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**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

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## SUMMARY MEMORANDUM

TO: El Paso County Board of Commissioners  
FROM: Planning & Community Development  
DATE: 3/04/2023  
RE: P-22-022, Schmidt Rezoning, NES, Inc.

### Project Description

A request by Turkey Canon Quarry Inc. for approval of a map amendment (rezoning) of 31.44 acres from RR-5 (Residential Rural) to RM-30 (Residential, Multi-Dwelling). The property is located immediately adjacent and to the west of Vollmer Road, south of the future extension of Marksheffel Road and east of Black Forest Road. Design and construction of Marksheffel Road will be a developer requirement. The eastern portion of the property is within the CAD-O (Commercial Airport Overlay District) zoning overlay; however, the property is not within an Accident Potential Zone (APZ) airport subzone. Opposition concerns: increased density, traffic, compatibility, increased crime, demands on education facilities, berm at southern boundary, and concerns related to water availability.

If the rezone application is approved, the applicant is required to submit a final plat application for review and approval. Additionally, a site development plan is required to be submitted and approved prior to construction of any structures.

### 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

Fuller moved / Patterson seconded for approval, for a map amendment (rezone), Schmidt 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)**. The item was heard as a regular agenda item.

### Discussion

Mr. Moraes clarified that this request for a rezone only includes the area south of the future Marksheffel Road. Mr. Whitney asked Ms. Durham to elaborate on the future Marksheffel Road extension. Staff explained that there is an anticipated agreement between the City and County in regard to the construction of Marksheffel Road. Mr. Bailey discussed transitions, planned major intersections, compatibility with the Master Plan, and adjacent land uses; recognizing developers pay for road improvements. Ms. Fuller addressed compatibility and noted a proposed buffer at the southern boundary adjacent to single-family. Mr. Schuettpelz and Mr. Carlson were in general agreement with Mr. Bailey and Ms. Fuller. Mr. Whitney understands the frustration of rural properties being developed.

### Attachments

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

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## **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)

FULLER moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-022  
SCHMIDT RESIDENTIAL MULTI-DWELLING REZONE

WHEREAS, Turkey Canon Quarry Inc. 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 RM-30 (Residential Multi-Dwelling) 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 Turkey Canon Quarry Inc. 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 RM-30 (Residential Multi-Dwelling) 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 RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

3. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in onsite and offsite transportation improvements required by the development's traffic impacts as identified in each traffic impact study (TIS) which shall be submitted with each subsequent land use application. This includes but is not limited to improvements to Vollmer Road and Marksheffel Road. The developer's design, construction, and financial obligations and responsibilities shall be determined with the preliminary plan and final plat approvals.

**NOTATIONS**

1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. 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. Map amendment (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.
3. Final determinations of all road classifications, alignments, and intersections will be made at the time of preliminary plan when more detailed land use, traffic impacts, and preliminary road designs are available.

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.

PATTERSON seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent

Christopher Whitney  
Brandy Merriam

aye / no / abstain / absent  
aye / no / abstain / absent

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 2nd day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: BRS  
Brian Risley, Chair

DATED: March 2, 2023

## EXHIBIT A

### PROPOSED REZONE 2

#### PROPERTY DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND 3-1/4" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32;

THENCE ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, S89°14'45"W A DISTANCE OF 203.15 FEET;

THENCE DEPARTING SAID SOUTH LINE THE FOLLOWING SEVEN (7) COURSES:

1. N00°45'04"W A DISTANCE OF 61.34 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°50'34" AND AN ARC LENGTH OF 417.82 FEET, TO A POINT OF TANGENT;
3. N28°05'30"E A DISTANCE OF 210.86 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF TANGENT;
5. N00°41'24"W A DISTANCE OF 305.54 FEET;
6. N89°18'36"E A DISTANCE OF 393.21 FEET, TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1253.50 FEET, A CENTRAL ANGLE OF 39°16'05" AND AN ARC LENGTH OF 859.09 FEET, TO A POINT OF NON-TANGENT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAHITI DRIVE AS PLATTED IN HOLIDAY HILLS NO. 1 RECORDED IN BOOK E-2 AT PAGE 12 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°09'11"E A DISTANCE OF 302.60 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S34°04'17"W A DISTANCE OF 764.06 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32;

THENCE ON SAID SOUTH LINE, S89°14'13"W A DISTANCE OF 816.32 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,369,628 SQUARE FEET OR 31.4423 ACRES.

# 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:** Kari Parsons, Senior Planner  
Charlene Durham, PE Engineer III  
Meggan Herington, AICP, Executive Director

**RE:** Project File #: P-22-022  
Project Name: Schmidt Residential Multi-dwelling Rezone  
Parcel No.: 52000-00-562

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Turkey Canon Quarry Inc 20 Boulder Crescent Street Colorado Springs, CO, 80903	N.E.S., Inc. 619 North Cascade Avenue Colorado Springs, CO, 80903

### Commissioner District: 2

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

### EXECUTIVE SUMMARY

A request by Turkey Canon Quarry Inc. for approval of a map amendment (rezoning) of 31.44 acres from RR-5 (Residential Rural) to RM-30 (Residential, Multi-Dwelling). The property is located immediately adjacent and to the west of Vollmer Road, south of the future extension of Marksheffel Road and east of Black Forest Road. Design and construction of Marksheffel Road will be a developer requirement. The eastern portion of the property is within the CAD-O (Commercial Airport Overlay District) zoning overlay; however, the property is not within an Accident Potential Zone (APZ) airport subzone.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520-6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## A. WAIVERS/DEVIATIONS/AUTHORIZATION

**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. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners (BoCC) 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):

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





### C. LOCATION

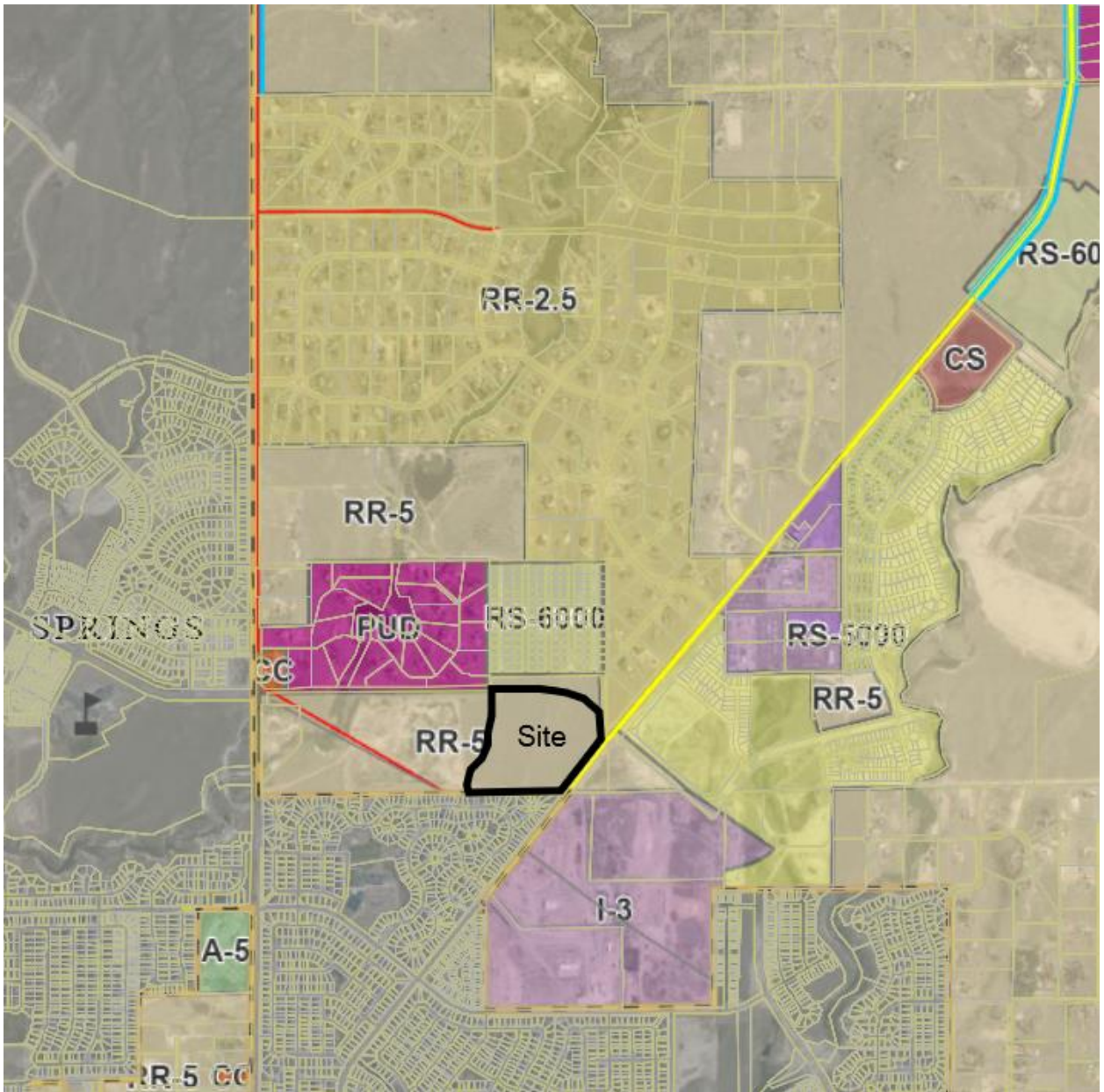


Figure C1: Zone Map

North: RS-6000 (Residential Suburban)  
 South: City of Colorado Springs  
 East: RR-5 (Residential Rural)  
 West: RR-5 (Residential Rural)

Vacant  
 Single-family detached residential  
 Vacant  
 Vacant (closed gravel pit)

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## D. BACKGROUND

The Board of County Commissioners (BoCC) approved the initial zoning of the subject property to A-5 (Residential) September 20, 1965. Nomenclature changes within the Land Development Code have renamed the district to RR-5 (Residential Rural).

On February 24, 1983, a special use was approved for mineral extraction (gravel pit), and a variance of use for asphalt recycling and retail sales were approved by the Board of County Commissioners. On January 9, 1992, an additional special use to allow for a portable wash plant to wash aggregate was approved by the Board of County Commissioners. The gravel pit and ancillary operations have ceased on the property.

The proposed 31.44-acre map amendment (rezone) from RR-5 (Residential Rural) to RM-30 (Residential Multi-Dwelling) is located on the eastern portion of the overall 97-acre site adjacent to single-family residential development to the south. The future extension of Marksheffel Road lies at the northern boundary of the requested rezone area which the applicant will be required to construct if the development comes to fruition. Vollmer Road is immediately adjacent to the east. The western portion of the overall property is not included with the requested rezone. The developer has not provided information regarding the intent for future development for that portion of the property.

## E. ZONING ANALYSIS

### 1. Land Development Code Analysis

Section 3.2.4 of the Land Development Code (2022) states the following as the intent of the RM-30 (Residential Multi-Dwelling District) zoning district:

*The RM-30 zoning district is a 30-dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development.*

Allowed principal uses with the RM-30 zoning district include, but are not limited to attached single-family, detached single-family, and multi-family dwelling, boarding house, childcare center, retirement center, education facilities and emergency facilities.

A maximum of 30 dwelling units per acre is permitted within the requested RM-30 zoning district. The applicant has stated in their letter of intent that a multi-family



apartment complex with a maximum of 25 dwelling units per acre is proposed on the subject property.

The map amendment (rezoning) area is adjacent to properties within unincorporated El Paso County zoned RS-6000 (Residential Suburban), RR-5 (Residential Rural), and single-family residential properties located within the incorporated boundaries of the City of Colorado Springs.

Marksheffel Road is planned to connect through the subject property at the northern boundary which is anticipated to separate the existing rural single-family residential land uses, within the Silver Pond Subdivision, to the northwest, from the proposed moderate density residential development. The land to the north, Holiday Hills Subdivision, allows for urban density; however, it is not developed due to a lack of water and wastewater infrastructure availability. To the south of the property, within the City of Colorado Springs, is the Trails at Forest Meadows development which includes urban single-family residential lots. East of the property, across Vollmer Road, it is anticipated that mixed use and urban density development will occur within and adjacent to the Sterling Ranch Sketch Plan area. The moderate density residential proposed on the property could be considered incompatible with the urban residential density to the south. However, the residential use is more compatible than commercial land use; is anticipated to have less noise, traffic, odor, and visual impacts. A minimum 15-foot zone district buffer is required between the existing single-family residential development to the south and the proposed rezone area. Additionally, design, buffering, and landscaping will be evaluated at the site development plan to ensure compatibility.

The property is located within the CAD-O (Commercial Airport Overlay District) zoning overlay, but not within the Accident Potential Zone (APZ) airport subzone. Multi-family residential is an allowable land use within the CAD-O. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O overlay district is to ensure compliance with the Federal Aviation Administration; to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided a response indicating that they have no concerns. Section



4.3.1 CAD-O, Commercial Airport Overlay District, of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat but does not require provision of an avigation easement. More specifically, Section 4.3.1 of the Code states:

*The following are required prior to approval of any rezoning or subdivision plat:*

- *The request shall be referred to Airport Advisory Commission for review and comment.*
- *Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval.*

The applicant will be required to comply with the above referenced section of the Code at the final plat stage of development.

## **2. Zoning Compliance**

The density and dimensional standards for the RM-30 (Residential Multi-Dwelling) zoning district are as follows:

- Maximum density (Dwelling units/acre): 30
- Minimum lot size: 5,000 square feet<sup>1</sup>
- Width at front setback line: 35 feet
- Setbacks
  - Front: 25 feet<sup>2</sup>
  - Side: 15 feet<sup>2</sup>
  - Rear: 15 feet<sup>2</sup>
- Maximum lot coverage: 60 percent
- Maximum height: 40 feet
- Minimum Internal Landscape requirement: 15 percent

<sup>1</sup> Minimum lot area of 5,000 square feet applies to single-family detached dwellings, Two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.

<sup>2</sup> The minimum distance between buildings shall be 10 feet.



In order to initiate any uses on the property, the applicant will need to obtain site development plan approval for the multi-family residential structures. County review and administrative approval of site development plans will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, parking, and lighting standards. The subdivision, and site development plan, will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

## **F. MASTER PLAN ANALYSIS**

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

#### **a. Place Type Character: Suburban Residential**

*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.*

*Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.*



## Recommended Land Uses:

### Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

### Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



Figure F.1: Placetype Map

### **Analysis:**

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

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

*Goal 2.1 - Promote development of a mix of housing types in identified areas.*

*Goal LU3 – Encourage a range of development types to support a variety of land uses.*

*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.*

*Goal HC3- Locate attainable housing that provides convenient access to goods, services, and employment.*

*Objective HC4-1 – Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.*

*Objective TM1-4 – Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.*

*Objective TM2-1 – Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.*

The proposed map amendment (rezone) proposes a moderate density multi-family residential development which is consistent with the recommended density and supporting land use within the Suburban Residential placetype. The overall density is limited to 30 dwelling units per acre; however, pursuant to required infrastructure necessary to implement the use: design, and construction of Marksheffel Road, water and wastewater connectivity, and other utilities, the applicant has stated in their letter of intent that a maximum of 25 dwelling units per acre is proposed. Additionally, the proposed rezone accommodates a mix of housing types to include attainable housing in the area. The subject property is adjacent to Vollmer Road and future Marksheffel Road which enables future residents to direct access to regional transportation corridors without “cutting through” residential neighborhoods, and which may provide more direct access to existing commercial/industrial development in the area which may provide employment opportunities for future residents.



The property is anticipated to be served by Falcon Area Water and Wastewater Authority (FAWWA). Black Forest Fire Protection District and Academy School District were sent a referral to review the application and have no outstanding comments.

**b. Area of Change Designation: New Development**

The subject parcel is within an area of New Development: *These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

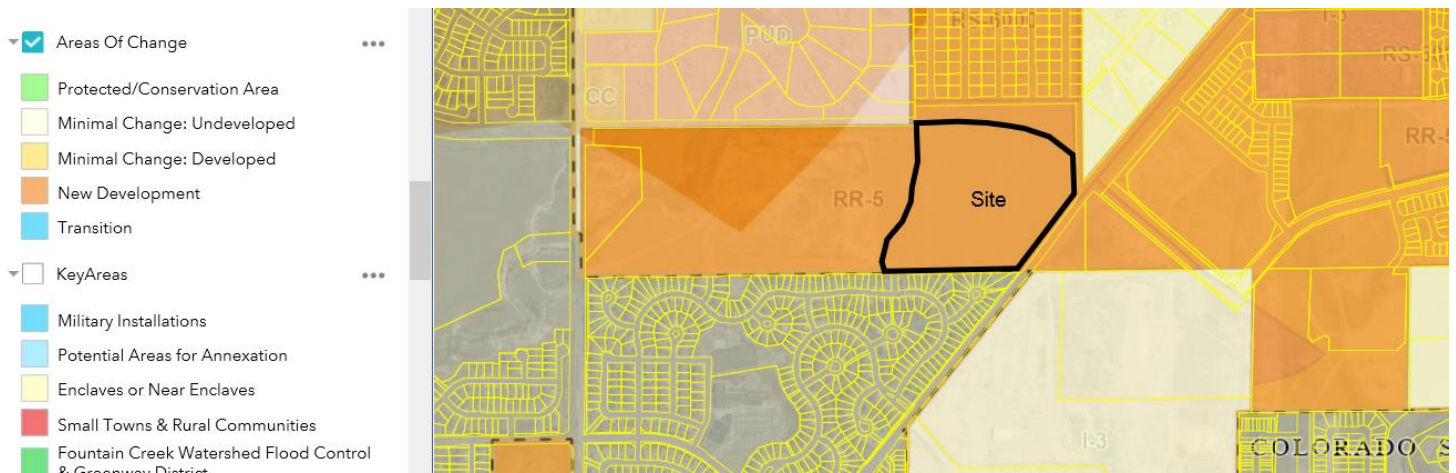


Figure F.2

**Analysis:**

The subject area is located in an area which is expected to completely or significantly change in character. The re-purposing of a portion of the gravel pit and associated ancillary uses to a multifamily development is a significant character change to the subject property which is anticipated to be a less impactful use to the adjacent residential properties. Multifamily development is a supporting landuse within the Suburban Residential Placetype, and may provide a complimentary land use to the planned commercial nodes in the nearby Sterling Ranch development and anticipated Jaynes Sketch Plan area which are adjacent to the Briargate/Stapleton Corridor, approximately a mile to the north.



### c. Key Areas: Potential for Annexation

*El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is located within the Potential or Annexation Key Area.*



Figure F.3

### Analysis:

The subject property is located within the Potential Areas for Annexation. The key area map demonstrates the anticipated urban growth areas in unincorporated El Paso County. The property is contiguous to the City boundary; however, the applicant does not wish to annex into the City at this time. The applicant, City and County are coordinating on the design of Vollmer Road and Marksheffel Road. Continued coordination between the applicant, City, and County is anticipated to occur to ensure the design and construction for the Cottonwood Creek Channel, Marksheffel Road Bridge, and trail corridor which will be required when the remainder of the parcel is developed.

### d. Other Implications (Priority Development, Housing, etc.)

The subject property is located within the Priority Development Area, Falcon Community.

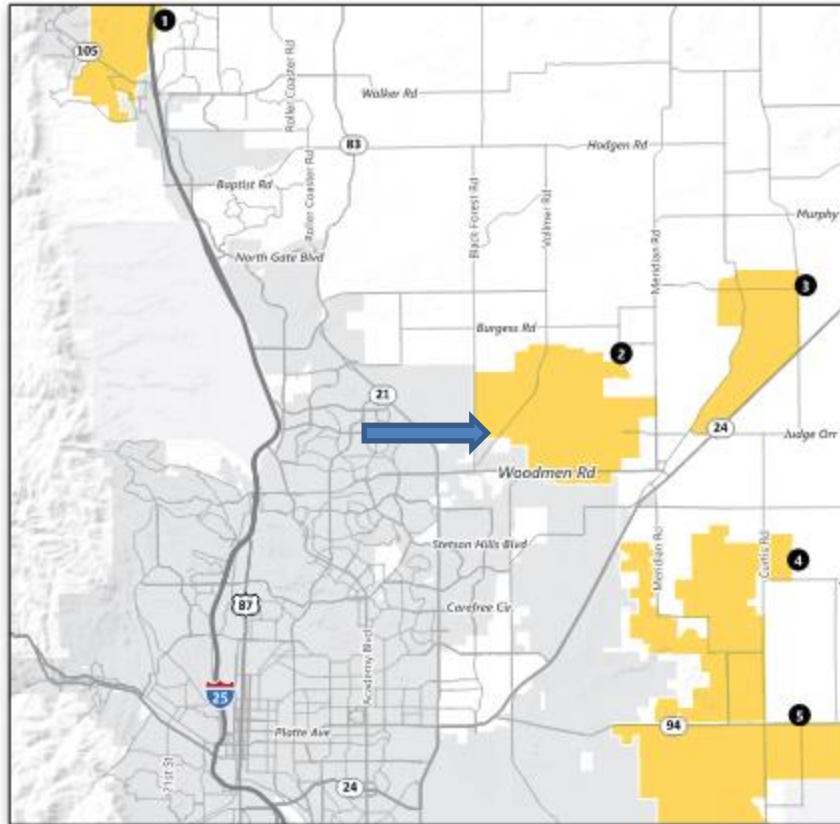


Figure F. 4: Suburban Residential High Priority Areas

*The Falcon community has developed its own unique character and functions like a small municipality. New Suburban Residential development would not only match the existing development pattern in Colorado Springs and Falcon to the east and west but also act as a density buffer between more urban development to the south and large-lot to the north. The proposed sketch plan is also consistent with the High Priority Areas, and the guidelines below:*

- *Residential development near the municipal boundaries adjacent to this area may include single-family attached and multi-family units.*
- *The County should emphasize Stapleton Road, Woodmen Road and Vollmer Road as connectivity corridors that would provide important access to necessary goods and services in surrounding*

*communities, generally supporting suburban residential development.*

- The County should support the completion of Stapleton Road to improve connectivity between Falcon and Colorado Springs.*
- Neighborhood-level commercial uses and public services should also be considered in these areas at key intersections.*

## **2. 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.*

***Policy 5.2.4*** – *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development is proposed to be served by Falcon Area Water and Wastewater Authority (FAWWA), a central water provider. The subject property is located in a growth area within Region 3, Falcon Area, which is expected to experience significant growth by 2040. Specifically, the Plan states:

*Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the*



*region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road.*

The Water Master Plan identifies a current water demand of 4,494-acre feet (AF) and a current supply of 7,164 AF for this Region, resulting in a surplus of water (decreed water rights) of 2,670 AF. The area included within the rezoning request is projected in the Water Master Plan as likely to reach build out by year 2040. For year 2040, the Plan projects a water demand of 6,403 AF for Region 3 versus a projected supply of 7,921 AF, resulting in a reduced surplus of 1,581 AF. When considering additional development in Region 3, it is important to note that the Plan ultimately projects a water supply deficit for the Region of 1,143 AF by 2060.

Findings of sufficiency with respect to water quality, quantity, and dependability are not required with map amendment (rezone) approvals but will need to be made with subsequent final plat approvals for development within map amendment area.

### **3. Other Master Plan Elements**

**a.** The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, and Environmental Services Division, were each sent referrals and have no outstanding comments.

**b.** The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcel. A gravel mine was active on the property until 1995. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

**c.** The Community Services Department Parks Division has provided the response below which includes an analysis regarding conformance with The El Paso County Parks Master Plan (2022).

*El Paso County Parks Master Plan shows several proposed trails in the vicinity of this project. The proposed Marksheffel Road Bicycle Route follows the future Marksheffel Road extension on the northern boundary of*



the site. The proposed Vollmer Road Bicycle Route runs along Vollmer Road on the southeast side of the site. The proposed bicycle routes will not have an impact on the development as they will be accommodated within the public right of way. In addition to the proposed bicycle routes, there are proposed regional trails in the area. El Paso County's proposed Sand Creek Regional Trail ends at the intersection of Vollmer Road and the future North Marksheffel Road. This proposed trail is on the east side of Vollmer Road, across the street from the subject property. There will not be any impacts from this trail on the proposed development. There is however a proposed City of Colorado Springs trail that follows the south and east sides of the development. As the development borders the incorporated city limits of Colorado Springs, staff suggests the applicant coordinate with City Parks to ensure there are no impacts to planned trails in this area.

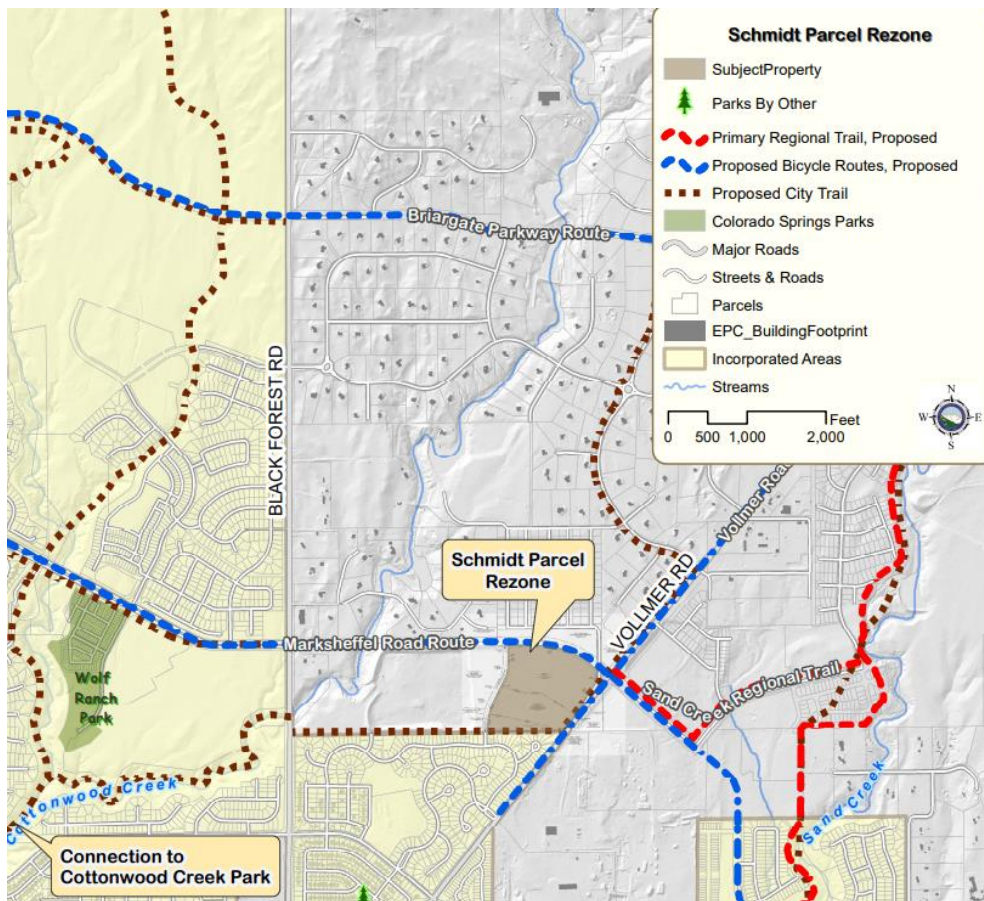


Figure F. 5: Parks Master Plan

d. Please see below for more information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geologic hazards and soils study is not required with a map amendment (rezoning). A geology and soils study meeting the requirements of the Land Development Code and Engineering Criteria Manual shall be required with subsequent land use applications.

### **2. Wildlife**

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

### **3. Floodplain**

Per FEMA Flood Insurance Rate Map panel number 08041CO764G, the proposed rezone portion of the subject property is not located within a regulatory floodplain.

The far west side of the subject parcel (not in the rezone area) is located within Zone AE, 100-year floodplain with Base Flood Elevations determined.

### **4. Drainage and Erosion**

The area of the proposed rezone is located within the Sand Creek drainage basin, which is included in the El Paso County drainage basin fee program. Drainage fees and bridge fees shall be calculated with the final drainage report, to be submitted with the final plat, and paid at the time of final plat recordation.

A preliminary drainage report will be required with the preliminary plan. The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts of the proposed development, typically by providing water quality and flood control detention facilities. A grading and erosion control plan will also be required with preliminary plan or final plat submittals.



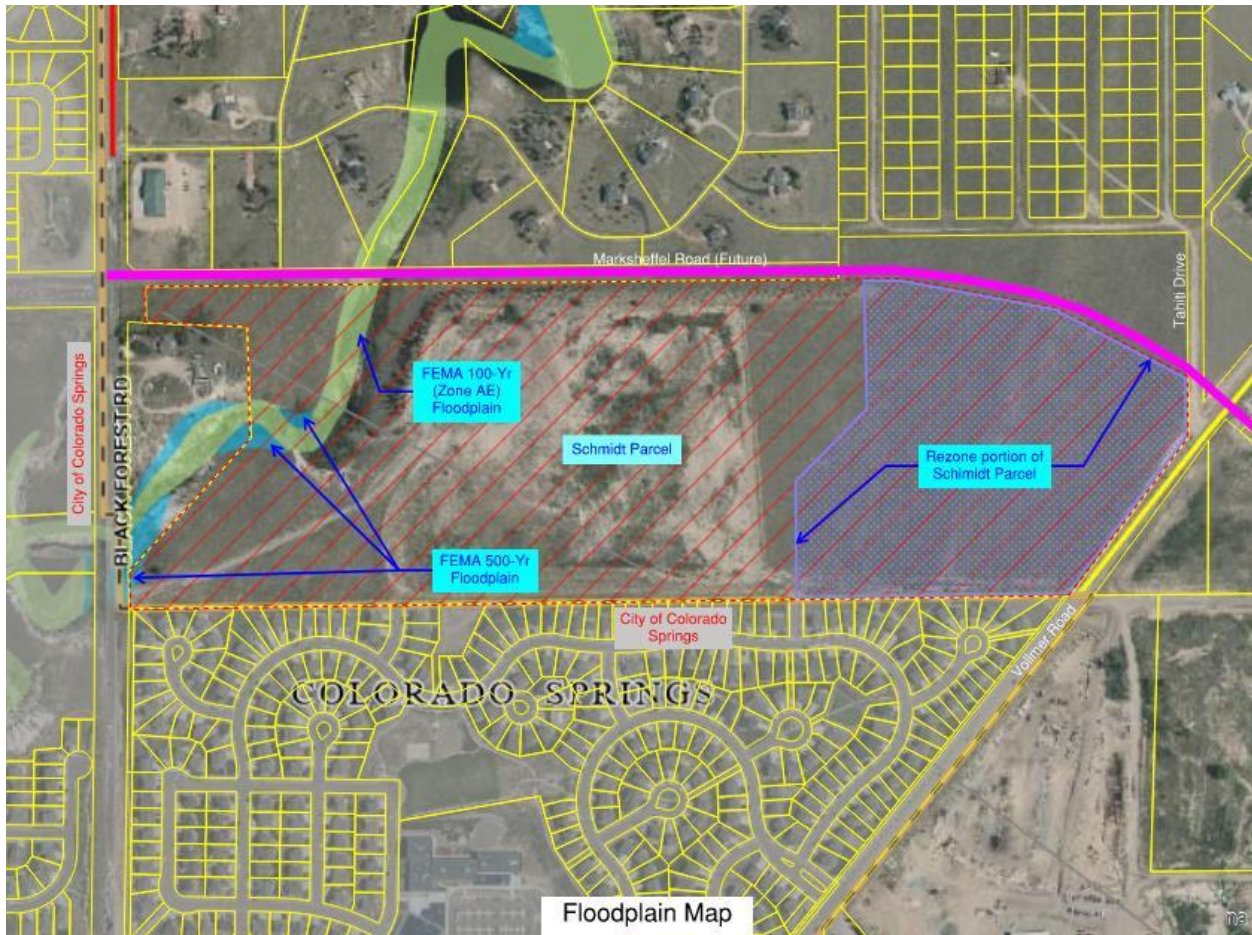


Figure G.1: Vicinity & Floodplain Map

## 5. Transportation

The property is located along the south side of the future Marksheffel Road extension, south-west of the intersection of Vollmer Road and Tahiti Drive. Tahiti Drive is classified as a Rural Local Road (not County maintained) and the segment accessing Vollmer Road will be closed with the construction of Marksheffel Road west of Vollmer Road. Vollmer Road and Marksheffel Road are classified as Minor Arterial Roadways. Marksheffel is currently being constructed east of Vollmer Road and will continue to the west as development progresses. Due to the proximity to the City boundary, all segments of Marksheffel Road will be owned and maintained by the City of Colorado Springs and are being designed and constructed in accordance with the City's criteria and approval processes.

The submitted traffic study identifies the primary access to the site to be from Marksheffel Road via Vollmer Road. According to the Traffic Impact Study, offsite roadway improvements will be required along Vollmer Road, along with the construction of Marksheffel Road. A Non-Residential Collector, Brush Top Road, is proposed to provide a north-south corridor for the proposed development in the rezone area, connecting to the existing City right-of-way stub provided with the Trails at Forest Meadows development to the south.

It is anticipated that by development buildout (year 2040), a signal may be warranted at the Marksheffel Road and Vollmer Road intersection. This intersection will be monitored as development progresses to determine if and when traffic signal installation is appropriate, in coordination with the City of Colorado Springs.

Further analysis of the improvements, roadway designs, cost estimates and escrow amounts will be provided with additional traffic studies associated with the subsequent land use applications. The extent of developer responsibility for the offsite improvements mentioned above will be determined with the subsequent preliminary plan and final plat applications.

All proposed access and roadway locations provided in the rezone application are conceptual and subject to change until approved by El Paso County and the City of Colorado Springs through the subdivision process.

The development is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. Construction of qualifying roads and intersections will be eligible for reimbursement under the fee program provisions.





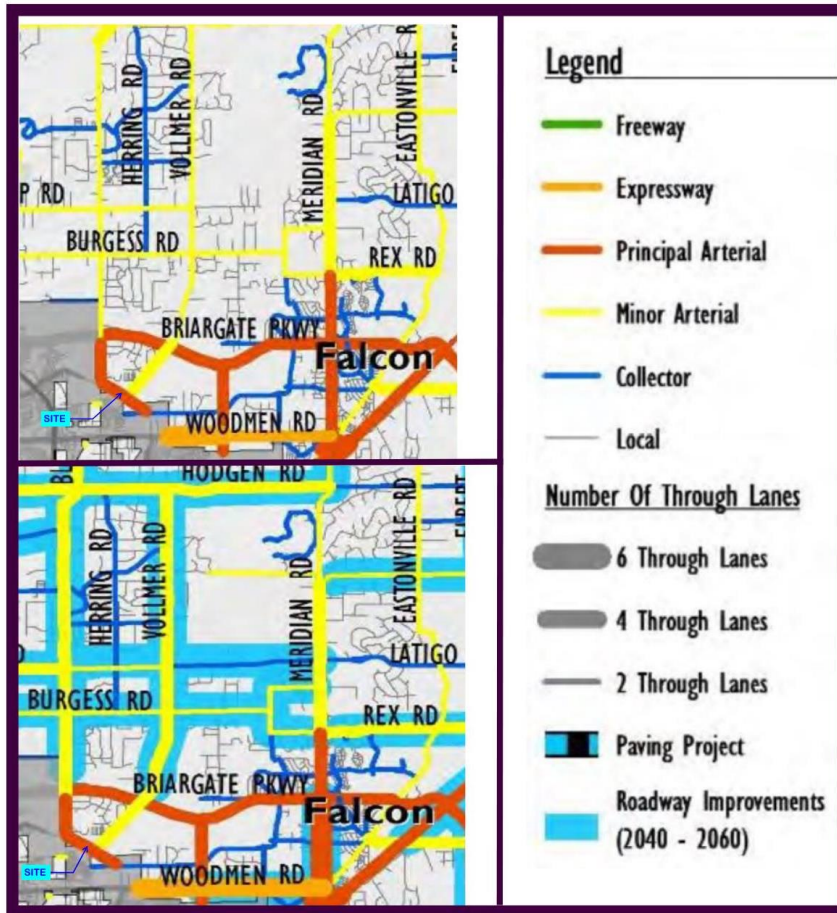


Figure G.2: Major Transportation Corridor Plan (2040 & 2060)

## H. SERVICES

### 1. Water

The subject parcels are proposed to be served by the Falcon Area Water and Wastewater Authority (FAWWA).

### 2. Sanitation

Wastewater is anticipated to be provided by Falcon Area Water and Wastewater Authority (FAWWA).

### 3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no concerns with the proposed map amendment.

#### **4. Utilities**

Electrical service and Natural gas service is provided by Colorado Springs Utilities (CSU). CSU was sent a referral and has no outstanding comments.

#### **5. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application, but will be due at the time of recording the final plat(s).

#### **6. Schools**

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application, but will be due at the time of recording the final plat(s).

### **I. APPLICABLE RESOLUTIONS**

See Attached Resolution.

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

There are no major issues at this time.

### **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 RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.



3. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in onsite and offsite transportation improvements required by the development's traffic impacts as identified in each traffic impact study (TIS) which shall be submitted with each subsequent land use application. This includes but is not limited to improvements to Vollmer Road and Marksheffel Road. The developer's design, construction, and financial obligations and responsibilities shall be determined with the preliminary plan and final plat approvals.

## **NOTATIONS**

1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. 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. Map amendment (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.
3. Final determinations of all road classifications, alignments, and intersections will be made at the time of preliminary plan when more detailed land use, traffic impacts, and preliminary road designs are available.

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

The Planning and Community Development Department notified 156 adjoining property owners on February 10, 2023, for the Planning Commission meeting.

## **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map  
Colorado Springs Airport Advisory Committee Comments  
Opposition Letters  
Draft PC Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

# El Paso County Parcel Information

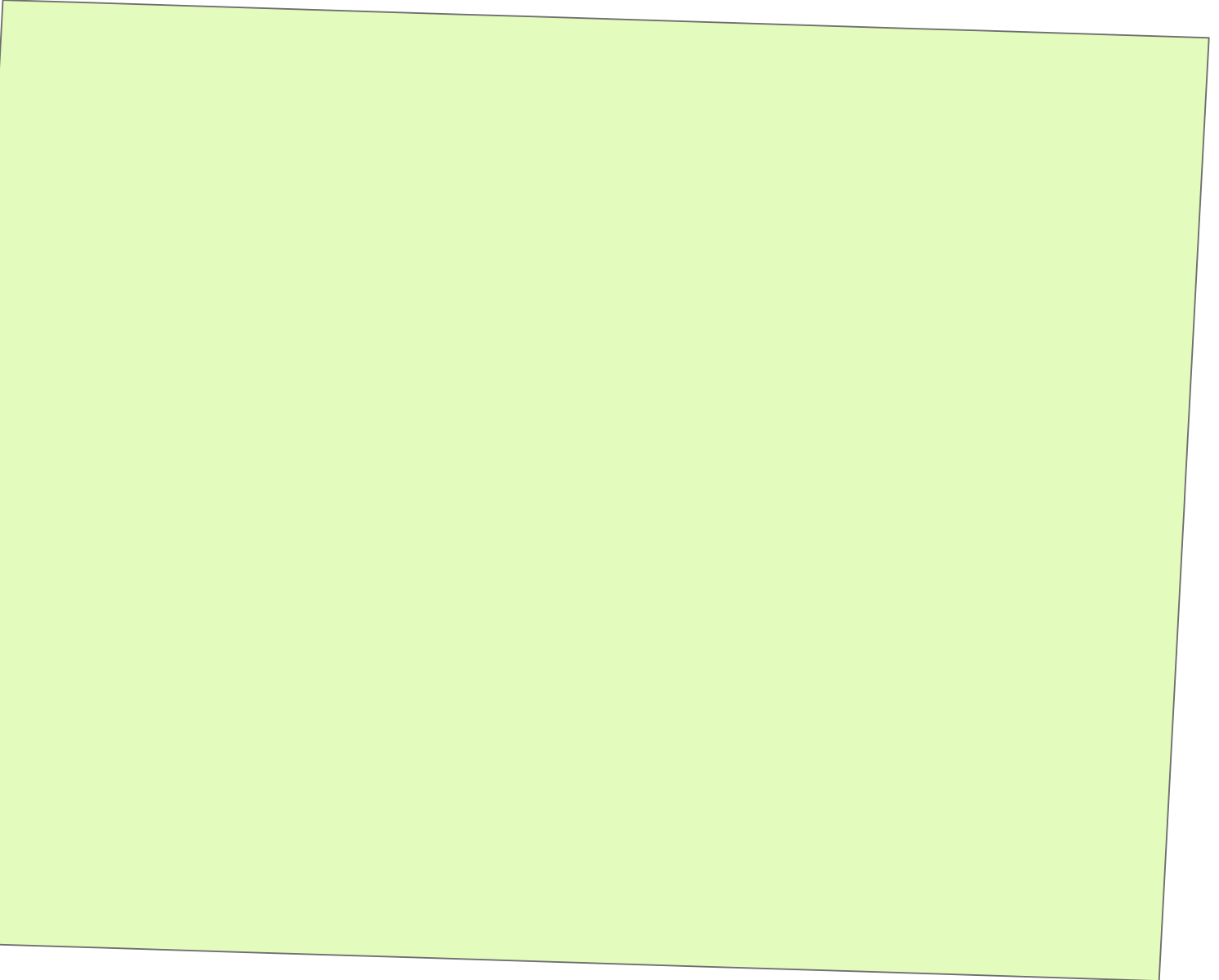
File Name:

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



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## **SCHMIDT PROPERTY RM-30 MAP AMENDMENT (REZONING)**

### **LETTER OF INTENT**

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#### **OWNER:**

TURKEY CANON QUARRY INC  
20 BOULDER CRESCENT ST 2<sup>ND</sup> FLOOR  
COLORADO SPRINGS CO, 80903-3300

#### **APPLICANT:**

TURKEY CANON QUARRY INC  
20 BOULDER CRESCENT ST 2<sup>ND</sup> FLOOR  
COLORADO SPRINGS CO, 80903-3300

#### **FIND**

#### **CONSULTANT:**

N.E.S. INC.  
ANDREA BARLOW  
619 N. CASCADE AVE. SUITE 200  
COLORADO SPRINGS, CO 80903  
719.471.0073  
[abarlow@nescolorado.com](mailto:abarlow@nescolorado.com)

#### **SITE DETAILS:**

**TSN:** 5200000264 (PART)

**ACREAGE:** 31.4423 ACRES

**CURRENT ZONING:** RR-5 CAD-O

**CURRENT USE:** VACANT LAND

#### **REQUEST**

N.E.S. Inc. on behalf of Turkey Canon Quarry Inc requests approval of a Map Amendment (Rezoning) from RR-5 CAD-O to RM-30 CAD-O (31.4423 Acres).

## LOCATION

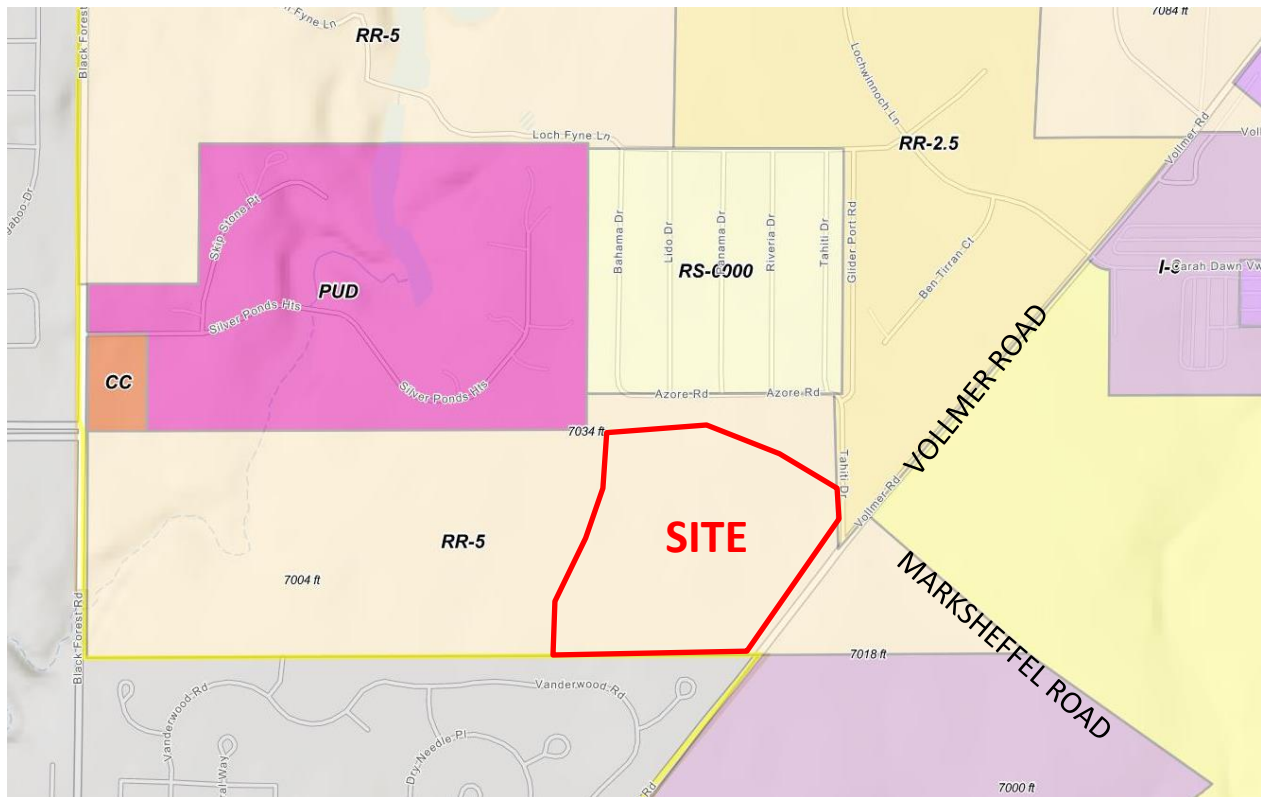
This property is located southwest of Vollmer Road and its proposed intersection of the future Marksheffel Road extension, which will form the northern boundary of the site. Directly north of this proposed principal arterial road is the Holiday Hills subdivision, and to the northeast and northwest are the Highland Park and Silver Ponds rural residential subdivisions. The Sterling Ranch master planned community is located to the east of Vollmer Road. To the southeast is the Pioneer Sand & Gravel industrial use. The Trails at Forest Meadows single-family residential neighborhood within the City of Colorado Springs is located to the south.



## PROJECT DESCRIPTION & CONTEXT

The Schmidt Property RM-30 map amendment request is for a zone change of 31.4423 acres from RR-5 to RM-30 with CAD-O. The remainder of the site is to remain as RR-5 and is not part of this rezoning application.

**COMPATIBILITY:** The Schmidt property accommodated a former sand and gravel mining operation and has been substantially disturbed in the past. The proposed rezone area has not historically been part of the former mining operations and was released from the mining permit in 2018. It is surrounded by existing and planned suburban residential, commercial and industrial development, with a planned principal arterial running along its northern boundary. As such, it effectively represents an infill development area.



The RM-30 rezone area is surrounded by existing and proposed developments of differing zoning and land use intensities. The undeveloped land to the north is zoned RS-6000 for suburban residential development. Directly to the northeast of the site is a right-of-way tract owned by El Paso County that was platted as part of the Highland Park Filing No. 2 subdivision. This tract is to be used for stormwater detention as part of the proposed widening of Vollmer Road. The extension of Marksheffel Road together with the detention tract will provide a buffer between the proposed RM-30 zoning and the Highland Park rural residential subdivision (zoned RR-2.5) further to the northeast. To the south is the Trails at Forest Meadows subdivision in the City of Colorado Springs, which is zoned PUD for single-family residential with a density of approximately 6 du/ac. To the east, the parcels within Sterling Ranch adjacent to Vollmer Road are proposed as Mixed-Use and Medium and High Density Residential (5-8 du/ac) land uses, with industrial uses to the southeast.

The proposed RM-30 zoning is located at what will be a major intersection of Marksheffel Road and Vollmer Road, both of which are arterials. It is standard land use planning practice to locate more intense uses, such as commercial or higher density residential, at busy intersections to provide a buffer and transition to less intense uses. The proposed RM-30 zone will provide a physical buffer and land use transition from a future busy road intersection and arterial road traffic to the medium density residential Trails at Forest Meadows subdivision to the south.

The RM-30 rezone area includes the future extension of Marksheffel Road to the west. This principal arterial, when constructed, will provide a physical separation from the proposed RM-30 zone area and existing and planned residential to the northeast and northwest.

**UTILITIES:** Water and wastewater will be provided by the Falcon Area Water and Wastewater Authority (FAWWA). The site is within the service area of Mountain View Electric Association, Inc. for electricity supply, and within the service area of Colorado Springs Utilities for natural gas supply.

**FLOODPLAIN:** The proposed RM-30 rezoning area is located on the western side of the Schmidt property, which is designated as Zone X, area of minimal flood hazard (FEMA Floodplain Map No. 08041C05296, dated 12/07/2018).

**WETLANDS:** This proposed rezone area does not include any wetlands.

**WILDLIFE:** In general, the site provides moderate to poor quality habitat for wildlife. No State-listed or State sensitive species were observed on the site. The site is not suitable habitat for any Federally-listed threatened and endangered species. The site provides moderate quality habitat for some grassland and woodland wildlife, including birds, mammals, reptiles, and possibly amphibians. The expected impact from site development to grassland species is classified as relatively low and to woodland species as moderately low.

**WILDFIRE:** The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a lowest-low wildfire hazard potential and listed as a low risk. Development of the site will reduce available wildfire fuels in this area.

**DISTRICTS/ENTITIES SERVING THE PROPERTY:**

The following districts will serve the property:

- Academy School District 20
- Mountain View Electric Association – Electric
- Colorado Springs Utilities – Gas
- FAWWA – water and wastewater
- Black Forest Fire Protection District

**Traffic:**

The TIS completed by SM Rocha in September of 2022 assumes a max density of 30 DU/AC or 714 units on the 23.8 ac site. Considering the conceptual nature of the development, future access will likely include multiple access drives along future Brush Top Road (extended form the south). These access locations are subject to change and therefore were not considered within this TIS. The TIS addresses the primary points of entry to the overall development area at the following locations:

- One full-movement access serving as the west leg of Vollmer Road and Marksheffel Road intersection
- One full-movement access on Marksheffel Road at northwest corner of development site (approximately 1,480 feet west of Vollmer Road, measured form centerline). This access is intended to serve as the future collector roadway (Brush Top Road) connection between Marksheffel Road and Trails at Forest Meadows Subdivision.

It is anticipated that development construction would be phased with completion by end of Year 2040. However, specific phasing details are undefined at this time. For the purposes of this analysis, initial



development phasing was assumed to include the new construction of 480 multifamily residential dwelling units completed by Year 2027, with development buildout completed by Year 2040.

Analysis of future traffic condition indicates that the addition of site-generated traffic is expected to create minimal impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis.

### **PROJECT JUSTIFICATION**

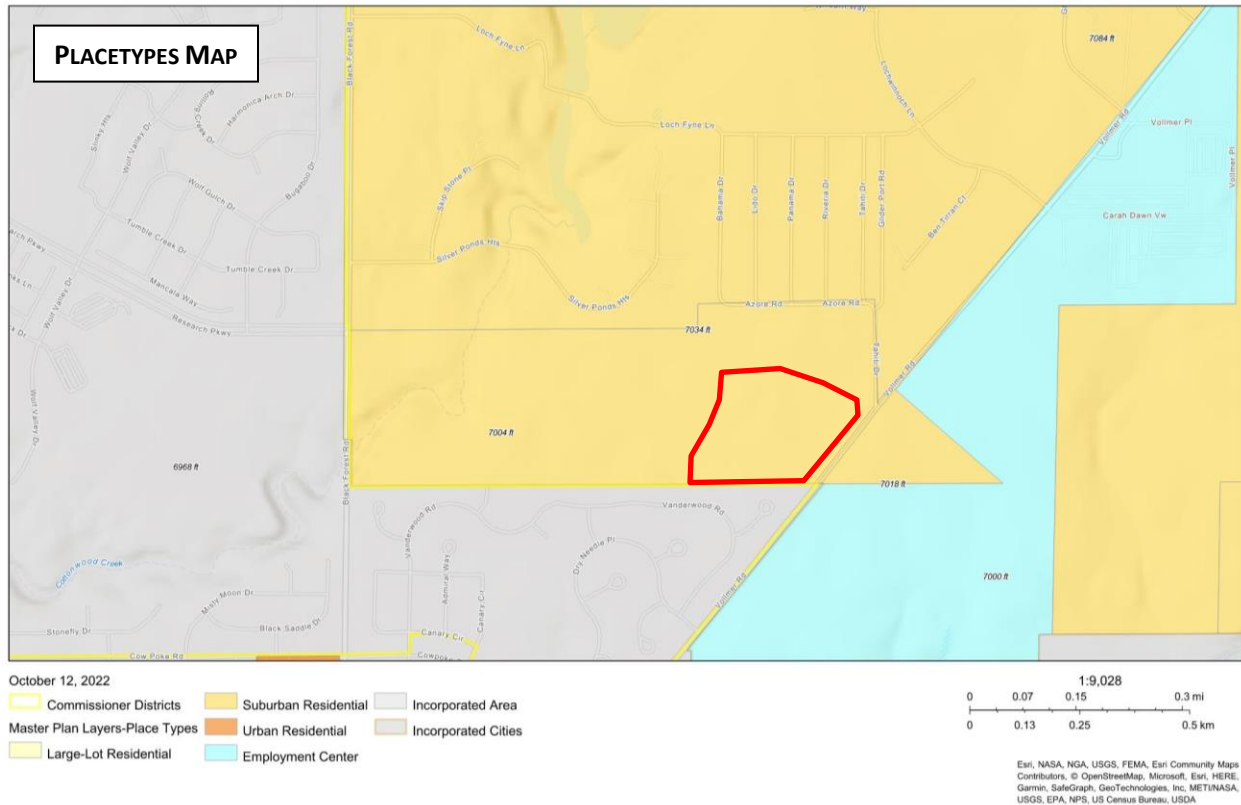
The request is consistent with the criteria in Section 5.3.5.B for a Map Amendment (Rezoning) as follows:

**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;**

The relevant County master plan documents for the Map Amendment (Rezone) are Your El Paso County Master Plan, the El Paso County Water Master Plan, the El Paso County Major Transportation Corridor Plan, and the El Paso County Parks Master Plan.

### **YOUR EPC MASTER PLAN**

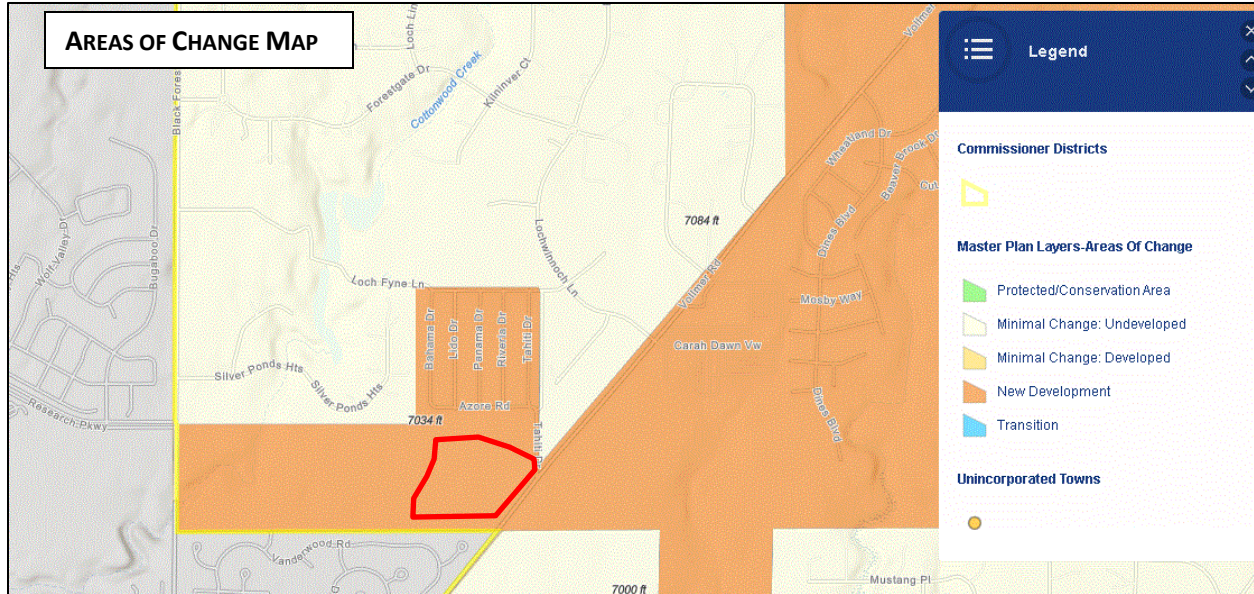
The project site is denoted as a Suburban Residential placetype within a priority development area in the County Master Plan. The primary land use in this placetype is single-family detached residential with lot sizes smaller than 2.5 acres and up to a 5 du/ac density. Multifamily residential is considered a supporting use within the Suburban Residential placetype, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype in this part of the County is extensive and expands from the City boundary to the south and west, north to approximately Burgess Road, and east to highway 24. Within this area, the predominant land use is, or is planned to be, single-family detached residential at densities of less than 5 du/ac, with small pockets of higher density single-family detached and attached residential. The proposed RM-30 zoning, which can support residential densities up to 30 du/ac, is an appropriate supporting use at this location, as it will not be the dominant development type in this predominantly suburban residential area. Furthermore, the location of the site adjacent to a busy arterial intersection will be supportive of and compatible with the overall single-family character of the area as it will provide a physical buffer and land use transition from the intersection and arterial road traffic to the surrounding single-family residential development. This higher density residential will also support the Employment Center land use designation to the east of Vollmer Road by providing workforce housing.



In the Areas of Change chapter of the County Master Plan, the Schmidt Property is identified as a “New Development Area”. The Plan states that New Development Areas will be significantly transformed as development takes place. These areas are often on undeveloped or agricultural areas and are expected to be complimentary to adjacent development. The proposed RM-30 zoning will bring about the transformation of this area as anticipated by the Master Plan, providing a transition from the commercial and industrial areas east of Vollmer Road to the medium density residential developments to the south and north of the site.

In the Key Area Influences chapter, this site is designated as a potential area for annexation. This is indicative of the sites’ suburban character and need for centralized services. The Owner has chosen not to annex into the City as FAWWA is already created and bonded and will supply water and wastewater services to the subject site.

Core Principle 1, Land Use and Development, seeks to “Manage growth to ensure a variety of compatible land uses that preserve all character areas of the county,” and Goal 1.1 seeks to, “Ensure compatibility with established character and infrastructure capacity.”



The proposed RM-30 zoning continues the suburban density approved with the adjacent subdivisions in the County and City and will provide a transition from the commercial and industrial areas east of Vollmer Road to the medium density residential developments to the south and north of the site. The submitted traffic study indicates that the development can be accommodated with minimal impact to traffic operations for the existing and surrounding roadway system, subject to the recommended roadway and intersection control improvements. FAWWA has adequate capacity to serve future development with water and wastewater.

The RM-30 zoning will add to the spectrum of housing options in the immediate area. This achieves Core Principle 2, Housing & Communities, which seeks to “preserve and develop neighborhoods with a mix of housing types,” as well as Goal 2.1 to “promote development of a mix of housing types in identified areas.” In support of this goal Objective HC1-6 of the Plan specifically encourages the use of single-family attached housing such as townhomes, rowhomes, and multi-unit apartment homes to create seamless transitions between low-intensity and high-intensity neighborhoods as well as nonresidential uses. The RM-30 zone will accommodate these higher density housing options and will provide a transition from the commercial and industrial areas east of Vollmer Road to the medium density Holiday Hills and Trails at Forest Meadows developments to the north and south of the site. The Holiday Hills subdivision in turn will provide a transition between the RM-30 zoning, future Marksheffel Road and the existing rural residential subdivisions to the northeast and northwest.

### **WATER MASTER PLAN**

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

*Goal 6.0 – Require adequate water availability for proposed development.*

*Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*

*Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.*

The RM-30 rezone area falls within the Sterling Ranch Service area of FAWWA. FAWWA has sufficient supply and infrastructure in the area to serve this development. The total commitment of the Sterling Ranch System includes 1,975 SFE in the Sterling Ranch Service Area. The total commitments stand at 852.62 acre-feet and available supply is now 697.39 acre-feet. This net deficit of available water is 155.23 AF, however, FAWWA has additionally contracted supply of 576.95 AF at Bar-X and 391.33 AF at McCune which is more than enough to meet the demands.

The FAWWA water system has only been in operation for three years, so little-to-no usable historic information would be reliable for unique, long-term planning. However, substantial nearby data from the Falcon area is available for use. As of the end of 2021, the system had approximately only 300 active users. Therefore, initial projections have been based on area-wide water user characteristics and a linear buildout rate. The rate considered to be an average annual rate that might be reasonably maintainable over a 10-year period. The average growth rate is projected as 180 units added per year.

**2040 Scenario:** Based on the above factors, the FAWWA system might conservatively anticipate serving 3,710 SFEs in the year 2040. This number is a service area projection and included the Retreat and The Ranch, as well as the main Sterling Ranch residents. This would require 1,310 annual AF of water.

**2060 Scenario:** Based on the same factors, the Sterling system might be expected to served 7,310 SFEs within its expanded service area, which includes the Retreat and The Ranch. This would be substantially greater than the actual Sterling Ranch. The annual acre-foot requirement might be 2,580 annual AF, but supply would include water from The Ranch.

In order to meet future demands and extend beyond 1,975 SFEs, contractual arrangements have been made to obtain additional legal and physical supply to meet growing demands. These include:

- The most recent water rights added to Sterling Ranch Inventory is case 20 CW 3059, which provides for the augmentation of Denver and Arapahoe not non-tributary water on the Schmidt and Sterling Ranch properties. This addition will allow for an additional 283.16 AF over 300 years to be made available through Sterling Ranch Wells.
- The McCune Water SR Water LLC has contracted with the McCune Ranch to purchase NT water rights in El Paso County. These water rights include Laramie-fox Hills, Arapahoe, and Denver formation water, totally 1118,900 AF.
- The Bar-X water has also been contracted with some water purchased but remaining Laramie-Fox Hills, Arapahoe, and Denver formation water totals 204,433 AF.

Both McCune Water SR Water LLC and The Bar-X water acquisitions will require a major pipeline to be extended northerly to Hodgen Road. This pipeline will allow for the physical, as well as legal, availability and acquisition of both McCune and Bar-X water to Sterling. Preliminary routing, environmental assessments and 1041 applications are presently underway for this facility.

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## **EL PASO COUNTY MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)**

The 2040 MTCP identifies the extension of Marksheffel Road as a 4-lane Principal Arterial between Vollmer Road and Black Forest Road through the Schmidt property. The RM-30 rezone area accounts for this future road extension.

## **EL PASO COUNTY PARKS MASTER PLAN**

The Parks Master Plan identifies a future primary regional trail connection along the north side of the Schmidt property to connect the Sand Creek Regional Trail to Black Forest Road. This generally appears to follow the alignment of future Marksheffel Road and will be addressed with the County Parks Department at the more detailed road and site planning stage. The build out of Marksheffel will include a bike lane. Future connection to the Sand Creek Regional Trail system within Sterling Ranch will be provided at full build-out via pedestrian improvements at the intersection of Marksheffel Road and Vollmer Road, and via new sidewalks along the arterial roads and proposed residential streets within the future multifamily development.

### **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;**

As the proposed rezoning fulfils the goals of the County Master Plan as described under criterion (1) above and is a compatible transition between the adjacent uses, as described in criterion (3) below, it therefore complies with the statutory provisions that allow County's to establish, limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare. All statutory provisions regarding notifications have been met.

### **3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS;**

The Schmidt property accommodated a former sand and gravel mining operation and has been substantially disturbed in the past. The portion of the property included in the rezone has not historically been mined and was removed from the mining permit in 2018. It is surrounded by existing and planned suburban residential, commercial and industrial development, with a planned principal arterial running along its northern boundary. As such, it effectively represents an infill development area.

The RM-30 rezone area is surrounded by existing and proposed developments of differing zoning and land use intensity. The undeveloped land to the north is zoned RS-6000 for suburban residential development. Directly to the northeast of the site is a right-of-way tract owned by El Paso County that was platted as part of the Highland Park Filing No. 2 subdivision. This tract is to be used for stormwater detention as part of the proposed widening of Vollmer Road. The extension of Marksheffel Road together with the detention tract will provide a buffer between the proposed RM-30 zoning and the Highland Park rural residential subdivision (zoned RR-2.5) further to the northeast. To the south is the Trails at Forest Meadows subdivision in the City of Colorado Springs, which is zoned PUD for single-family residential with a density of approximately 6 du/ac. To the east, the parcels within Sterling Ranch

adjacent to Vollmer Road are proposed as Mixed-Use and Medium and High Density Residential (5-8 du/ac) land uses, with industrial uses to the southeast.

The proposed RM-30 zoning is located at what will be a major intersection of Marksheffel Road and Vollmer Road, both of which are arterials. It is standard land use planning practice to locate more intense uses, such as commercial or higher density residential, at busy intersections to provide a buffer and transition to less intense uses. The proposed RM-30 zone will provide a physical buffer and land use transition from a future busy road intersection and arterial road traffic to the medium density residential Trails at Forest Meadows subdivision to the south.

The RM-30 rezone area includes the future extension of Marksheffel Road to the west. This principal arterial, when constructed, will provide a physical separation from the proposed RM-30 zone area and existing and planned residential to the northeast and northwest.

While the RM-30 zoning allows up to a maximum of 30 dwelling units per acre, the anticipated development on this site is likely to be within the 22-23 dwelling units per acre range on the entire rezone area (equating to approximately 25 dwelling units per acre net). This is due to the need to accommodate approximately 3 acres of on-site stormwater detention on the south end of the site. This detention pond will also provide a buffer between the proposed multifamily development and the existing single-family neighborhood to the south.

**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.**

Future development of this portion of the property will meet the use and dimensional standards for the RM-30 zone as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed residential density and it provides a transition between land use types. The 31.44-acre site is large enough to be able to comfortably accommodate the maximum density, maximum height, maximum lot coverage and building setback standards for the RM-30 as specified in the LDC. The required standards of the RM-30 zone will be addressed with a future Site Development Plan. The proposed land use is "Dwelling, Multifamily" and there are no use-specific standards within Chapter 5 of the LDC that apply to this use.

*P:\Morley\Schmidt Property\Admin\Submittals\RM30 Rezone\Schmidt RM30\_Rezone Letter of Intent\_(Rev 2).docx*

# SCHMIDT PARCEL REZONE MULTI-DWELLING

A PORTION OF THE SOUTHWEST  $\frac{1}{4}$  AND THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 32,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN  
EL PASO COUY, COLORADO  
REZONE RM-30

## LEGAL DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHWEST  $\frac{1}{4}$  AND THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND 3-1/4" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

BEGINNING AT THE SOUTH  $\frac{1}{4}$  CORNER OF SAID SECTION 32;

THENCE ON THE SOUTH LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 32, S89°14'45"W A DISTANCE OF 203.15 FEET;

THENCE DEPARTING SAID SOUTH LINE THE FOLLOWING SEVEN (7) COURSES:

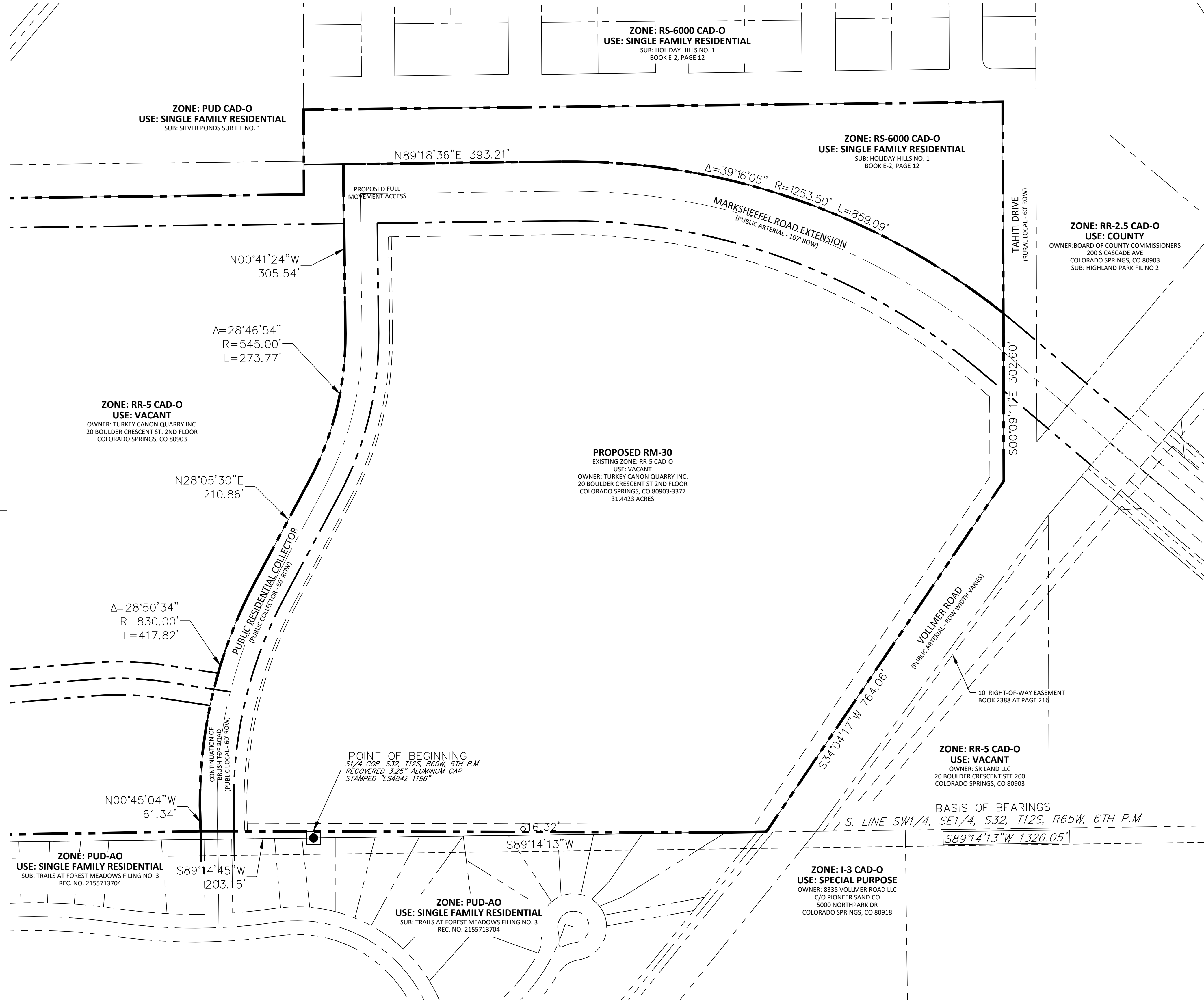
- N00°45'04"W A DISTANCE OF 61.34 FEET, TO A POINT OF CURVE;
- ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°50'34" AND AN ARC LENGTH OF 417.82 FEET, TO A POINT OF TANGENT;
- N28°05'30"E A DISTANCE OF 210.86 FEET, TO A POINT OF CURVE;
- ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF TANGENT;
- N00°41'24"W A DISTANCE OF 305.54 FEET;
- N89°18'36"E A DISTANCE OF 393.21 FEET, TO A POINT OF CURVE;
- ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1253.50 FEET, A CENTRAL ANGLE OF 39°16'05" AND AN ARC LENGTH OF 859.09 FEET, TO A POINT OF NON-TANGENT ON THE WESTERLY RIGHT-OF-WAY LINE OF "TAHITI DRIVE AS PLATTED IN HOLIDAY HILLS NO. 1 RECORDED IN BOOK E-2 AT PAGE 12 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°09'11"E A DISTANCE OF 302.60 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

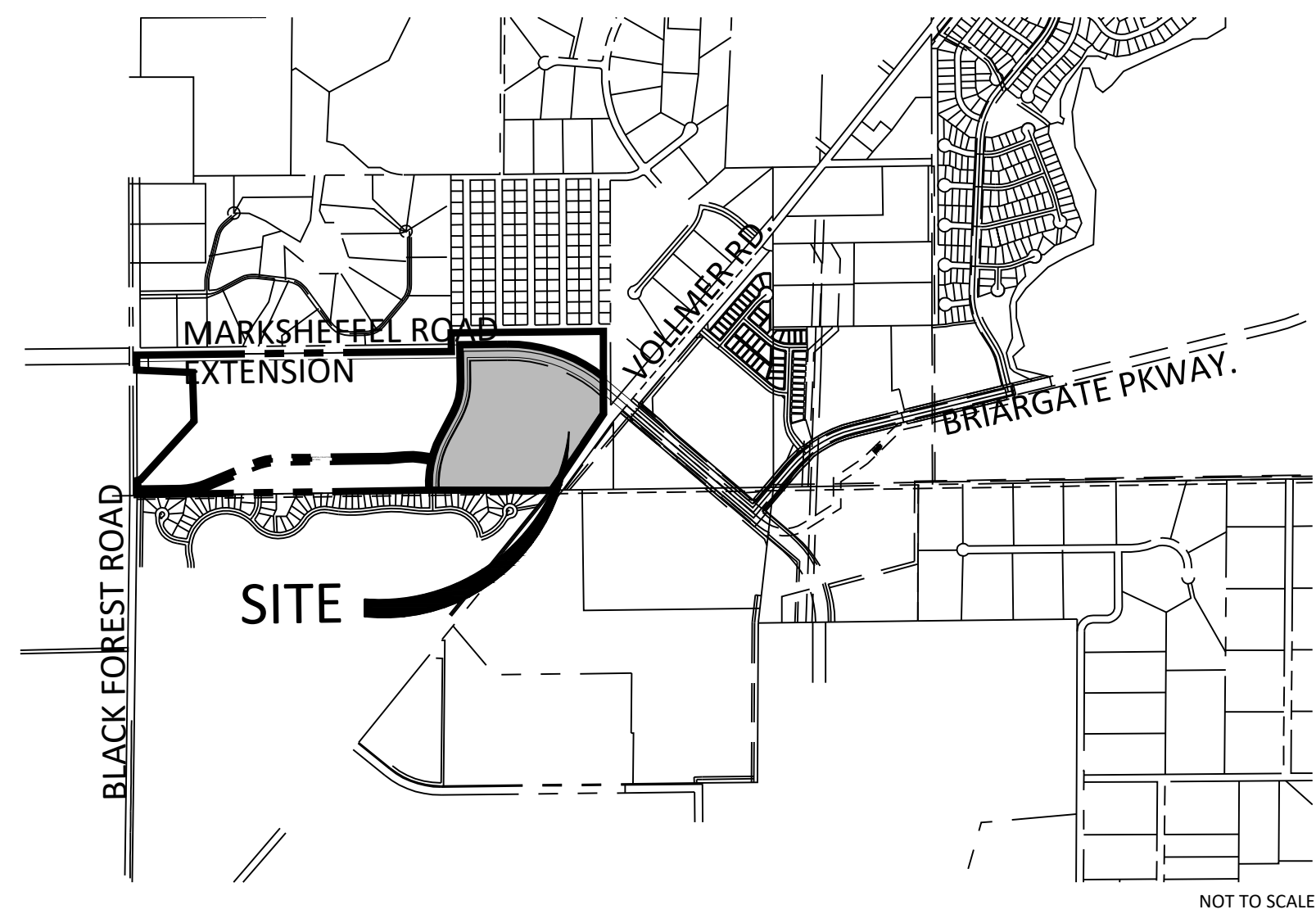
THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S34°04'17"W A DISTANCE OF 764.06 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SAID SECTION 32;

THENCE ON SAID SOUTH LINE, S89°14'13"W A DISTANCE OF 816.32 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,369,628 SQUARE FEET OR 31.4423 ACRES.



## VICINITY MAP



## SITE DATA

Tax ID Number: 5200000264 (Part)  
Total Area: 31.4423  
Current Zoning: RR-5 CAD-O  
Proposed Zoning: RM-30  
Current Use: Vacant  
Proposed Use: Multifamily Residential

## PROJECT TEAM

**OWNER:** Turkey Canon Quarry Inc.  
20 Boulder Crescent St, 2nd Floor  
Colorado Springs, CO 80903

**APPLICANT:** N.E.S. Inc.  
619 N. Cascade Ave., Suite 200  
Colorado Springs, CO 80903

**Engineer:** JR Engineering  
5475 Tech Center Dr. 235  
Colorado Springs, CO 80919



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903

Tel. 719.471.0073  
Fax 719.471.0267

www.nescolorado.com

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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

PROJECT INFO

STAMP

ISSUE INFO

ISSUE / REVISION

SHEET TITLE

SHEET NUMBER

PLAN FILE #

Schmidt  
Parcel  
Rezone  
Multi-dwelling

DATE: 10/04/22  
PROJECT MGR: A. BARLOW  
PREPARED BY: J. SHAGIN

## ENTITLEMENT

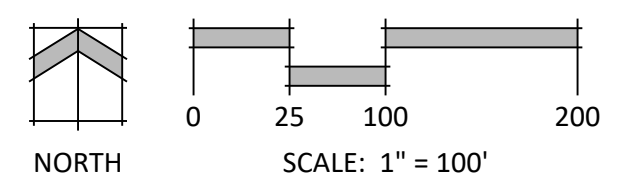
DATE:	BY:	DESCRIPTION:
1.9.23	JS	County Comments
2.7.23	JS	County Comments

## REZONE EXHIBIT

1

1 OF 1

P2222



**Colorado Springs Airport Advisory Commission Meeting  
To Be Heard November 16, 2022  
Land Use Review Item #06**

<b>EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S):</b> P222 <i>RESIDENTIAL REZONE</i>		<b>PARCEL #(S):</b> 5200000264
<b>DESCRIPTION:</b> Request by N.E.S. Inc. on behalf of Turkey Quarry Inc. for approval of the Schmidt Parcel Rezone Multi-Dwelling. The rezone consists of rezoning parcel from RR-5/CAD-O (Residential Rural and Commercial Airport Overlay District) to RM-30/CAD-O (Residential Multi-Dwelling and Commercial Airport Overlay District). The site is located southwest of Vollmer Road and proposed intersection of future Marksheffel Road extension and consists of 26.7 acres.		
<b>CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL?</b> No	<b>DISTANCE/DIRECTION FROM COS:</b> 9.1 miles northeast of Rwy 17R	
<b>TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:</b> 40 feet above ground level; 7,080 feet above mean sea level	<b>COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:</b> None	
<b>ATTACHMENTS:</b> <a href="https://epcdevplanreview.com/Public/ProjectDetails/183526">https://epcdevplanreview.com/Public/ProjectDetails/183526</a> CLICK ON VIEW ZONING MAP UNDER REVIEW DOCUMENTS LIST		

**STAFF RECOMMENDATION/CONDITIONS OF APPROVAL**

*Subject to Airport Advisory Commission Action*

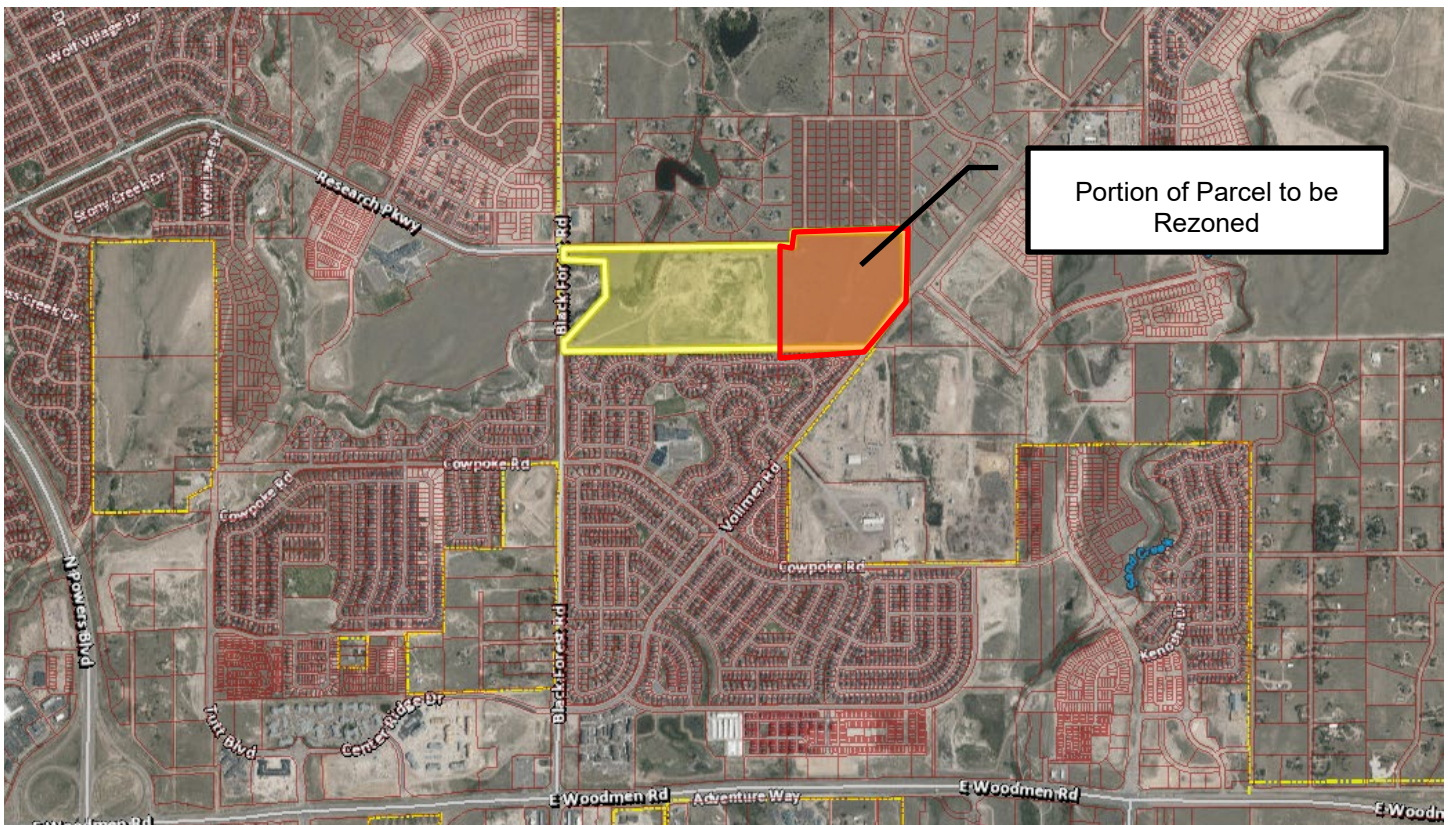
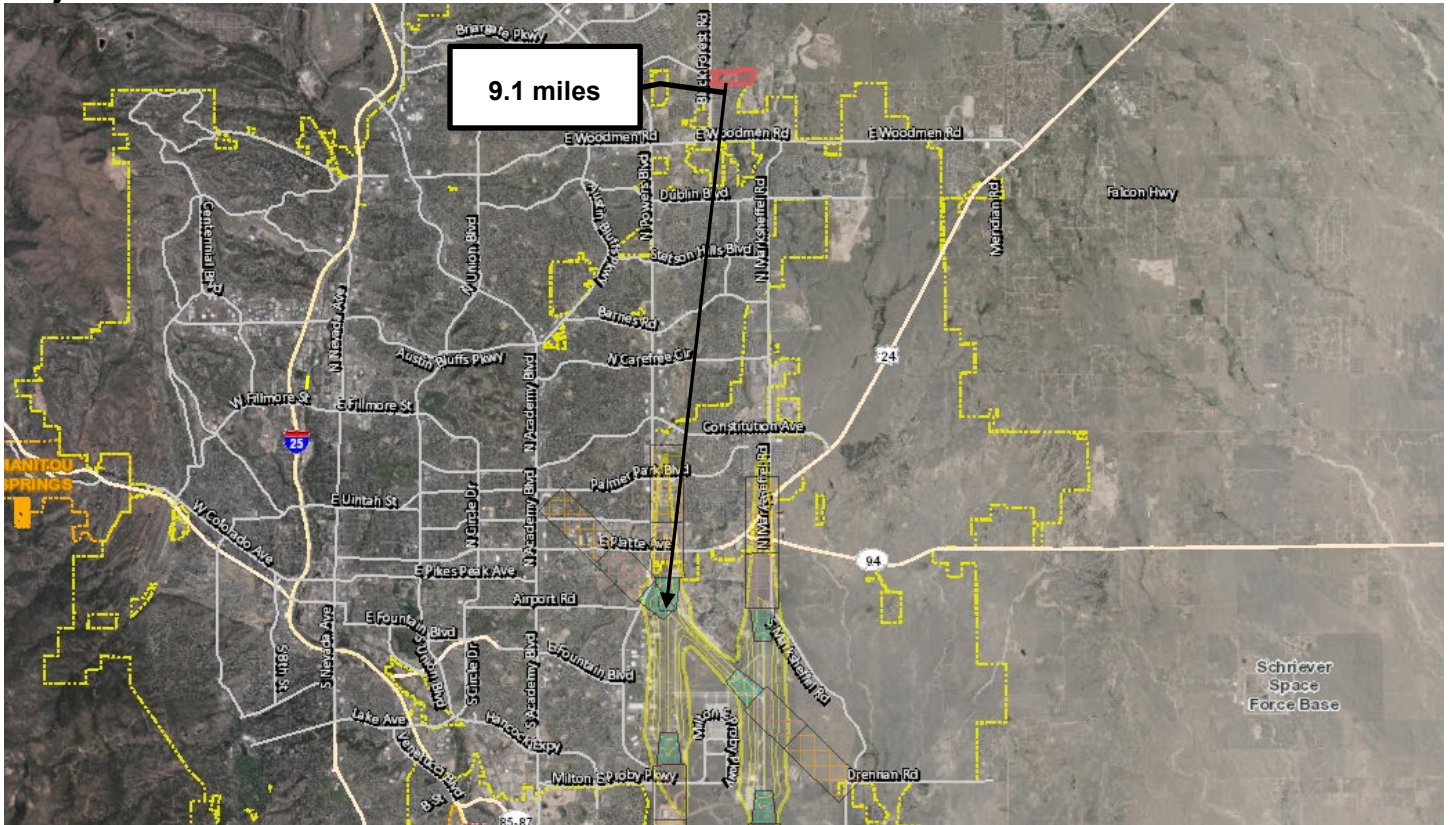
*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number) for development plan/plat.
- **FAA Form 7460-1:** If use of equipment (permanent or temporary) will exceed 200 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities. FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).



# Colorado Springs Airport Advisory Commission Meeting To Be Heard November 16, 2022 Land Use Review Item #06

Project location exhibit:



October 24, 2022

NAS Landscape Designer Jennifer Shagin  
and  
El Paso County Project Planner Kari Parsons

RE: Parcel West of Vollmer Road Rezone to RM-30

I am writing to express my strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from Existing Zoning RR-5 CAD-O to Proposed RM-30 26.7482AC.

Re-zoning this land to a higher density residential area can be detrimental to the area for the following reasons:

1. Increase in traffic and safety issues especially for the Trails at Forest Meadows community. Residents in this re-zoning area will drive through the Trails at Forest Meadows neighborhood that is a family area with multiple children including children attending/ walking to Grand Peak Academy. There are already traffic back-ups on Vollmer Rd to Black Forest Rd, Cowpoke Rd to Black Forest Rd., and Black Forest to Research. I prefer not to see traffic back-ups in the Trails at Forest Meadows community. There are already 2 large multi-family dwellings located north of St. Francis Hospital and Woodman Rd, with another being built at the end of west Cowpoke Rd. Enough is enough, the traffic is evident in the past 2-4 years.
2. Over-capacity of the D-49 school system
3. Destroy local wildlife habitat. Prong horns, owls, eagles, hawks, deer and probably many other animals that I do not see during the day will be displaced.
4. Lower property values of the adjacent existing communities. Multi-family dwellings are inconsistent with the neighborhoods developed in the area. I built and moved to this neighborhood because of the open land, single family residences, and AVOIDANCE OF MULTI-FAMILY DWELLINGS.
5. Increased stress on our local hospital systems especially in North Colorado Springs. Health care is already in dire straits with the COVID pandemic.
6. Increase in water usage which is becoming an issue in the entire western US. Multi-family dwellings such as the proposed, use significantly more water.
7. According to Verduity.com, University of Arkansas, and Gustan.com high to moderate density residential areas will lead to more crime and need for law enforcement (police and or sheriff)/ fire/ EMS resources. Break-ins are more common where there are multi-family dwellings.
8. Multi-family dwellings have increased trash and waste. More evident during the moving process. I fear the other half of Turkey Canon Quarry, INC will become a dumping zone which will further de-value my current residence. We currently receive calls from Waste Management that they are low on resources now, so where are these residents going to put their trash? Probably on the other side of my fence.

9. Multi-family dwellings increase all types of noise pollution, in what is currently a very quiet neighborhood. Multi-family dwellings will have more cars, visitors, parties.
10. Privacy issues for the already existing single-family homes. Who wants multiple people looking down into a private yard and home?
11. Drainage of water, oil/gas from unkept vehicles and construction debris. Due to the property sitting higher than most homes in the Trails of Forest Meadows, adding concrete for parking lots and roads will create contaminated rainwater or snow melt into the backyards. This will endanger and ruin expensive landscaping, and possibly endanger pets.
12. The Trails at Forest Meadows is already experiencing non-residents using our property/ common areas – playgrounds, open grass areas, dog park, and basketball court. Who is going to help pay for the upkeep in these areas? It will come from my HOA/ pocket and not the multi-family dwelling residents.

Please take these in consideration. I am not opposed to building but be consistent with our already BEAUTIFUL SINGLE FAMILY HOME RESIDENCES/ NEIGHBORHOOD. When I built and purchased my home, it was implied that due to the area and El Paso County codes, only single-family homes would ever be built in this area. I am very disappointed with this proposal.

Respectfully Submitted,

Deborah Rice  
Property Owner  
8934 Vanderwood Rd.  
Colorado Springs, CO 80908  
Deb712 @me.com

November 2, 2022

NAS Landscape Designer Jennifer Shagin  
and  
El Paso County Project Planner Kari Parsons

RE: Parcel West of Vollmer Road Rezone to RM-30

I am writing to express my strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from Existing Zoning RR-5 to Proposed RM-30. My house backs to this property currently. When I purchased this property, I knew there was a chance the land would be developed but I was told this property was zoned for only single-family home development. To re-zone this land to a higher density residential area will be detrimental to the community.

The most obvious concerns are a significant decrease in our home values. Most of us purchased these homes knowing we were in a community where home values would remain consistent. There are also significant privacy concerns for existing homeowners. Who wants multiple people looking down into your private yard and home?

The impact to our community will be significant. Other concerns include increased traffic and safety issues. We are already experiencing this as we drive into our community. If this plan is approved, it will cause an increase in traffic accidents as accessing Volmer Road will be extremely difficult.

There are many other concerns with this rezoning including the additional strain on our schools, hospitals, water, and waste removal. Multi-family dwellings will have more cars, visitors, and noise pollution. Break-ins are more common where there are multi-family dwellings.

In conclusion, multi-family dwellings are inconsistent with the neighborhoods developed in the area and will have a significant, negative impact on all homeowners at the Trails at Forest Meadows. I strongly oppose this proposal and hope you will take my concerns into consideration.

Sincerely,

Jennifer Kammer  
Property Owner  
7272 Cedar Brush Court  
Colorado Springs, CO 80908  
Jkammer23@hotmail.com

Miranda Benson2

---

**From:** Rick Van Wieren <vanwierenrick@gmail.com>  
**Sent:** Thursday, November 3, 2022 5:36 PM  
**To:** Kari Parsons; jshagin@nescolorado.com  
**Cc:** Holly Van Wieren  
**Subject:** Schmidt Parcel Rezone Multi-dwelling File No P2222

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We would like to express our opposition to the rezoning of this parcel. The land in question is already part of an area that has significant traffic problems. Though some of those issues will be resolved when Black Forest, Research Parkway and Woodmen Rd construction is complete, the area is very bottlenecked for traffic needing to go south or east, as the Marksheffel road extension has not been done yet, and there are no workaroud routes. Today we waited for 3 light changes at Vollmer and Black Forest alone.

In addition, this area has quite a lot of wildlife in it. Multi family construction will also potentially depreciate adjacent single family construction that was built and priced in anticipation of a lower density use.

Please do not do this.

Sincerely,

Rick and Holly Van Wieren

8724 Vanderwood Rd, Colorado Springs, CO 80908

719-331-7675

[vanwierenrick@gmail.com](mailto:vanwierenrick@gmail.com)

7 November 2022

MEMORANDUM FOR: NAS Landscape Designer Jennifer Shagin and El Paso County Project Planner Kari Parsons

FROM: Jessica L Dunahoo and Jennifer L. Aanensen

SUBJECT: Parcel West of Vollmer Road Rezone to RM-30

We are writing to express our strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from the existing Zoning RR-5 to the proposed Zoning RM-30. Our home backs up to this property and was one of the reasons we purchased our home. Before purchasing our home we asked if that property was slated for development down the road and we were notified it was zoned for single-family home development only. The re-zoning of this land will not only be detrimental to the community as a whole but to all the home owners who back up to this property.

There are many concerns we have in regard to the proposed development and re-zoning plan. This will significantly decrease the value of our homes. We have substantial privacy concerns as this complex would allow many individuals to be able to look down into our private yard and home. We are also concerned with the increase in traffic. The road infrastructure currently causes a lot of traffic issues. There are already traffic back-ups on Vollmer Rd to Black Forest Rd, Cowpoke Rd to Black Forest Rd, and Black Forest to Research. This development will only exacerbate the traffic issues.

Additional concerns we have, is how this multi-family dwelling will put even more strain on the local schools, hospitals, water, and waste removal services. Multi-family dwellings will have more cars, visitors, noise pollution, and crime. Break-ins are more common where there are multi-family dwellings.

In conclusion, if this land is rezoned for a multi-family dwelling it will have a significant, negative impact on all homeowners at the Trails at Forest meadows. We strongly oppose this proposal and hope you will consider all concerns we have. Thank you.

Very Respectfully,

Jessica L. Dunahoo and Jennifer L. Aanensen  
Property Owners  
7280 Cedar Brush Court  
Colorado Springs, CO 80908  
[Jessica.dunahoo@yahoo.com](mailto:Jessica.dunahoo@yahoo.com)  
[Jennie.aanensen@gmail.com](mailto:Jennie.aanensen@gmail.com)

**Miranda Benson2**

---

**From:** Alma Austria-Godwin <arely882@hotmail.com>  
**Sent:** Monday, November 28, 2022 7:51 PM  
**To:** Kari Parsons  
**Subject:** Opposition Letter to rezoning of Parcel West of Vollmer Rd from the existing zoning RR-5 CAD-O to Proposed RM-30  
**Attachments:** Oposition letter with annexes.pdf

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Dear Kari Parsons,

Please see attached an opposition letter signed by me and other members of our community. Please note that the signatures were gathered through a petition started in Change.org since we are deeply concerned about the negative effects in our community.

Should you require additional detail on the petition, this is the link. <https://www.change.org/Cancel-rezoning-Vollmer>

Best Regards.

November 28, 2022

NAS Landscape Designer Jennifer Shagin  
and  
El Paso County Project Planner Kari Parsons

RE: Parcel West of Vollmer Road Rezone to RM-30

I am writing on my behalf and on behalf of the signatories as per the Annex 1 attached, to express our strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from existing Zoning RR-5 CAD-O to Proposed RM-30.

We, the residents of the adjacent communities to the Turkey Canon Quarry property, are very concern on the potential negative effects of the rezoning to a Multi-family development. Among many others, our main concerns are:

- It will destroy local wildlife habitat in that area,
- It will increase current traffic and safety problems,
- It will increase water and waste usage problems; we are already subject to water usage limitations.
- It will lower our property values

Additional concerns expressed by some of the signatories have been included in Annex 2, for your consideration.

We respectfully request you take into consideration our concerns and the comments of the members of the community, we are residents and homeowners of El Paso County after all, and we would like our voices to be heard.

Respectfully,

Almarely Godwin  
Property Owner  
8428 Creek Brush Dr.  
Colorado Springs, CO 80908  
Arely882@hotmail.com



Name	City	State	Postal Code	Country	Signed On
Almarely Austria	Colorado Springs	CO	80908	US	11/3/2022
Sean Godwin	Colorado Springs	CO	80920	US	11/3/2022
Erin Eckert	Denver	CO	80203	US	11/3/2022
Aleyana Stone	Colorado Springs	CO	80918	US	11/3/2022
Teresa Cardona	Colorado Springs	CO	80908	US	11/3/2022
Katie.jefferson@msn.com Jefferson	Colorado Springs	CO	80918	US	11/3/2022
Jordana Kinney	Colorado springs	CO	80908	US	11/3/2022
Beneta Forehand	Colorado Springs	CO	80920	US	11/3/2022
Stefanie White	Dallas	TX	75270	US	11/3/2022
Yamilette Rodriguez	Colorado Springs	CO	80908	US	11/3/2022
Sandra Gonzales	Colorado Springs	CO	80919	US	11/3/2022
Jennifer Kammer	Colorado Springs	CO	80918	US	11/4/2022
Stephanie Atkinson	Colorado Springs	CO	80920	US	11/4/2022
Nicole Hernandez	Colorado Springs	CO	80920	US	11/4/2022
Brittney Fransioli	Colorado Springs	CO	80920	US	11/4/2022
Niki Becker	Colorado Springs	CO	80909	US	11/4/2022
Amy Mavity	Colorado Springs	CO	80920	US	11/4/2022
Nicole Burns	Denver	CO	80203	US	11/4/2022
Angela Chhith	Colorado Springs	CO	80911	US	11/4/2022
Patricia Bland	Colorado Springs	CO	80923	US	11/4/2022
Dale Bonavita	Colorado Springs	CO	80908	US	11/4/2022
Billy Garcia	Colorado Springs	CO	80923	US	11/4/2022
Jim Bonavita	Colorado Springs	CO	80924	US	11/4/2022
Renee Wheaton	Colorado Springs	CO	80920	US	11/5/2022
Chelley Bresnahan	Colorado Springs	CO	80911	US	11/5/2022
Adam Wheaton	Colorado Springs	CO	80920	US	11/5/2022
Elizabeth King	Colorado Springs	CO	80908	US	11/5/2022
Ray Green	Colorado Springs	CO	80908	US	11/7/2022
Heather Duxbury	Colorado Springs	CO	80908	US	11/9/2022
Karryle Lei Davies	Colorado Springs	CO	80908	US	11/9/2022
Susan Vaughn	Colorado Springs	CO	80908	US	11/9/2022
Shanna Cameron	Colorado Springs	CO	80908	US	11/9/2022
Shayne Lavery	Colorado Springs	CO	80920	US	11/10/2022
Anissa Brocato	Colorado Springs	CO	80922	US	11/10/2022
Bonnie Hendren	Colorado Springs	CO	80918	US	11/10/2022
Dylan Davis	Colorado Springs	CO	80908	US	11/10/2022
Angela Campbell	Colorado Springs	CO	80924	US	11/10/2022
Dana Sanelli	Colorado Springs	CO	80908	US	11/10/2022
Chynah Rad	Colorado Springs	CO	80909	US	11/10/2022
Spencer Paul	Colorado Springs	CO	80908	US	11/10/2022
Mike Connell	Colorado Springs	CO	80908	US	11/10/2022
Maryann Millsap	Colorado Springs	CO	80908	US	11/11/2022
Wanda Parker	Colorado Springs	CO	80908	US	11/11/2022
Priscilla Buchanan	Colorado Springs	CO	80920	US	11/12/2022
Dale Duxbury	Colorado Springs	CO	80908	US	11/12/2022
Scott Stone	Colorado Springs	CO	80908	US	11/19/2022
Vanessa Malewitz	Colorado Springs	CO	80920	US	11/27/2022
ALICIA KONIA	Colorado Springs	CO	80908	US	11/27/2022
Brett Davis	Colorado Springs	CO	80920	US	11/27/2022
Jennifer Mayeux	Colorado Springs	CO	80908	US	11/27/2022

Name	City	State	Postal Code	Country	Commented Date	Comment
Jordana Kinney	Colorado springs	CO	80908	US	11/3/2022	"This area is so over populated and traffic is becoming terrible. Schools do not have room for it."
Dana Sanelli	Colorado Springs	CO	80908	US	11/10/2022	"As a civil engineer, I'm very worried about proper drainage control given the topography of the site."
Wanda Parker	Colorado Springs	CO	80908	US	11/11/2022	"The infrastructure is not in place to handle more high occupancy residences. It should remain limited to single family residences."
Vanessa Malewitz	Colorado Springs	CO	80920	US	11/27/2022	"I own adjacent property and expected that land to eventually be developed for single family homes but would not have purchased my home if I thought there would be three floors of apartments looking down into my back yard! There are already 7 apartment complexes within 2.5 miles of this location and there are not enough single family dwellings available."
Brett Davis	Colorado Springs	CO	80916	US	11/27/2022	"We live on Vanderwood and don't want 3 story apartments invading our privacy. We are already on watering restrictions and don't need the impact of more water restrictions due to greedy developers. Apartments will cause crime to rise. We already have low income housing less than a mile away which crime went up. There is a bald eagle that hangs around out there with lots of other wildlife crowded out due to overdevelopment. There are 5 apartment developments within a 3 mile radius and more are being built!"
Jennifer Mayeux	Colorado Springs	CO	80908	US	11/27/2022	"I value open undeveloped land."

## Miranda Benson2

---

**From:** Amanda Burgess <mandalay@sbcglobal.net>  
**Sent:** Thursday, December 8, 2022 1:11 PM  
**To:** Kari Parsons  
**Subject:** Schmidt Parcel Rezone Multidwelling

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Hello Kari,

I am emailing in opposition to the proposed apartments going in on Vollmer in Colorado Springs. I have many issues with this going in next to my neighborhood.

1. Traffic: there is no way that Vollmer and Black Forest road can accommodate even more traffic as these streets are already extremely busy and Sterling Ranch will be using these roads and this community will not be built out for another 10 years.
2. Schools: every surrounding school is at max capacity with no future schools going in. Sterling Ranch community isn't even guaranteed a spot in their assigned schools at this point. A definite strain, if not, impossibility for future families.
3. Negative impact on home values: those proposed apartments are backing up against 2.5 acre custom built homes. Apartments negatively impact home value because of: proximity, density, and crime. Also, once Sterling Ranch is built out, those apartment dwellers will come over to our parks, rec center, etc., and crowd what we are paying for. Affordable housing is great but there is a time and place for it. It isn't fair to penalize this area because the developer wants more money regardless of the consequences to infrastructure, populace, crime, and overcrowding.

Amanda Burgess

Sent from my iPhone

## Miranda Benson2

---

**From:** Michael Freauff Jr. <michaelfreauffjr@gmail.com>  
**Sent:** Thursday, December 8, 2022 1:12 PM  
**To:** Kari Parsons  
**Subject:** Re: Jaynes Sketch Plan or Schmidt Rezone?

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Good Afternoon Kari,

I am opposed to the Schmidt Parcel Rezone Multi-dwelling (P2222). I will be providing a document of the Sterling Ranch Petition opposing the Schmidt rezoning, I just have a few more homes to present it to. My primary concerns are the current and planned road infrastructure would not be able to sustain the added traffic of the increased dwellings. The current road systems along Vollmer Rd, Blackforest Rd, and Woodman Rd are already failing to sustain traffic with the current dwellings. Another concern is the current schools would be hard pressed to keep up with the added enrollment in the area for such a large dwelling count in a 26.7482 Acre space. I am also concerned about increased crime rates with a dwelling such as an apartment building brings. We just have to look at the recent incident that happened at an apartment complex on the 3900 block of E. Bijou St. on December 6, 2022 where a couple was approached by 3 adult men. One of the men held the couple at gunpoint and forced them to the ground while stealing large amounts of cash and presents intended for the couple's children for christmas. The 3 adult males attempted to steal the vehicle as well before giving up due to the likely hood none of them could drive a manual transmission vehicle. This is just one example of incidents that Colorado Springs has had in or around apartment complexes. I chose this location to build a home in part due to its distance from certain environmental factors of which apartment builds were one of them.

Thank you for taking my concerns into consideration.

Respectfully,  
Michael Freauff Jr

On Thu, Dec 8, 2022 at 12:13 PM Kari Parsons <[kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)> wrote:

Hello Michael,

Which development are you opposed to the Jaynes Sketch Plan (SKP-225) or The Schmidt rezone (P2222)? Please up link below to view the projects. You may send me a letter via email that I will upload to the EDARP file for public view. Only adjacnet property owners reciveve notic of the public hearings- niether are scheduled for Planning Commission yet. A yellow poster would also be posted on the property when the item is scheduled for publoc hearing.



**Kari Parsons**

**Senior Planner**

E.P.C. Planning & Community Development

2880 International Circle

Colorado Springs, CO. 80910

719.520.6306 719.373.8562

<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:  
[https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code](https://library.municode.com/co/el_paso_county/codes/land_development_code)

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

## Miranda Benson2

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**From:** Steve Dobson <steve.homefinder@gmail.com>  
**Sent:** Thursday, December 8, 2022 9:51 PM  
**To:** Kari Parsons  
**Subject:** OPPOSE THE SCHMIDT PARCEL REZONE

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Hello Kari I hope you're having a great day.

My wife and I bought a house just over two years ago in Sterling Ranch. We envision living out in the country with nice homes and well developed communities. We do not want to see apartment complexes pop up all over the place in our area.

At this time I would like to express my strong opposition to any multi family development along Vollmer Road.

I'm sure if you talk with enough residents we will have a strong majority. Have a great weekend thank you for your time.

--

Steve Dobson Agent  
Pulse Real Estate Group, LLC  
Cell: (719) 200-3948  
Email: [steve.homefinder@gmail.com](mailto:steve.homefinder@gmail.com)  
Website: [steve.seehomesincolorado.com](http://steve.seehomesincolorado.com)  
Google Review: <http://reviewsprg.com/>  
The market's moving, why not you?

December 22, 2022

NAS Landscape Designer Jennifer Shagin

and

El Paso County Project Planner Kari Parsons

RE: Parcel West of Vollmer Road Rezone to RM-30

I am writing to express my strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from Existing Zoning RR-5 to Proposed RM-30. When I purchased this property, I knew there was a chance the land would be developed but I was told this property was zoned for only single-family home development. To re-zone this land to a higher density residential area will be detrimental to the community.

The most obvious concerns are a significant decrease in our home values. Most of us purchased these homes knowing we were in a community where home values would remain consistent. There are also significant privacy concerns for existing homeowners. Who wants multiple people looking down into your private yard and home?

The impact to our community will be significant. Other concerns include increased traffic and safety issues. We are already experiencing this as we drive into our community. If this plan is approved, it will cause an increase in traffic accidents as accessing Volmer Road will be extremely difficult.

There are many other concerns with this rezoning including the additional strain on our schools, hospitals, water, and waste removal. Multi-family dwellings will have more cars, visitors, and noise pollution.

In conclusion, multi-family dwellings are inconsistent with the neighborhoods developed in the area and will have a significant, negative impact on all homeowners at the Trails at Forest Meadows. I strongly oppose this proposal and hope you will take my concerns into consideration.

Sincerely,

Bobby Sadler

Property Owner

8042 Wheatland Drive

Colorado Springs, CO 80908

1/9/2023

8934 Vanderwood Rd.  
Colorado Springs, CO 80908

El Paso County Planning and Community Development Committee  
RE: File # P2222  
Parcel West of Vollmer Road Rezone to RM 30 / Schmidt Property  
Applicant: Turkey Canon Quarry Inc.  
20 Boulder Crescent St. 2<sup>nd</sup> Floor  
Colorado Springs, CO 80903-3300

Dear Committee,

I am writing a second letter to oppose the re-zoning of this land parcel, also known as “the Schmidt Property” to RM -30. In the body of this letter, I will refer to this land as “the property”. It is my understanding that I can only address the zoning of the property at this time.

Picture #1 (page 2) is a vicinity map provided by N.E.S. Inc. The property is located in-between a rural residential area with **all single family homes** in the sub-divisions of Highland Park and Silver Pond located to the north and The Trails of Forest Meadows to the south.

At the neighborhood meeting hosted by N.E.S. Inc. Landscape Designer Jennifer Shagin on Monday, December 5, 2022, **ONLY** a few of the residents of The Trails at Forest Meadows were invited, including myself, but due to a HOA posting, more residents attended the meeting.

The N.E.S. Inc. letter of intent justification of the re-zoning the property and the informational meeting December 5, 2022 raises questions and concerns.

1. My husband and I spoke with a few of the Highland Park and Silver Pond homeowners next to this property, and they were not aware of the proposal/ File #P2222.
2. The property was a sand/gravel mine at one time. Picture #2 (page 2) is the east side of the parcel, which is the request for re-zoning. Picture #3 (page 3) is the west side, a former mine which currently has existing burms on the north and south sides, with a deep slopes – basically a large hole. The re-zoning letter is only for the east side. **One concern is there isn't a current plan for the entire property.** It would be prudent to have plans for the entire property instead of leaving an abandoned mine on the west side. This opens the area to unwanted opportunities such as **dumping and squatting**. I have witnessed people drive to this property and dump all types of waste. In addition, during the summer of 2021, a homeless camp with multiple outdoor fires had taken over the west side of the property. The El Paso County Sheriff had to intervene due to a fire hazard to the homes in the immediate area.



Picture #1



Picture #2 – East - Re-zoning Proposal

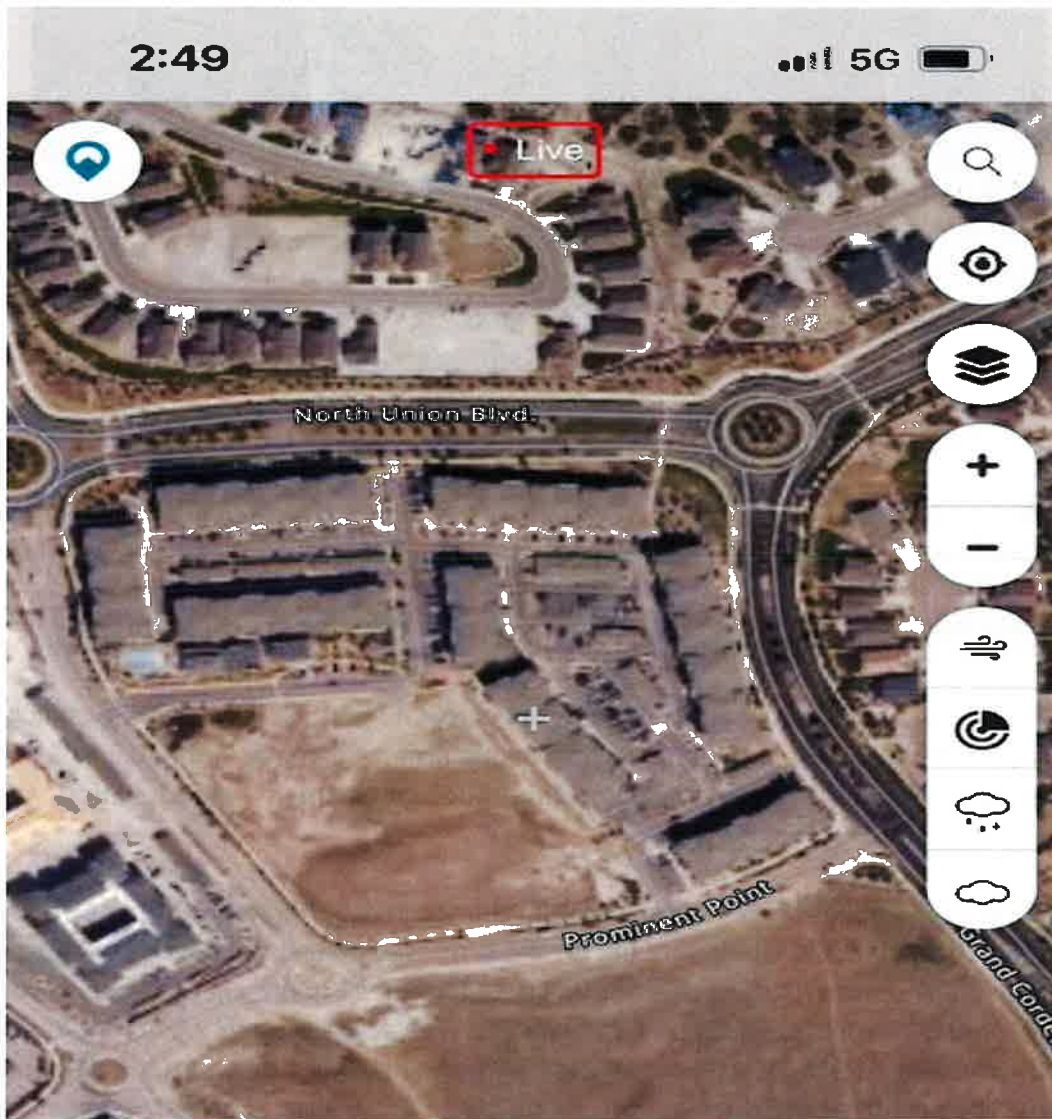


Picture #3 West - Old Mine



3. Project Justification #1, implies that re-zoning this property will add a spectrum of housing options in the immediate area. What is the definition of the immediate area? Currently within 0.3 to 1 mile of the property, there are **6** moderate density living neighborhoods (apartments) and **1** senior / assisted living facility.
4. Justification #1 and #4 implies there is a “substantial change in the character of the neighborhood since the land was last rezoned & the site is suitable for the proposed residential density with providing a transition between land use types”. Referring again, to Picture #1 (page 2), the areas north, east and south of the property consists of **all single family homes** with acreage up to 2.5 acres per resident. **A higher density dwelling of RM-30 is not consistent with the existing single family homes surrounding the property.** The proposed site **does not offer a buffer to the Trails at Forest Meadows to the south.** The parcel will be directly adjacent to the fences of the Trails of Forest Meadows.
5. Picture #1 (page 2) also shows that there will be a direct access road to the Trails at Forest Meadows with the continuation of Brush Top Road. At the community meeting, it was stated that this road will be built. I do not know of any moderate density zoning areas that have direct access to a single family home community. In-addition, all of the moderate density areas within Colorado Springs have at least a large 2-4 lane wide road with an extensive brick or stone fence between a single family home community. Refer to picture #4 and #5 (page 4), an example of this buffer. Picture #4, is an example of Vue 21 apartments in the City limits of Colorado Springs with single family homes near the property. This aerial map (albeit older) demonstrates buffer zones and no direct access roads into the single family home developments. **Honestly, who wants rental apartments directly behind their fence?** My husband and I moved to this location, as many others, for the openness of the area (El Paso County and not City).

Picture #4



Picture #5



6. I understand that this initial proposal for re-zoning cannot include the multitude social and political of implications this area will foresee, however, I must bring up the following because it is addressed in the Traffic study included with the proposal. The traffic study estimates the number of dwellings on the property to be approximately 714 dwellings. In the letter of intent prepared by N.E.S. Inc. page #8 paragraph #6 “a possible 25 dwellings units per acre”. I need to stress that parking is horrific at moderate density zoning. Usually there is limited parking along with restrictions. It was insinuated at our community meeting that “each resident will only have one vehicle.” Highly unlikely. Let’s predict that at least ½ of these dwellings will have 2, vehicles, which is more realistic. That is 1071 vehicles that will need a parking space. It does not specify in the traffic study if there will be parking along Vollmer Rd or MarkSheffel Rd, so that leaves only Brush Top Rd. **Without a buffer to the surrounding neighborhoods, residents will park their extra vehicles and or campers in the single family home neighborhoods, in-particular the Trails at Forest Meadows.** Refer to pictures #6 and #7 (below) demonstrates full on-street parking and vehicle type restrictions (campers) with RM-30 zoning.

Picture #6

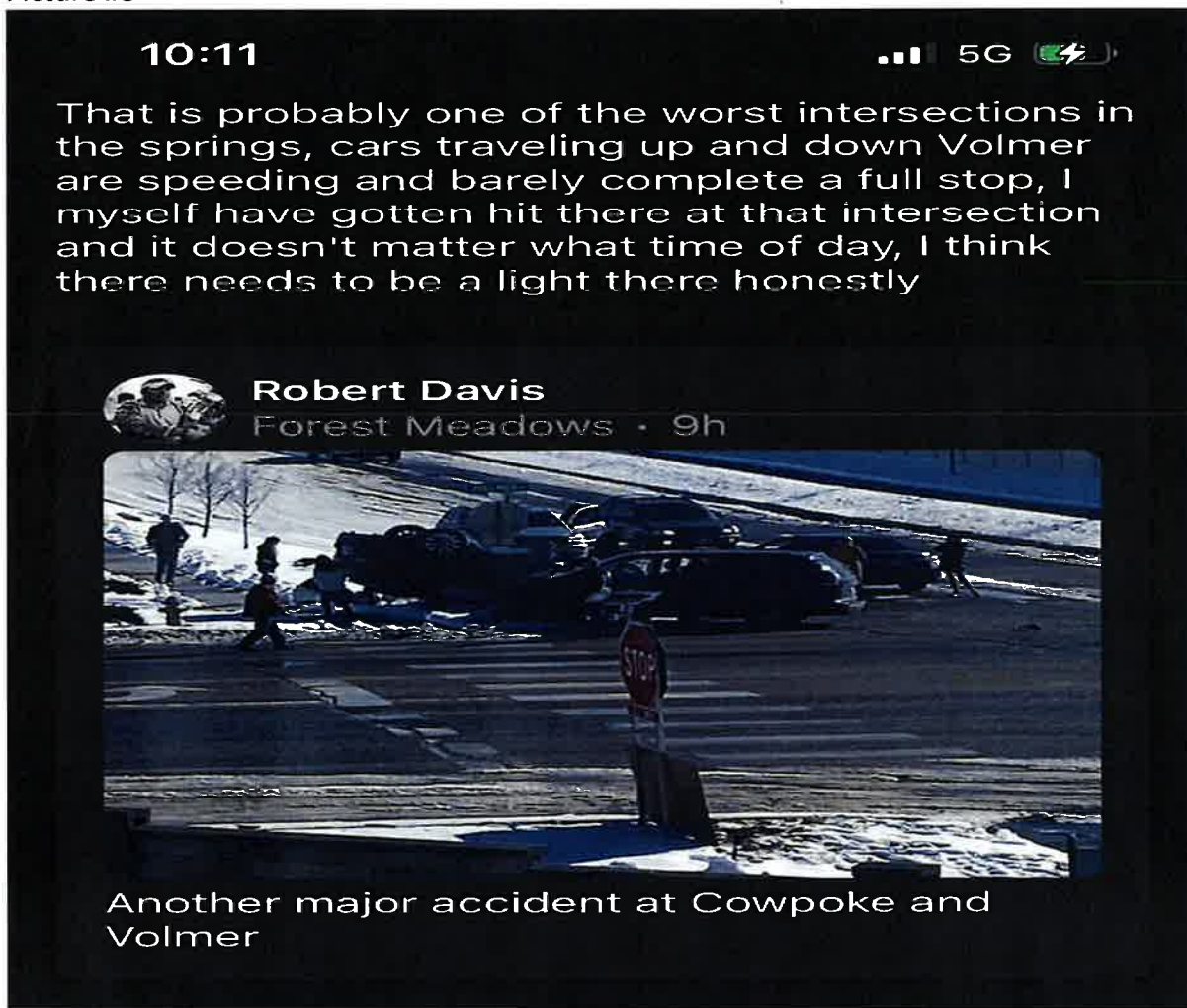


Picture #7



7. The traffic study also does not include the existing problem with the intersection of Cowpoke and Vollmer Roads, a few hundred yards south of this property. Recently on FOX NEWS 1/4/2023 at 5:30PM, there were residents at Forest Meadows that needed to alert the city of the disastrous accidents that occur at this intersection. It was presented by the news that **“due to the increase number of residents in the area, the accidents have multiplied”**. Now add an additional 1071 cars. Refer to picture #8 below, this was posted on “Next-Door”.

Picture #8



**I highly encouraged you to reconsider the re-zoning proposal. I also encourage you to come visit the area.** We expected building on the property at some point but not RM-30 / moderate density or even commercial. In addition, a plan for the entire property should be in place. Picture #9 (page 7) is a more appropriate example of homes that may transition nicely on the property. Townhomes, attached homes, and or affordable single family homes would be more consistent with the vicinity and maintain the beauty of the county. Multiple RM-30 zoning “rental” properties do not make sense in-between single family home communities especially when the homes directly north of this property are close to, if not, one million dollars.

When I built my home, Challenger Homes tried to purchase this property to continue a single family home neighborhood. The owners did not want to sell at that time but even the builder had the vision to maintain the area as currently developed.

Picture #9



I need to point out that on KOAA news 1/7/2023 at 7:30 AM, they reported **“that apartments in El Paso County, Colorado Springs have increased 26% in 2022, with 5,000 units available”**. Why do we need more? It would be prudent to focus on home ownership. Home ownership brings in revenue.

At the community meeting December 5, 2022, two males identified themselves as the “owners” of the property. One of them “promised” the Trails at Forest Meadows community of certain items such as “trees”, “high end apartments” and “I will build single family homes”. This was very premature and unprofessional especially when re-zoning and or plans for the property has not been passed. I agree with his single family home idea.

Thank you for your consideration.

Sincerely,  
Deborah Rice  
Douglas Halverson  
Home Owners  
Trails at Forest Meadows  
[deb712@me.com](mailto:deb712@me.com)

January 19, 2023

Drs. Deborah and Steven Johns  
7275 Silver Ponds Hts.  
Colorado Springs, CO 80908

Re: Schmidt Parcel Rezoning Application P2222

Dear El Paso County Planning Commission and Board of County Commissioners,

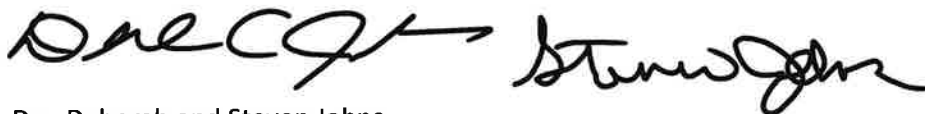
We are writing to urge you to reject the application for a rezoning of this property from RR-5 to RM-30.

We believe this parcel is inappropriate for rezoning due to the following reasons:

1. El Paso County Master Plan: The plan appears to be for this area to be "suburban residential." Page 31 of the plan indicates development should be "supportive of and compatible" (pg 31) with the overall development. This area has higher density single family residences on the south and single family residences on 2.5 acres to the north. Rezoning to multi-family housing (RM-30) here is incompatible with current development. RR-2.5 or RR-0.5 would be more compatible.
  - a. Rezoning as proposed would not "maintain County character" (pg 60) which focuses detached housing in suburban residential areas.
  - b. Rezoning as proposed would violate the idea of "seamless transitions" (pg 60) as it would inappropriately place multi-family high density residences in the midst of existing single family dwellings.
2. Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County's Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare of the community. The material change in the character of the area surrounding this parcel does NOT justify a rezoning to this density level.
  - a. Criteria for Approval (B, page 147) indicates a rezoning requires the following findings to be made: general conformance with the El Paso County Master Plan OR substantial change in the character of the neighborhood. The requested zoning change is NOT in conformance with the El Paso County Master Plan though there has been a change in the character of the neighborhood. The change in the neighborhood to single family homes does NOT justify rezoning the Schmidt parcel to RM-30.
  - b. The rezoning may be in compliance with all applicable statutory provisions, but it is NOT compatible with the existing and permitted land uses and zone districts in ALL directions. (pg 148).

Thus, for these reasons we urge you to reject the application for rezoning the Schmidt parcel from RR-5 to RM-30.

Best regards,



Drs. Deborah and Steven Johns  
719-495-1352 home  
johnsix@pcibroadband.net

## Miranda Benson2

---

**From:** Kari Parsons  
**Sent:** Wednesday, February 22, 2023 3:54 PM  
**To:** Miranda Benson2  
**Subject:** FW: Opposition Letter to rezoning of Land West of Vollmer Rd from the existing zoning RR-5 CAD-O to Proposed RM-30

---

**From:** Dustin <duncand9@gmail.com>  
**Sent:** Thursday, December 1, 2022 11:11 AM  
**To:** jshagin@nescolorado.com; Kari Parsons <kariparsons@elpasoco.com>  
**Subject:** Opposition Letter to rezoning of Land West of Vollmer Rd from the existing zoning RR-5 CAD-O to Proposed RM-30

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My family and I are writing to express our strong opposition to the proposed rezoning of the Turkey Canon Quarry Inc. from the existing Zoning RR-5 to the proposed Zoning RM-30. Our home is located in close proximity to this proposed development and not only will it impact the value of the homes in the Trails at Forest Meadows, it will also introduce privacy and safety concerns. Specific objections of this project include:

- Increased traffic and pedestrian flow into our neighborhood, by attaching Brush Top Road, which is a part of the Trails at Forest Meadows, to the proposed apartment development. This can create safety concerns that are associated with multi-family establishments.
- Vollmer Road is already unable to sustain the increase of traffic from additional homes being built north of Forest Meadows. I believe this proposed change will greatly add to the strain of one of only two roads that the neighborhood and surrounding areas uses to access Woodmen Rd.
- Over capacity of the D-49 school system.
- Destroying local wildlife habitats in that area.
- Increased water and waste usage which are already under strain.
- Additional Waste Management delays, as it is already unable to stay on schedule due to the increase of population in the surrounding area, affecting both the waste management companies and homeowners alike.
- Increase in noise pollution
- Safety concerns within and around our neighborhood than what a typical single-family neighborhood generates.

We moved to this area due to the beauty, safety, convenience, and peaceful surroundings that we have been enjoying. However, with these proposed changes those benefits will be greatly diminished and possibly eliminated. Due to the above mentioned concerns and the many others expressed by my fellow neighbors, our hope is that our voice is heard and addressed and that the rezoning of this land for a multi-family residence will be denied. I appreciate your time and attention to this important matter.

Sincerely,

Dustin Duncan  
Property Owner  
7186 Aspen Brush Court  
Colorado Springs, CO 80908



**Miranda Benson2**

---

**From:** Kari Parsons  
**Sent:** Monday, February 27, 2023 7:09 AM  
**To:** PCD Hearings  
**Subject:** FW: Public Hearing Regarding Schmidt MultiDwelling Rezone

**From:** Rick Van Wieren <vanwierenrick@gmail.com>  
**Sent:** Saturday, February 25, 2023 2:45 PM  
**To:** Kari Parsons <kariparsons@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Carrie Geitner <carrie@carriegeitner.com>; Carrie Geitner <carriegeitner@me.com>  
**Cc:** Holly Van Wieren <holly.vanwieren@gmail.com>  
**Subject:** Public Hearing Regarding Schmidt MultiDwelling Rezone

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I just received a notice today that was dated 2-9-23 regarding this public hearing on March 2 to rezone the area immediately to the north of our home from RR-5 to RM-30. While my wife and I cannot attend the hearing as we are out of town that day, I want to make sure our voices are heard.

We are VEHEMENTLY opposed to the rezoning from RR-5 to RM-30 of the Schmidt parcel.

There was a previous move to just develop a small portion of this to townhomes. Now we see an attempt to go to a high density apartment complex. This is counter to the county master plan, not consistent with the roads that are in place, and not consistent with gradual phasing of more standard density residential of our neighborhood to the low density areas immediately to the north.

WE BEG YOU do not approve this rezoning. There are other areas already zoned for high density that can handle this. Please don't ruin this area.

Sincerely,

Rick and Holly Van Wieren  
8724 Vanderwood Rd, Colorado Springs, CO 80908

**Rick Van Wieren**

RE/MAX Properties, Inc 1915 Democracy Pt

Colorado Springs, CO 80908

Call or Text 719-331-7675

[vanwierenrick@gmail.com](mailto:vanwierenrick@gmail.com)

[www.LivingColoradoSprings.com](http://www.LivingColoradoSprings.com)

[www.FaceBook.com/rickvanwierenrealestate](http://www.FaceBook.com/rickvanwierenrealestate)

[www.YouTube.com/rickvanwieren](http://www.YouTube.com/rickvanwieren)

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February 27, 2023

Mr. & Mrs. Bryan Bagley  
7070 Silver Ponds Hts.  
Colorado Springs, CO 80908

Re: Schmidt Parcel Rezoning Application P2222

Dear El Paso County Planning Commission and Board of County Commissioners,

We are writing to urge you to reject the application for a rezoning of this property from RR-5 to RM-30.

We believe this parcel is inappropriate for rezoning due to the following reasons:

1. El Paso County Master Plan: The plan appears to be for this area to be “suburban residential.” Page 31 of the plan indicates development should be “supportive of and compatible” (pg 31) with the overall development. This area has higher density single family residences on the south and single-family residences on 2.5 acres to the north. Rezoning to multi-family housing (RM-30) is incompatible with current development. RR-2.5, RR-1 or even RR-0.5 would be more compatible.
  - a. Rezoning as proposed would not “maintain County character” (pg 60) which focuses detached housing in suburban residential areas.
  - b. Rezoning as proposed would violate the idea of “seamless transitions” (pg 60) as it would inappropriately place multi-family high density residences in the midst of existing single family dwellings.

Zoning change	# Single family homes or home-units	% increase
RR-5 to RR-2.5	~6 to 13 single family homes	117%
RR-5 to RR-1	~6 to 33 single family homes	450%
RR-5 to RR-.5	~6 to ~66 single family homes	1,000%
RR-5 to RM-30	From ~6 single family homes to ~990 home-units (30 home-units/acre)	16,400% increase in number of home-units*

\* Assumes apartment complex of 30 dwellings per acre are built on all 33.44 acres (public notice did not specify how many apartment buildings on this 33.44-acre parcel are planned)

2. Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County’s Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare of the community. The material

change in the character of the area surrounding this parcel does NOT justify a rezoning to this density level.

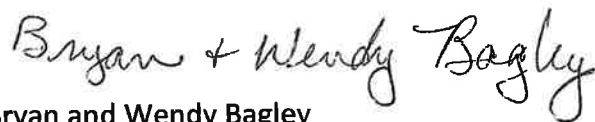
- a. Criteria for Approval (B, page 147) indicates a rezoning requires the following findings to be made: general conformance with the El Paso County Master Plan OR substantial change in the character of the neighborhood. The requested zoning change is NOT in conformance with the El Paso County Master Plan though there has been a change in the character of the neighborhood. The change in the neighborhood to single family homes does NOT justify rezoning the Schmidt parcel to RM-30.
  - b. The rezoning may be in compliance with all applicable statutory provisions, but it is NOT compatible with the existing and permitted land uses and zone districts in ALL directions. (pg 148).
3. Rezoning this parcel (which abuts the Silver Ponds community) violates the El Paso County Silver Ponds General Development Guide (Book 6917, pages 38-53). This El Paso County document has never been revoked or rescinded. This re-zoning request violates the guidelines and principles set forth in this development guide; examples: the community/development should “maximize the unique physical features of the site to strengthen the feeling of a mountain community” (page 3). This document also specifies that all lots are at least 2.5 acres and residential buildings are limited to 30 feet in height and the one commercial building is limited to 35 feet.
4. In addition, the county has not met their obligation to fully disclose the “Schmidt Multi-Dwelling Rezone Plan” because of conflicting information.
- a. Letter/notice mailed on Feb 9, 2023 provided the wrong link “to view the Staff Report and all other documents related to this hearing item”. The link provided in the notice (<https://epcdevplanreview.com/Public/projectdetails/178314>) was for a hearing on a different parcel and different issue.
  - b. Information from the county, in the month of February 2023, shows different areas on the map for this rezoning parcel. The map provided on the county website ([Project Details - EDARP \(epcdevplanreview.com\)](https://epcdevplanreview.com)); titled “Zoning Map” dated Feb 7, 2023) shows a much smaller area to be re-zoned as compared to the map provided on the notification letter (mailed on Feb 9<sup>th</sup>) that was mailed to us. The PC Staff Report (dated Feb 23, 2023) includes a map showing a smaller parcel than the one in the notification mailed to us on Feb 9<sup>th</sup>. So, the people are left wondering exactly what acreage is being considered for rezoning?
  - c. Not all Silver Ponds residents received the Feb 9, 2023 notice of this public hearing. Since we are adjacent to the parcel requesting a dramatic rezoning, every homeowner should have received a notice of this hearing.

If the re-zoning request is for a higher density than RR-1, the Silver Ponds community requests that the existing berm be left in place (or a similar sound and sight barrier be erected) so that our compliance with the El Paso master plan be somewhat protected from this planned “Schmidt Multi-Dwelling Rezone” community that does not comply with the rural feel of the

adjacent neighborhoods (that are in compliance with the master plan). The PC (Planning Commission) Staff Report (dated Feb 23, 2023) states that the “design and construction of Marksheffel Road will be a developer requirement.” This implies that if the commissioners approve this rezoning request (a huge density increase), they will be paid in return by the developer putting in a needed roadway. This PC Staff Report also states “A minimum 15-foot zone district buffer is required between the existing single-family residential development to the south and the proposed rezone area.” The Silver Ponds community (located to the north of this proposed rezone area) requests that the berm between our community and the Marksheffel Road extension be left in place. This should be acceptable to the developer since they are also responsible for the Marksheffel road extension and have apparently already agreed to protect the single-family homes to the south of this proposed rezone area.

In summary, we urge you to reject the application for rezoning the Schmidt parcel from RR-5 to RM-30 (over a 16,000% increase in density). If considering approval of rezoning to a density greater than RR-1, we request the proposed rezoning be resubmitted for public comment, with defined mitigations to protect the Silver Ponds community from this proposed 1,000% to 16,400% increase in density right next to our single family homes.

Sincerely,

A handwritten signature in cursive script that reads "Bryan + Wendy Bagley".

Bryan and Wendy Bagley  
Homeowners within 100 yards of this proposed apartment complex  
719-482-8093 cell  
bwjbagley@gmail.com

Miranda Benson2

---

**From:** Ziegler Family <fiveziggs@msn.com>  
**Sent:** Tuesday, February 28, 2023 12:27 PM  
**To:** PCD Hearings  
**Subject:** Opposition to Rezoning Parcel Application P2222

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February 28, 2023

Kevin and Jennifer Ziegler  
8725 Skip Stone Point  
Colorado Springs CO 80908

Re: Schmidt Parcel Rezoning Application P2222

Dear El Paso County Planning Commission and Board of County Commissioners,

We are vehemently opposing the rezoning of our southeastern border of our entire community from Rural 5 acre lots to multi-dwelling 30 units per acre. A 16,000% increase of density!

We have been warned about the current applicant, once having worked for our city planners (how convenient) and the reputation of the parcel owner. We have also been informed by the current planner, that our current water issues, pond loss, traffic problems and suffering wild life is not cause for opposing this rezoning request. So, I plead to our ELECTED County commissioners, who take an oath to represent the residents in your jurisdiction. Our outcry of opposition should matter, as this rezoning effects all of it!

We carefully chose this area as it was declared in El Paso County Master plan as a rural area, which I may add came at a high price. Mr. Schmidt purchased his parcel knowing that! How is it not a violation to butt apartment complexes up to single family acreage zoned for animals? Where is the seamless transition requirement?

The location site map from 2 months ago, has tripled in size! Has there been another rezoning request? After wading thru all the smoke and mirrors, it mentions this is phase1. What is phase 2? Should we be looking for getting blindsided again?

My fear is that the right people were paid off and this hearing is just a formality. But my hope, is the governing body responsible for the determination of rezone request, does their duty in denying this ridiculous destruction of our and surrounding communities and our way of life.

Sincerely,

Jennifer and Kevin Ziegler  
(719) 233-6105  
fiveziggs@msn.com

**Miranda Benson2**

---

**From:** Kari Parsons  
**Sent:** Wednesday, March 1, 2023 2:43 PM  
**To:** Miranda Benson2; PCD Hearings  
**Subject:** FW: Silver Ponds Subdivision Opposition P222  
**Attachments:** Letter of Opposition P2222.pdf



Kari Parsons  
Senior Planner  
E.P.C. Planning & Community Development  
2880 International Circle  
Colorado Springs, CO. 80910  
719.520.6306 719.373.8562  
<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

To review the [El Paso County Land Development Code](https://library.municode.com/co/el_paso_county/codes/land_development_code) (2021) go to:  
[https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code](https://library.municode.com/co/el_paso_county/codes/land_development_code)

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

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**From:** Chris Haight <Chris.Haight@live.com>  
**Sent:** Wednesday, March 1, 2023 2:37 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>; Kari Parsons <kariparsons@elpasoco.com>  
**Subject:** Silver Ponds Subdivision Opposition P222

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Good afternoon Ms. Herington and Ms. Parsons. I would like to submit the following Letter of Opposition for file P2222 "SCHMIDT MULTI-DWELLING REZONE" Thank you for your continue service and support of our communities. I would request the attached be submitted for record from the Silver Ponds Home Owners Subdivision just North of this plan development area. Please let me know if there is anything additional I may need to provide to substantiate our opposition. I have no interest in speaking at the hearing or even having the ability to attend. We simply wanted to ensure our comments have been placed on record. Have a wonderful weekend.

Chris Haight  
Silver Ponds (Board of Director)  
303.503.5919



# LETTER OF OPPOSITION FOR THE "PARSONS P2222" RE-ZONING REQUEST

---

Chris Haight  
Silver Ponds Owners Association "Board of Director"  
7270 Silver Ponds Heights  
Colorado Springs CO 80908

February 28, 2023

Honorable Commissioners  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Dear Commissioners:

As a board member of the Silver Ponds Owners Association, I(we) strongly oppose the rezoning request for file #P2222 in relation to the 5200000562 Parcel from Turkey Canon Quarry Inc. Our private subdivision is just north by northwest of this 33.4-acre parcel and the impact to our community is likely in more jeopardy of property value diminution with an overall impact to our way of life. Whilst the local community may be unable to prevent such development, the map amendment will be detrimental to the area and therefore nearly all residents in our subdivision are completely opposed to the rezoning process from RR-5 (Residential Rural) to RM-30 (Residential, Multi-Dwelling).

The Silver Ponds Subdivision houses two of the largest privately held irrigation ponds in the area and are a primary source of both water and food to our local wildlife which include several bald eagles that have been observed daily between our properties and the proposed development acreage. Any planned development committee should consider the continuing impact to the local wildlife habitat in this area. The two bald eagles in this area even though not on the endangered species list as of August 2007, are still protected under the Migratory Bird Treaty Act and The Bald & Gold Eagle Protection Act. These eagles use this area for food and water due to the stocked ponds in our subdivision and must also be taken into consideration.

Consequently, the impact of having an increased populous with the expansion of Wolf Range housing development is already playing havoc on the public-school systems in this area. These local institutions are already reporting overcapacity, and the council should not approve yet another multi-dwelling apartment complex that will continue to create or exacerbate a situation causing school concurrency to fail. The recent onset of local apartment complexes within a 2-mile radius which include "The Lodge", "Copper Range" and "The Creek" have nearly 1500 dwellings and now rezoning for and additional 900.

I(we) urge you to disapprove the proposed rezoning, and from recent meetings and discussion with our neighbors, I know my sentiments are shared by many who are unable to attend or write letters such as this.

Thank you for your continued service and support of our communities.

Best regards,

Chris Haight

RESOLUTION NO. 23-

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

APPROVAL OF MAP AMENDMENT (REZONE)  
SCHMIDT REZONE (P-22-022)

WHEREAS, Turkey Canon Quarry Inc 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 RM-30 (Residential Multi-Dwelling) 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 Turkey Canon Quarry Inc. 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 RM-30 (Residential Multi-Dwelling) 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 RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

#### NOTATIONS

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

3. Final determinations of all road classifications, alignments, and intersections will be made at the time of preliminary plan when more detailed land use, traffic impacts, and preliminary road designs are available.

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

THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EXCEPT THE EASTERLY 30 FEET THEREOF, COUNTY OF EL PASO, STATE OF COLORADO