence N00°47'23"W, 1323.04 Feet along the East line of that parcel of land described under El Paso County Tax Schedule Number 3500000310;

Thence S89°46'05"W, 1326.83 feet along the North line of said parcel of land described under El Paso County Tax Schedule Number 3500000310 and along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000311;

Thence S00°48'41"E, 884.93 feet along the West line of that said parcel of land described under El Paso County Tax Schedule Number 350000031;

Thence S89°53'41"W, 39.20 feet along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000210;

Thence S00°06'19"E, 434.99 feet along the East line of said parcel of land described under El Paso County Tax Schedule Number 3500000210 to a point on the South line of the Southwest 1/4 of said Section 12;

Thence S89°54'43"W, 2608.02 feet along said Southwest 1/4 to the Southwest Corner of said Section 12;

Thence N00°51'49"W, 485.00 feet along the West line of said Southwest 1/4;

Thence N89°50'56"E, 484.81 feet along the South line of that tract of land described in Warranty Deed recorded in Book 5542 at Page 184 of the records of El Paso County, Colorado to the Southeast Corner thereof;

Thence N00°52'00"W, 454.99 feet along the East lone of said tract to the Northeast Corner thereof;

Thence S89°50'51"W, 484.78 feet along the North line of said tract to a point on the West line of the Southwest 1/4 of said Section 12;

Thence N00°51'49"W, 1687.22 feet along the West line of said Southwest 1/4 to the Northwest Corner thereof and the POINT OF BEGINNING.

Area = 275.90 acres more or less.



# EL PASO COUNTY

COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Brian Risley, Chair

**FROM:** Ashlyn Mathy, Planner I  
Ed Schoenheit, IE Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File #: P-22-024  
Project Name: TR El Paso Land LLC Rezone  
Parcel No.: 3500000245 3500000252

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
TR El Paso Land LLC 999 18th Street, Suite 3000 Denver CO, 80202	Kimley-Horn larry.salazar@kimley-horn.com 2 North Nevada Ave, Suite 300 Colorado Springs, CO 80903

**Commissioner District: 4**

Planning Commission Hearing Date:	3/2/2023
Board of County Commissioners Hearing Date:	4/4/2023

### EXECUTIVE SUMMARY

A request by TR El Paso Land, LLC for approval of a map amendment (rezoning) of 275.89 acres from R-4 (Planned Development) to A-35 (Agricultural). The property is located at the northwest corner of South Ellicott Highway and Drennan Road. (Parcel No.3500000245) (Commissioner District No. 4).

### A. WAIVERS/DEVIATIONS/ AUTHORIZATION

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

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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

**B. APPROVAL CRITERIA**

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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.

**C. LOCATION**

North:	A-35 (Agricultural)	Single-Family Residential/Vacant
South:	A-35 (Agricultural)	State/Dry Farmland/Single-Family Residential
East:	A-35 (Agricultural)	State
West:	A-35 (Agricultural)	Single-Family Residential/Vacant

**D. BACKGROUND**

The property was zoned R-4 (planned Development) on December 16, 1985, PCD file number R485016Z. The County initiated zoning, A-35 (agricultural) on the surrounding properties in 1999.

The applicant is proposing to rezone the unplatted parcel, containing 275.89 acres, from the R-4 zoning district to the A-35 (Agricultural) zoning district.

If the proposed map amendment is approved, the applicant intends to develop the 275.89 acres into 7 lots. The lots are anticipated to meet or exceed the 35-acre lot minimum requirement. The 35-acre lot size is a requirement of the A-35 zoning district as indicated in the applicant's letter of intent and concept exhibit.



## E. ANALYSIS

### 1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 275.89 acres to the A-35 (Agricultural) zoning district. Section 3.2.1 of the Code states the following as the intent of the A-35 zoning district:

*The A-35 zoning district is a 35-acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.*

The applicant intends to use the property for development of rural residential properties and conservation of agricultural resources, which is consistent with the intent of the A-35 zoning district.

The County encourages applicants to rezone from an obsolete zoning district because obsolete zoning is considered outdated and cannot be applied to any additional land within the County. This rezone is consistent with surrounding zoning and residential and agricultural land uses and helps to preserve the agricultural character in the area.

### 2. Zoning Compliance

The subject parcel is proposed to be rezoned to the A-35 (Agricultural) zoning district. The A-35 zoning district is intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources. The density and dimensional standards for the A-35 zoning district are as follows:

Minimum lot size: 35 acres

Minimum width at the front setback line: 500 feet

Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet (\*)

Maximum lot coverage: None

Maximum height: 30 feet (+)

\* Agricultural stands shall be setback a minimum of 35 feet from all property lines.

\* Sawmills shall be setback a minimum of 300 feet from all property lines.

\* Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.





(+) One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.

The applicant intends to submit a subdivision application subsequent to the approval of the rezoning request. In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. In this process the applicant will need to meet zoning requirements, setbacks, and meet criteria of the engineering manual.

## **F. MASTER PLAN ANALYSIS**

### **1. Your El Paso Master Plan**

#### **a. Placetype: Rural**

##### **Placetype Character:**

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.



## Recommended Land Uses:

### Primary

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

### Supporting

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional



Figure G.1: Placetype Map

## Analysis:

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

**Objective HC2-6** – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

The proposed rezone would reallocate approximately 275.89 acres of obsolete zoning from the R-4 zoning district to the A-35 zoning district, which would support the primary uses of the place type such as agricultural and farm and homestead residential uses.

**b. Area of Change Designation: Minimal Change: Undeveloped**

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.



Figure G.2: Area of Change Map

**Analysis:**

The minimal change: undeveloped area of change states that these areas will experience some redevelopment but will be limited in scale. The applicant is proposing to rezone the subject property to A-35 (Agricultural) in order to create seven large lots of development. This is consistent within the master plan and zoning district criteria for A-35.

**c. Key Area Influences: Not Applicable**

The subject property is not within a key area influence.



**Figure G.3: Key Area Influences Map**

**d. Other Implications (Priority Development, Housing, etc.):** The subject property is not within a development area.

### 3. Water Master Plan Analysis

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

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

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

The property is located within Region 5 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,849 AFY (Figure 5.2). The projected demand in 2040 is at 6,468 AFY (Figure 5.1) with a projected supply in 2040 of 6,800 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 9,608 AFY (Figure 5.1) with a projected supply in 2060 of 10,131 AFY (Figure 5.2). This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.

A finding of water sufficiency is not required with a map amendment; however, it is required with any future subdivision request.

#### 4. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) does identify Laramie coal and Alluvial fan 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.

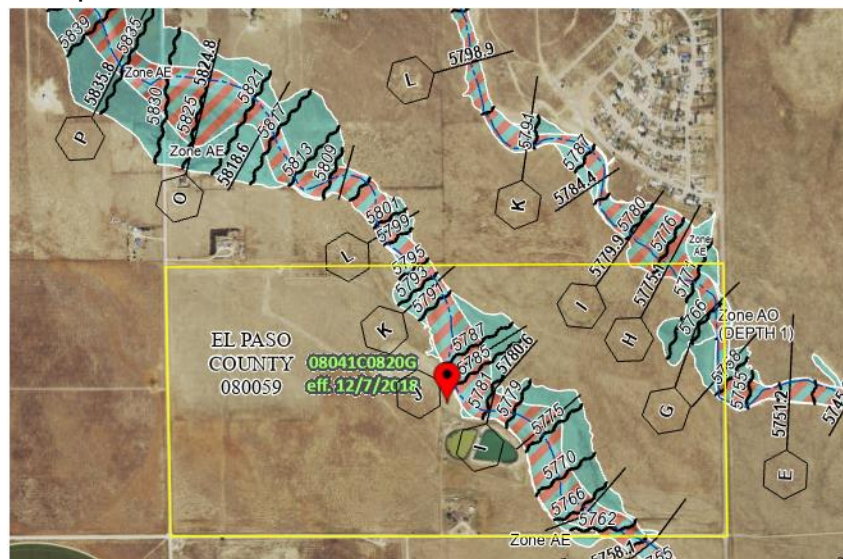
### G. PHYSICAL SITE CHARACTERISTICS

#### 1. Hazards

No geological hazards were identified during the review of the rezone application. A geology and soils report will be required with any subsequent subdivision request.

#### 2. Floodplain

The parcel contains two (2) distinct 100yr regulatory floodways areas specifically zoned AE and AO. These flood areas have been surveyed and contain base flood elevations. Future development of the parcel with buildable lots two and one half (2½) acres and larger, are required to have the 100-year floodplain contained in a drainage easement dedicated by plat in the name of the governing body with the restrictions of “No Build” and “No Storage of any Materials”. If subdivision proposals are located within three hundred (300) feet of a Zone A (including AO and AE) floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on any future plat. The Federal Flood Insurance Rate Map for this parcel is 08041C0820G, effective on December 7<sup>th</sup>, 2018.



2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

### **3. Drainage and Erosion**

The property is located within three (3) different drainage basins those being the Lower Black Squirrel, Book Ranch, and Telephone Exchange. Both Book Ranch and Telephone Exchange are studied and have drainage basin and bridge fees. Lower Black Squirrel currently does not have drainage basin or bridge fees. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage. Drainage basin and bridge fees will be required at the time of platting during the subdivision process, if applicable.

### **4. Transportation**

The property is bordered by three County maintained roads: Bar Ten Road, Drennan Road, and South Ellicott Highway. Bar Ten is classified as a rural local gravel road. Drennan is classified as a rural minor collector gravel road. South Ellicott is classified as rural major collector paved road. Additional right-of-way dedication to the County will be requested at time of final plat for Drennan Road and South Ellicott Highway. Future lots will be required to gain access from the lowest classification roadway, and lots will require a county driveway access permit.

Per Engineering Criteria Manual Appendix B.1.2.D, a transportation impact study was not required with this rezone application because the average daily trips are anticipated to be less than 100, and no other listed criteria is triggered at this time. The requirement for a Traffic Impact Study or memorandum will be reviewed at the time of the subdivision and replat stage.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) anticipates Drennan Road to be improved as a two (2) lane paved minor collector with 80-foot right-of-way. Additionally, Ellicott Highway is to be improved to a minor arterial with 100-foot right-of-way.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. Fees will be due at the time of building permit issuance.



## **H. SERVICES**

### **1. Water**

A finding of water sufficiency is not required with a map amendment request. A finding of water sufficiency for water quantity, quality, and dependability is required with any subsequent final plat(s) application.

### **2. Sanitation**

Wastewater is anticipated to be provided by onsite wastewater treatment systems.

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District. The district was sent a referral and has no objections to the rezone request.

### **4. Utilities**

Mountain View Electric Association (MVEA) is anticipated to provide electrical service. MVEA was sent a referral for the rezone, and has no outstanding comments. The gas service provider is Colorado Natural Gas; Colorado Natural Gas did not respond with comments for this project.

### **5. Metropolitan Districts**

The property is not located within a metropolitan district service area.

### **6. Parks/Trails**

Parkland dedication or fees in lieu of parkland dedication is not required for a map amendment (rezoning) application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

### **7. Schools**

The subject property is with the Ellicott School District No. 22. Land dedication or fees in lieu of school land dedication is not required for a map amendment application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no major issues with this map amendment request.



## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and 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 (2022), 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 A-35 (Agricultural) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

### **NOTATIONS**

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

## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 35 adjoining property owners on February 10, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.





## **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Letter of Intent Concept Map Exhibit

Rezone Map

Draft PC Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

[WWW.ELPASOCO.COM](http://WWW.ELPASOCO.COM)

# El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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



COPYRIGHT 2022 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

TR EL PASO LAND, LLC  
999 18<sup>TH</sup> STREET, SUITE 3000  
DENVER, CO 80202

PLANNING SUPPORT

KIMLEY-HORN & ASSOCIATES  
2. NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903

SURVEYING

POLARIS SURVEYING, INC  
1903 LELARAY STREET, SUITE 102  
COLORADO SPRINGS, CO 80909

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3500000245. The proposed rezoning is located at the northwest corner of intersections of South Ellicott Highway and Drennan Road (see vicinity map insert and map exhibit for details). The combined acreage of the properties included in the proposed rezone is ±275.89. (Currently Zoned R-4).



REQUEST

The application is to Rezone 275.89 acres from the R-4 zone (obsolete) to the A-35 zoning district. The approved final plat will clarify zone district boundaries with respect to ROW, adjacent parcels, and landscape buffers and setbacks as necessary. The application includes the following request:

- Approval to develop 7 lots under the A-35 zone.
- Each lot will be approved with on-site wells and septic. Each lot will be required to complete individual permitting independent of the rezone.

## JUSTIFICATION

Per the El Paso County Land Development Code Chapter 4 (4.1.4 Obsolete Zoning Districts) the current R-4 Zoning identified as "Planned Development" has been declared to be obsolete pursuant to Board of County Commissioners (BoCC) Resolution No. 91-59, Land use 10 as replaced by Resolution No. 92-46 later replaced by Resolution No. 17-374 Exh. A. 12-12-2017.

*"Zoning District, Obsolete--A zoning district which remains applicable to land, but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county.*

*4.1.4. Obsolete Zoning Districts The C-1, C-2, M, and R-4 zoning districts have been declared to be obsolete pursuant to BoCC Resolution No. 91-59, Land Use 10 as replaced by Resolution 92-46, Land Use-9. No land will be rezoned to an Obsolete Zoning district. The BoCC may modify the allowed uses, special uses, and development standards within these zoning districts. Landowners are encouraged to rezone land from an Obsolete Zoning district classification. The BoCC may offer incentives, such as modified application fees in order to accomplish this goal."*

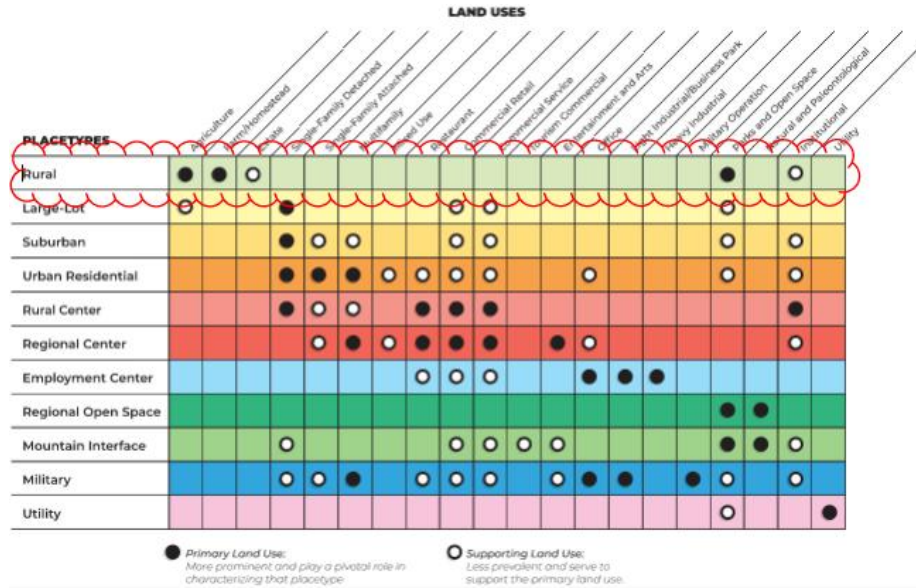
The request of the zone-change will result in the "down-zoning" of the area to a lower density of land use. Per the approved resolution "Landowners are encouraged to rezone land from an Obsolete Zoning district classification". The down-zone to A-35 provides a variety of potential development use.

The request has no impacts on identified or acknowledged overlay zoning that would impact the A-35 zone.

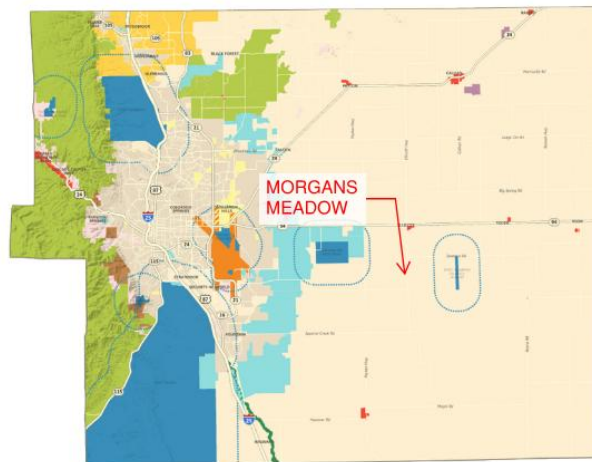
The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed rezone provides opportunity to preserve the agricultural character of rural communities. The character of the area is generally rural and distant from high activity and higher density areas. Rural El Paso County exists of hilly areas to the east. The project will preserve the rolling plains and maintain the grazing lands used for agricultural production of rural lifestyle. Rural areas also provide farm homesteads and large single-family estates on substantially sized parcels. The rezone will provide 35+ ac home sites. The project/rezone will not put additional demands on the area infrastructure and is consistent with the area landscape and development context in the county.



Key Areas:

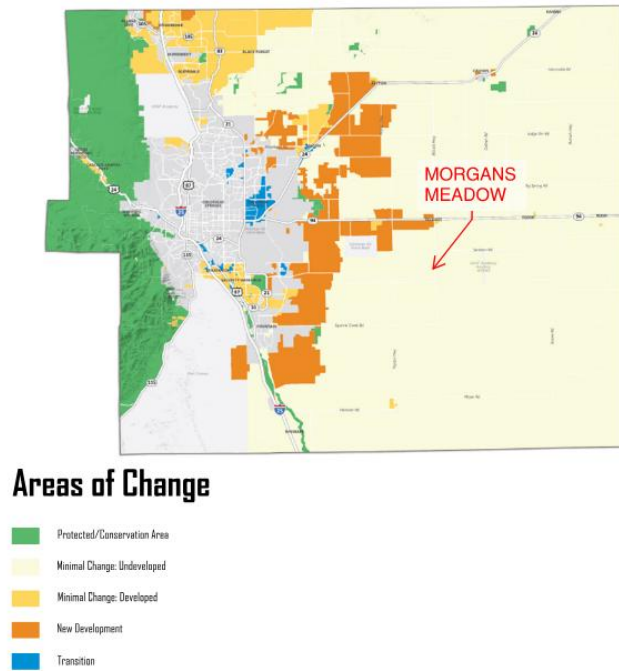


### Key Areas

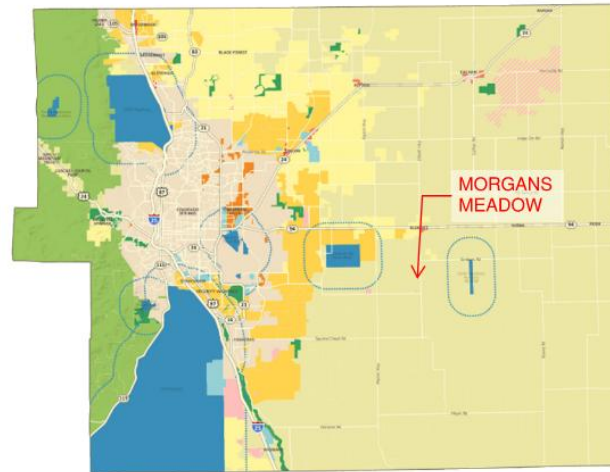
- Military Installations and 2-Mile Notification Zone
- Small Town & Rural Communities
- Tri-Lakes Area
- Potential Area For Annexation
- Forested Area
- Colorado Springs Airport/ Peterson Air Force Base
- Enclaves or Near Enclaves
- Fountain Creek Watershed Flood Control & Greenway District
- Uncommon Natural Resources
- Pikes Peak Influence Area

The property is not located within any of the ten (10) key areas.

Areas of Change:



Morgans Meadow is located in the area expected for "Minimal Change Undeveloped". These areas are designated as low impact, undeveloped or agricultural areas. It is expected that these developments are to match the characteristics of adjacent properties.



**Placetypes**

 Military	 Urban Residential	 Regional Open Space
 Rural	 Rural Center	 Mountain Interface
 Large-Lot Residential	 Regional Center	 Utility
 Suburban Residential	 Employment Center	 Incorporated Area

Morgan’s Meadow is located within the Rural type. This land use is designated for agricultural homestead, 35 acres or larger. The rural place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- The rezone would be consistent with this place type
- The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.
- The proposal would provide for the land uses in relation to existing and predicted patterns of growth in the area.
- The proposal is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans

**Water Master Plan:**

Under the Colorado Revised Statutes, Title 32. This property is within the Region 4c district boundary and will consistently follow the rules and regulations per the El Paso County Water Master Plan,

- A sufficient water supply has been clarified or provided through existing private wells. The well have been permitted per quantity and quality standards set forth in the State water supply standards.
- The individual wells will be monitored per local standards

- The reduction in zone density and projected build out will reduce the water demand in the area/region 4c.

Wastewater systems:

- Wastewater services will be provided by way of individual on-site septic/wastewater systems.
- Individual private properties on-site sewage disposal systems will be established and comply with state and local laws and regulations, per [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;

Electric

- Electric service will be provided through Mountain View Electric

Gas

- Gas service will be provided through Colorado Natural Gas

Natural or Physical site features:

**The Zone Change will support the preservation of the natural features and drainages of the site and surrounding lands:**

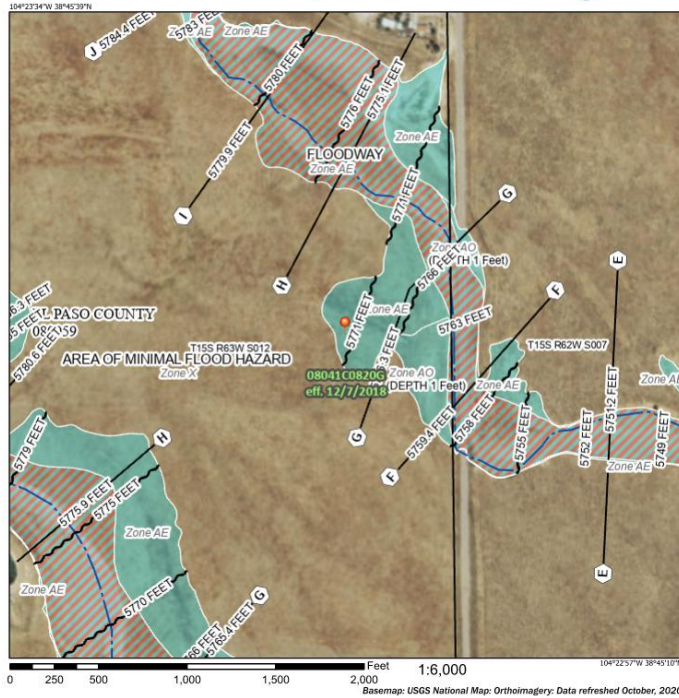
- Site Natural Features:
  - Site is located within three (3) drainage basins, those being Lower Black Squirrel (CHBS0600), Telegraph Exchange (CHWS0200) and Book Ranch (CHBS0800). Data provided by Muller Engineering Company; (1988)



- The topography of the site is rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide without a defined flow path and no erosion is anticipated.
- The site consists of;
  - A floodway Zoned AE per the National Flood Hazard Layer FIRMette (08041C0820G)
  - A Floodway Zoned AO per the National Flood Hazard Layer FIRMette (08041C0820G)



## National Flood Hazard Layer FIRMette



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, AR
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

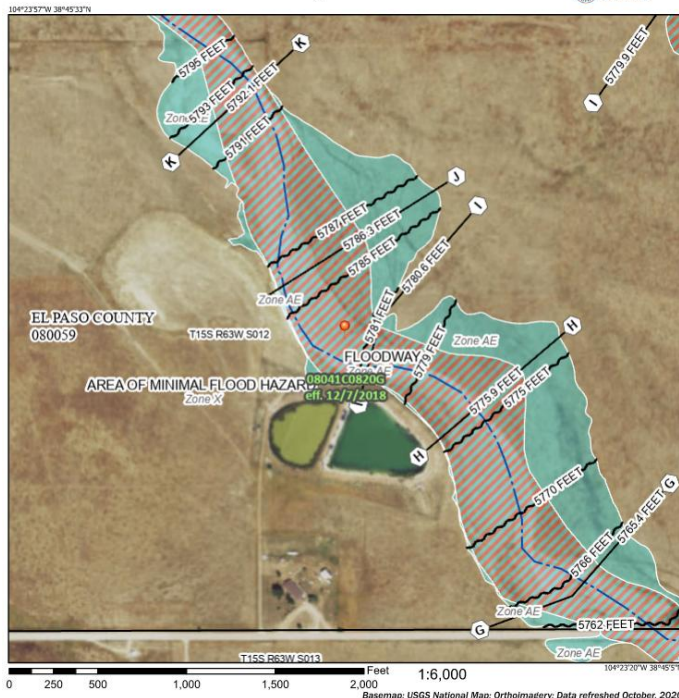
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. The map was exported on 1/9/2023 at 11:43 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

## National Flood Hazard Layer FIRMette



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, AR
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. The map was exported on 1/9/2023 at 11:58 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

- o Said Site is mapped as low to moderate-high per the wildfire risk public viewer.



## Colorado Wildfire Risk Public Viewer

<https://co-pub.coloradoforestatlas.org>

### Burn Probability

Annual probability of any location burning due to wildfire.

Created on:

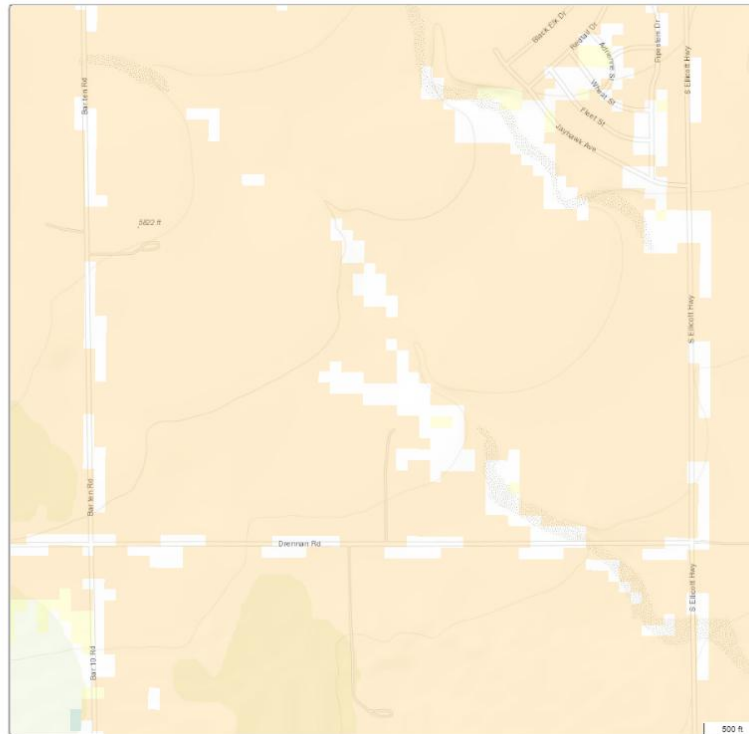
1/9/2023, 10:12 AM

### Disclaimer

The user assumes the entire risk related to their use of the Colorado Wildfire Risk Public Viewer and either the published or derived products from these data.

The Colorado State Forest Service is providing these data "as is" and disclaims any and all warranties, whether expressed or implied, including (without limitation) any implied warranties of merchantability or fitness for a particular purpose.

In no event will Colorado State Forest Service be liable to you or to any third party for any direct, indirect, incidental, consequential, special or exemplary damages or lost profit resulting from any use or misuse of these data.



## Legend

<https://co-pub.coloradoforestatlas.org>

### Burn Probability

- Non-Burnable
- Very Low
- Very Low-Low
- Low
- Low-Moderate
- Moderate
- Moderate-High
- High
- High-Very High
- Very High

### County Boundaries

< 1:1,500,000

**Wildlife:**

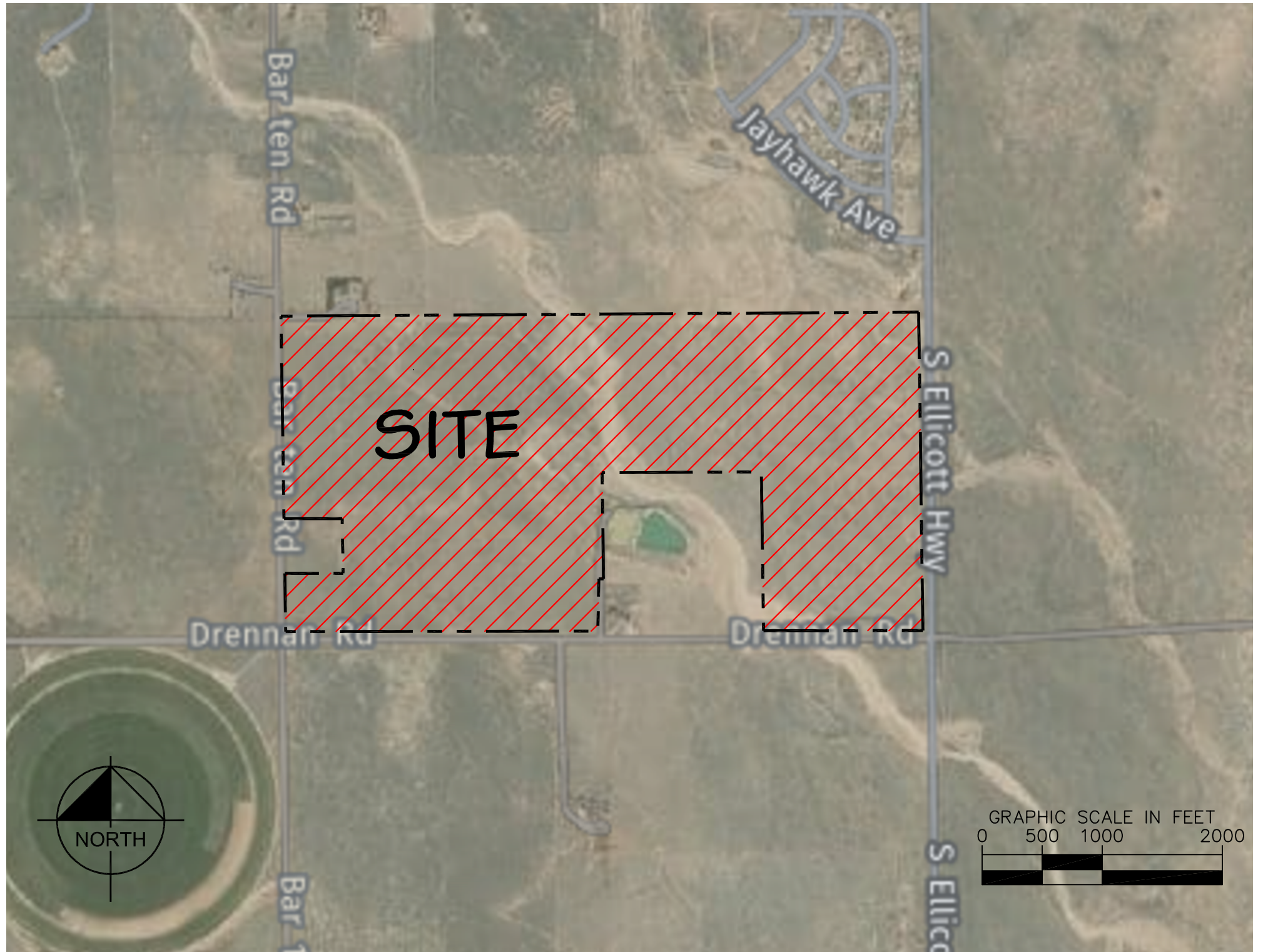
With the reduced allowable development density, the rezone will future help reduce Wildlife impacts are expected to be generally very-low

**Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.**

- **Adjacent owner notification letters were sent out 10/31/2022 informing neighbors that a rezone and replat of said property will be completed. No comments have been received.**
- **No additional community outreach has been conducted on the zone change to date. Due to the nature of the down-zone, it was not anticipated.**

**A Summary of anticipated traffic generation and access**

- A traffic study is not required in accordance with the ECM Section B.1.2.D, all criteria has been satisfied.
- It is planned that driveway access will be limited to the adjacent public right of ways and in compliance per ECM standards and provisions. To be defined with future site development plans and platting.
- Due to the down-zone character of the application, it is anticipated that the traffic projects for the same area of development should be reduced. Access for each future lot will be planned per current development and engineering standards.



SITE

Bar ten Rd

Jayhawk Ave

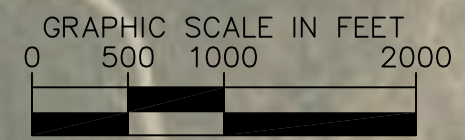
S Ellicott Hwy

Drennan Rd

Drennan Rd

S Ellicott Hwy

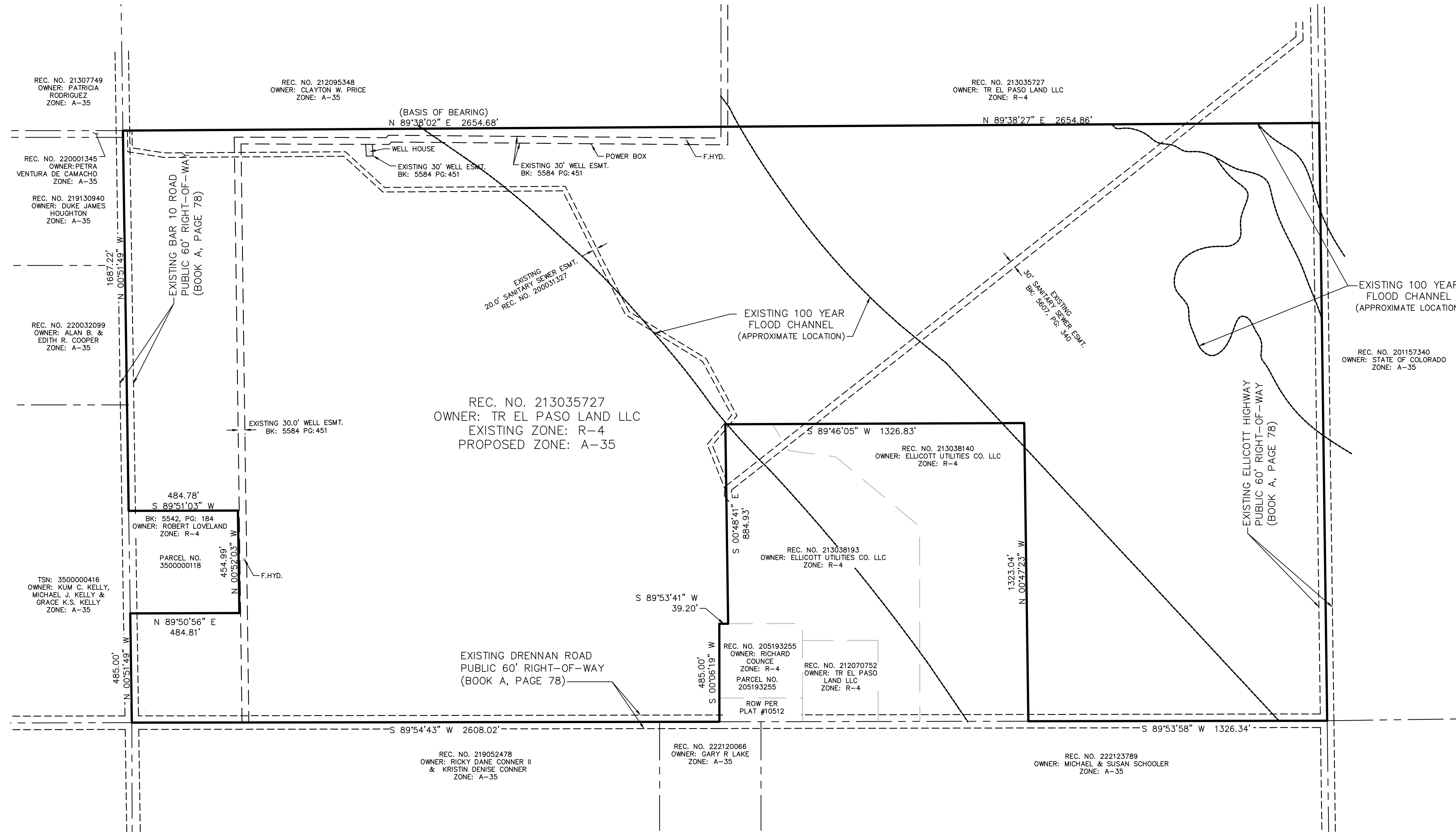
Bar ten Rd



# MORGAN'S MEADOW

## REZONE

SITUATED IN THE SOUTH HALF OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 63 WEST OF THE 6TH P.M.,  
COUNTY OF EL PASO, STATE OF COLORADO



**LEGAL DESCRIPTION**  
A PORTION OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 15 SOUTH RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 12, THENCE N89°38'02" E, 2654.68 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4;  
THENCE N89°38'27"E, 2654.86 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 TO THE EAST 1/4 CORNER OF SAID SECTION 12;  
THENCE S00°45'57"E, 2652.07 FEET ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 TO THE SOUTHWEST CORNER THEREOF;  
THENCE S89°53'58"W, 1326.34 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12;  
THENCE N00°47'23"W, 1323.04 FEET ALONG THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000310;  
THENCE S89°48'05"W, 1326.83 FEET ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000310 AND ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000310;  
THENCE S00°48'41"E, 884.93 FEET ALONG THE WEST LINE OF THAT SAID PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000310;  
THENCE S89°53'41"W, 39.20 FEET ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000210;  
THENCE S00°08'19"E, 434.99 FEET ALONG THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED UNDER EL PASO COUNTY TAX SCHEDULE NUMBER 3500000210 TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12;  
THENCE S89°54'43"W, 2608.02 FEET ALONG SAID SOUTHWEST 1/4 TO THE SOUTHWEST CORNER OF SAID SECTION 12;  
THENCE N00°51'49"W, 485.00 FEET ALONG THE WEST LINE OF SAID SOUTHWEST 1/4;  
THENCE N89°50'56"E, 484.81 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 5542 AT PAGE 184 OF THE RECORDS OF EL PASO COUNTY, COLORADO TO THE SOUTHWEST CORNER THEREOF;  
THENCE N00°52'00"W, 454.99 FEET ALONG THE EAST LONE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF;  
THENCE S89°50'51"W, 484.78 FEET ALONG THE NORTH LINE OF SAID TRACT TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12;  
THENCE N00°51'49"W, 1687.22 FEET ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING.

REC. NO. 201157340  
OWNER: STATE OF COLORADO  
ZONE: A-35

REC. NO. 213035727  
OWNER: TR EL PASO LAND LLC  
EXISTING ZONE: R-4  
PROPOSED ZONE: A-35

REC. NO. 213038140  
OWNER: ELLICOTT UTILITIES CO. LLC  
ZONE: R-4

REC. NO. 213038193  
OWNER: ELLICOTT UTILITIES CO. LLC  
ZONE: R-4

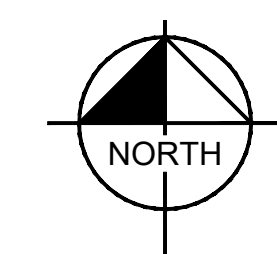
REC. NO. 205193255  
OWNER: RICHARD COUNCE  
ZONE: R-4  
PARCEL NO. 205193255  
ROW PER PLAT #10512

REC. NO. 212070752  
OWNER: TR EL PASO LAND LLC  
ZONE: R-4

REC. NO. 219052478  
OWNER: RICKY DANE CONNER II & KRISTIN DENISE CONNER  
ZONE: A-35

REC. NO. 222120066  
OWNER: GARY R LAKE  
ZONE: A-35

REC. NO. 222123789  
OWNER: MICHAEL & SUSAN SCHOOLER  
ZONE: A-35



K:\CCS\_LA\19687000 - Morgan's Meadow\CADD Plans\Sheets\DF-RZ.dwg Jan 12, 2023 10:50am

RESOLUTION NO. 23-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONE)  
TR EL PASO LAND LLC REZONE (P- 22-024)

WHEREAS TR El Paso Land, 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 R-4 (Planned Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 2, 2023, 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 the El Paso County Board of County Commissioners on April 4, 2023; 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the 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.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

6. That the proposed land use will be compatible with existing and permitted land uses in the area.
7. That 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. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That 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.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of TR El Paso Land, 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 R-4 (Planned Development) zoning district to the A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

NOTATIONS

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

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

DONE THIS 4th day of April 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder



EXHIBIT A

A portion of the South 1/2 of Section 12, Township 15 South Range 63 West of the 6th/ P.M., El Paso County, Colorado ,described as follows:

BEGINNING at the at the West ¼ Corner of said Section 12, thence, N89°38'02" E, 2654.68 feet along the North line of the Southwest 1/4 of said Section 12 to the Northeast Corner of said Southwest 1/4;

Thence N89°38'27"E, 2654.86 feet along the North line of the Southeast 1/4 of said Section 12 to the East 1/4 Corner of said Section 12;

Thence S00°45'57"E, 2652.07 feet along the East line of the Southeast 1/4 of said Section 12 to the Southeast Corner thereof;

Thence S89°53'58"W, 1326.34 feet along the South line of the Southeast 1/4 of said Section 12;

Thence N00°47'23"W, 1323.04 Feet along the East line of that parcel of land described under El Paso County Tax Schedule Number 3500000310;

Thence S89°46'05"W, 1326.83 feet along the North line of said parcel of land described under El Paso County Tax Schedule Number 3500000310 and along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000311;

Thence S00°48'41"E, 884.93 feet along the West line of that said parcel of land described under El Paso County Tax Schedule Number 350000031;

Thence S89°53'41"W, 39.20 feet along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000210;

Thence S00°06'19"E, 434.99 feet along the East line of said parcel of land described under El Paso County Tax Schedule Number 3500000210 to a point on the South line of the Southwest 1/4 of said Section 12;

Thence S89°54'43"W, 2608.02 feet along said Southwest 1/4 to the Southwest Corner of said Section 12;

Thence N00°51'49"W, 485.00 feet along the West line of said Southwest 1/4;

Thence N89°50'56"E, 484.81 feet along the South line of that tract of land described in Warranty Deed recorded in Book 5542 at Page 184 of the records of El Paso County, Colorado to the Southeast Corner thereof;

Thence N00°52'00"W, 454.99 feet along the East lone of said tract to the Northeast Corner thereof;

Thence S89°50'51"W, 484.78 feet along the North line of said tract to a point on the West line of the Southwest 1/4 of said Section 12;

Thence N00°51'49"W, 1687.22 feet along the West line of said Southwest 1/4 to the Northwest Corner thereof and the POINT OF BEGINNING.

Area = 275.90 acres more or less.