**CROSSROADS NORTH MAP AMENDMENT (REZONING)**

**LETTER OF INTENT**

**(Revised November 17, 2020)**

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER**

COLORADO SPRINGS EQUITIES, LLC

90 S. CASCADE AVENUE, SUITE 1500

COLORADO SPRINGS, CO 80903

**PLANNING**

KIMLEY-HORN & ASSOCIATES

2. NORTH NEVADA AVENUE, SUITE 300

COLORADO SPRINGS, CO 80903

**ENGINEERING**

MS CIVIL CONSULTANTS

102 E. PIKES PEAK, 5TH FLOOR

COLORADO SPRINGS, CO 80903

**SURVEYING**

CLARK LAND SURVEYING, INC

177 S. TIFFANY DRIVE, UNIT 1

PUEBLO WEST, CO 81007

**LOCATION, ACREAGE, PARCEL ID INFO, & ZONING**

This application for a map amendment (rezoning) includes Parcel Nos. 5408001032, 5408001041, 5408001042, 5408001050, 5408001051, & 5408001052. The proposed rezoning is generally located at the northeast corner of intersections of U.S. State Highway 24 and U.S. Highway 94. The site is bound by US Highway 24 on the north, Marksheffel Road on the east, and Air Lane on the south (see vicinity map and rezone map exhibit for details). The combined acreage of the properties included in the proposed rezone is ±25.18. (Commercial Airport Overlay District).

**REQUEST**

Rezone 25.18 acres from the M (4.84 AC) and I-2 (20.34 AC) zones to the CR CAD-O zoning district. All future rezoning, subdivision, and/or land use applications will be subject to the restrictions and limitations of the Airport Overlay. The subsequent preliminary plan and final plat will clarify zone district boundaries with respect to ROW, proposed commercial lots, and landscape buffers and setbacks.

Development within the proposed map amendment (rezoning) boundaries will conform to the density and dimensional requirements of the CR zone which include:

* Setbacks: 50’ front yard; 25’ side/rear yards (0’ from internal side/rear lot line within the same zone)
* Height: 45’
* Roadway Landscape Buffer/Setback Requirements:

| **Ex./Prop. Road** | **Roadway Classification** | **Landscaping Buffer/Setback** | **Req. Trees\*/ Linear Foot of Frontage** |
| --- | --- | --- | --- |
| US 24 | Expressway, Principal Arterial | 25 feet | 1 per 20 feet |
| Marksheffel Rd | Minor Arterial | 20 feet | 1 per 25 feet |
| Air Lane | Non-Arterial | 10 feet | 1 per 30 feet |
| Crossroad Road (s) | Non-Arterial | 10 feet | 1 per 30 feet |

\*(min. 1/3 trees shall be evergreen)

**JUSTIFICATION**

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

* **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;**

***WATER MASTER PLAN CONSIDERATIONS:***

The development area is in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown in other maps.

CMD currently serves approximately 7,000 residential taps and 600 commercial taps in addition to bulk users in the eastern portion of unincorporated El Paso County..

CMD has adequate supply, water quality, and existing infrastructure in the area to serve this development and maintains required regulatory compliances.

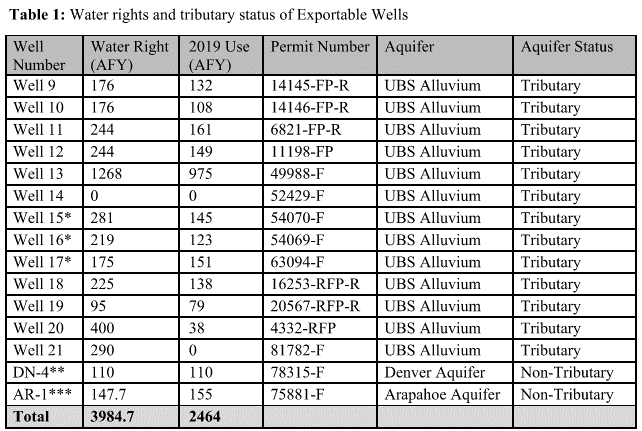
CMD provides services outside District boundaries to Schriever AFB and the Woodmen Hills/Meridian Ranch Development. System/infrastructure interconnections exist between CMD, CSU, Meridian Ranch MD, Meridian Service MD, and Woodmen Hills MD. Per the Water Master Plan, water supplies in Region 5 from current to 2060 build out are as follows (*taken from EPC WMP*):

|  |  |  |  |
| --- | --- | --- | --- |
| **Planning Region** | **Current Supplies (AF per year)** | **2040 Supplies (AF per year)** | **2060 Build-Out Supplies (AF per year)** |
| **Region 5** | **4,849** | **6,800** | **10,131** |
| *Table 5‐2: Current, 2040, and Build‐Out Water Supply by El Paso County Planning Region* | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Planning Region** | **Demand (AF)** | **Supplies (AF)** | **Average-Year Surplus\*\* (AF)** | **Need (AF)** | **Need (%)** |
| **Region 5** | **4,396** | **4,849** | **453** | **0** | **0%** |
| *Table 5-3: Current Demand and Current Supplies by El Paso County Planning Region* | | | | | |
|  |  |  |  |  |  |
| **Planning Region** | **2040 Demand (AF) Need (AF) Need (%)** | **Current Supplies (AF)** | **(AF) Average-Year Surplus\*\*** | **Need (AF)** | **Need (%)** |
| **Region 5** | **6,468** | **4,849** | **0** | **1,619** | **25%** |
| *Table 5-4: Future (2040) Demand and Current Supplies by El Paso County Planning Region* | | | | | |
|  |  |  |  |  |  |
| **Planning Region** | **2060 Demand (AF)** | **Current Supplies (AF)** | **Average-Year Surplus\*\* (AF)** | **Need (AF)** | **Need (%)** |
| **Region 5** | 9,608 | 4,849 | 0 | 4,759 | 50% |
| *Table 5-5 – Build-out (2060) Demand and Current Supplies by El Paso County Planning Region* | | | | | |

Water supplies in Region 5, and specifically from CMD, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. The District has been planning to reduce demand through its conservation and reuse programs. Additional water resources are planned through CMD interconnections and regional collaboration with partner and/or neighboring water providers. through acquisition and reallocation of other resources

Water resources for CMD are drawn from groundwater in two regions. The majority is from alluvial groundwater supplies in the Upper Black Squirrel Aquifer in eastern El Paso County via a network of twenty wells (Well Nos 1-20). According to the District, water from Well Nos. 1-8 provide a maximum of 653 AFY to a fixed customer base. This water is unavailable to other users and is tracked separately from CMD’s general exportable supply portfolio. Water supplies from the remaining wells (Well Nos 9-20) in the amount of 3,985 AFY is available for export outside the Basin. Remaining water supplies are sourced from two wells in deep bedrock aquifers from the Sundance Ranch property in the northern part of the County.



CMD is developing owned water supplies to increase available water and improve flexibility in provision of summer flows. By the end of 2021, these new wells will contribute 458 AFY of capacity to the CMD system (Table 2) for a total of 4,443.0 AFY. Since 2011, actual demand from CMD customers has fallen 30-35% below commitments, partially due to some committed developments being incomplete but largely due to water saving measures undertaken by CMD customers.

**Table 2:** New water supplies slated for completion in 2021

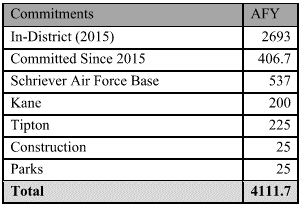
|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Well Number | Water Right (AFY) | Permit Number | Aquifer | Aquifer Status |
| Albrecht Well | 153.5 | 27571-FP | UBS Alluvium | Tributary |
| DA-1 | 40.3 | 83604-F | Dawson | Not Non-Tributary |
| DA-4 | 64.5 | 83603-F | Dawson | Not Non-Tributary |
| AR-1 Expansion | 200 | 75881-F | Arapahoe | Non-Tributary |
| **Total** | **458.3** |  |  |  |

By the end of 2021, CMD will have at total of 4,443 AFY of exportable water supplies sourced from alluvial and deep bedrock aquifers. Further development in the Denver Basin is not planned at this time and instead CMD is focusing on acquiring new renewable supplies proximate to existing infrastructure.

CMD’s water commitments stand at 4,130.4 AFY. The Tipton and Kane commitments are related to an arrangement from the mid-2000’s where developers reserved commitments on two new wells. The water from these wells is considered fully committed to these developers even if they have not yet begun the projects associated with the reserved commitments. Due to a complex legal history, the “Kane” water right was not tied to a specific physical water well but instead operates as a commitment served from CMD’s general supply portfolio. The “Tipton”

water right corresponds to CMD’s Well 18.

**Table 3:** CMD Commitments before addition of new development



With 4,443.0 AFY of exportable supply and 4,130.4 AFY of commitments, CMD has a water balance of 312.6 AFY remaining for additional commitments.

CMD has committed to allocate 90.9 AF/YR for the proposed development out of its current supplies. It should be noted that the district has committed to serve development within the proposed development boundaries since the property was annexed into the district (Recorded April 25, 1984 in Book 3862 at Page 949, and July 10, 1984 in Book 3892 at Page 529).

CMD has a collection of wells, pump stations, conveyance pipelines, storage tanks, and treatment facilities to deliver potable water to its customers.

The general delivery system begins with raw water produced from the north and south well fields in the UBSC. Raw water quality from the UBSC is good, and generally only requires chlorination at the wellhead. This water is first delivered to the Ellicott Tank (0.5 MG) located near Ellicott. A pump station at the Ellicott Tank conveys water along Highway 94 west to the CMD service are via a 30-inch pipeline. The 30-inch pipeline terminates at Tank 1 (3 MG) at the south end of Cimarron Hills. Two booster pump stations at Tank 1 can deliver water to Tank 2 (3 MG) and Tank 2a (4 MG), located centrally in Cimarron Hills. A booster pump station at this location delivers raw water to Tank 3 (5 MG), at the northern end of Cimarron Hills.

Existing Water Storage Tanks

|  |  |
| --- | --- |
| Tank Name | Volume (MGAL) |
| ELLICOTT TANK | 0.5 |
| TANK 1 | 3.0 |
| TANK 2 | 1.0 |
| TANK 3 (TAMLIN) | 5.0 |
| TANK 4 | 3.0 |
| FRANK ROAD TANK | 2.0 |
| SUNDANCE TANK | 0.5 |
| TOTAL | 15.0 |

Due to water supply limitations in recent years, CMD has been actively engaged in demand management and conservation efforts, and now has some of the lowest per capita demands in Colorado. These low demands were achieved through recommendations for implementation in the 2007 [Water] Conservation Plan (WCP). This included various water conservation measures such as implementation of water reuse, a revised water rate structure, implementation of water-efficient fixtures, and xeric landscaping. The 2015 WCP discusses the outcome of these measures and recommends additional alternatives to further enhance CMD’s water-use efficiency.

Efficient water use through conservation measures supports CMD’s commitment to a sustainable approach to water resource management in the region’s semi-arid climate. The WCP identifies and addresses a variety of water-efficiency measures, including water budgets and tiered rate schedules, new approaches to irrigation scheduling, residential and commercial audits for high users, rebates for efficient indoor and outdoor uses, and a review of local and state guidelines for efficient water use.

Water-efficient fixtures and appliances would be required to be installed by builders for all new properties joining the current water system. This water conservation measure is intended to ensure that all new customers use less water from the time uses are implemented on a property. According to the District’s CWP, this measure reduces the bills of these new customers, reduces the growth in demand for CMD, and allows CMD to focus its efforts and funds on other conservation measures.

**POLICY PLAN CONSIDERATIONS:**

The area is not within the boundaries of any small area comprehensive plan. However, the El Paso County Policy Plan is cited as guidance for broader land use issues surrounding the proposed development:

* + - **Policy 6.1.1 - Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.**

The proposed rezone provides opportunity to create a ±41.42 regional scale infill commercial development that provides additional larger scale retail and employment opportunities from Powers eastward, Constitution Southward, and the region supported by Highways 24 and 94 eastwards. The proposed rezone will provide additional retail, employment, and entertainment choices for nearby residents, workers, and regional consumers.

* + - **Policy 6.1.2 - Discourage the location of small discontiguous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.**

The proposed rezone is necessary to create a larger ±41.42 parcel under the CR zoning for a proposed commercial infill development. Approval of the rezoning will enable the assembly of the critical land area and density to effectively and efficiently provide necessary services.

Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utilities for be coordinated with the associated districts and providers as required.

* + - **Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.**

The proposed CR zoning and land uses are consistent with the existing adjacent CR zoned properties under the applicant’s ownership and CR properties which are in various stages of development and redevelopment located on the opposite side of Highway 24. The Commercial zoning is also consistent and compatible with adjacent and nearby land uses and zoning in the area which include public utility (water treatment facility), military installation (Peterson AFB), Colorado Springs Airport, heavy industrial, light industrial, and residential land uses. Access to the properties will be primarily from Air Lane to Marksheffel as prescribed in the Master TIS submitted in support of this application. Planned access will be consistent with the restrictions governing the adjacent major corridors as coordinated with the County and CDOT.

Required zoning district, use to use, roadway, and use specific landscape buffers, setbacks, screening, open space, and/or landscape planting requirements will be identified on all preliminary plan and final plat maps and included in subdivision improvements and financial assurances as required by Code or Condition of Approval to mitigate any unique circumstance.

* + - **Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.**

Necessary urban services are currently available to meet the use demands of the proposed mixed-use development, specifically the multifamily service demands. The subdivision review will identify system or service deficiencies as well as clarify specific development demands of which the service providers will express respective needs in order to meet projected demands.

* + - **Policy 6.1.5 - Support the development of well-planned**[**mixed use**](http://adm2.elpasoco.com/Planning/Policy-plan/page29.htm#anchor201789)**projects which promote all, or most, of the following objectives:**
* **maximize the economy and efficiency of land use**
* **preserve open space or natural areas**
* **integrate employment, housing, shopping, schools and other use**
* **accommodate multi-modal transportation linkages**
* **allow for variations in design and character**

The consolidation of the parcels under a single ownership and within the same CR zoning district allows for the maximization of economies and efficiencies of land use through the singular provision of urban services as well as supporting infrastructure which would not be as feasible under single disjointed and piecemealed development. Coordination is ongoing with the City of Colorado Springs and Mountain Metro for a transit hub/link on City owned property on the south side of Air Lane. The site will ultimately be accessible via vehicular, pedestrian, non-motorized/bicycle, and public transportation modes.

* + - **Policy 6.1.6 - Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.**

Necessary urban level services including, but not limited to water/sewer, stormwater, electric, natural gas, police, fire and EMS, schools, parks and open spaces, and other public facilities and services are currently delivered to residential, commercial, and light industrial properties adjacent to this proposed development. Subsequent subdivision applications will provide detailed reports and plans regarding service availability and delivery infrastructure.

* + - **Policy 6.1.11 – Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.**

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

* + - **Policy 10.1.2 - Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.**

Water and wastewater services for properties within the rezone will be provided by Cherokee Metropolitan District Service. Delivery of the utility requires extension of required infrastructure from the north side of US 24 under the highway to the development properties. The Meadowbrook Crossing Metropolitan District, Applicant, and Cherokee have been coordinating necessary activities which will be reflected in and on associated reports and plans submitted with future subdivision applications.

* **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 application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.

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

The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions. Approval of the rezone increases the compatibility of the existing CR zone from 16.24 AC to 41.42 AC. The unified 41,42 AC CR zone district is more compatible with existing and permitted land uses and zoning districts in all directions.

* **The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.**

The site is suitable for the intended regional commercial uses which are a downzoning from the permitted uses under the current industrial zoning. use, including the ability to meet the standards as described in Chapter 5 of the County Code. General site suitability for development has been preliminarily reviewed in preparation for required the preliminary plan submittal. Suitability of the site for development in terms of geology, service availability, unmitigable environmental impacts, major land use impacts, aviation overlay, and military adjacency considerations will be documented with the preliminary plan. The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development, and use and zoning district specific criteria.