

APEX VILLAGE MAP AMENDMENTS AND REZONE

LETTER OF INTENT

March 2024

OWNER:

Richard & Winifred Holmes
16888 Elbert Rd
Peyton, CO 80831

APPLICANT:

Holmes Enterprises LLC
16888 Elbert Rd
Peyton, CO 80831

SITE DETAILS:

TSN: 4122000002

ADDRESS: 16888 Elbert Road, Peyton, CO 80831

ACREAGE:

37.45 Acres

CURRENT ZONING: A-35

CURRENT USE: SINGLE FAMILY RESIDENTIAL

FILE #: TBD (EA Number EA2342)

REQUEST

Holmes Enterprises LLC, on behalf of Richard & Winifred Holmes, requests Rezone approval of the following applications:

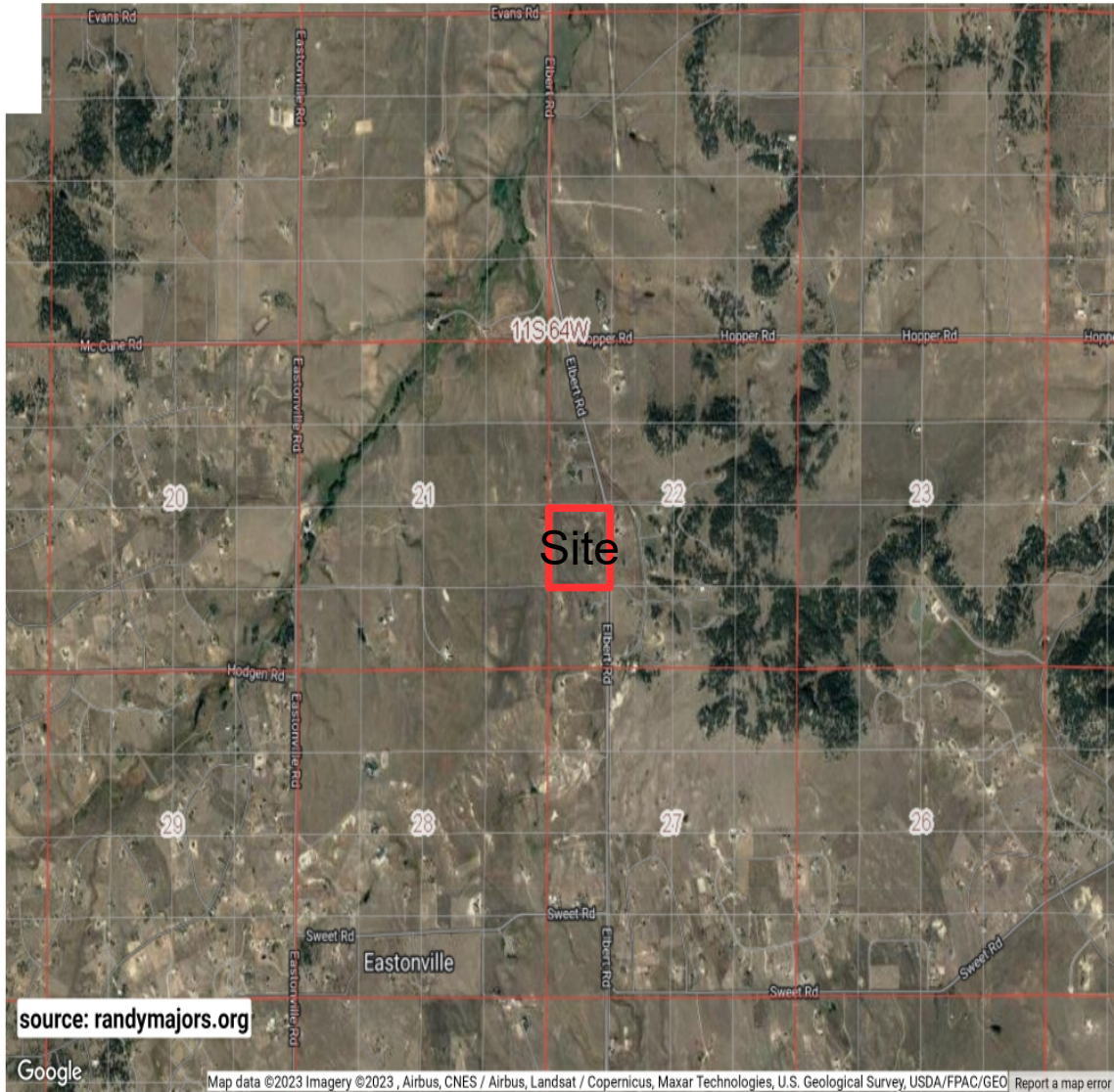
1. Map Amendments (Rezoning) of the area is 35.47 acre A-35 to Community Commercial (CC).
2. The **COLORADO GROUND WATER COMMISSION** FINDINGS AND ORDER dated August 15, 2023 determined that the property is allowed up to a maximum of 19.1 acre feet of water from the Denver Basin aquifer for domestic, livestock watering, commercial and irrigation uses.

SITE LOCATION

Apex Village lies west side of Elbert Road between Apex Ranch Road and Apex “dirt road” on north boundary of Apex Ranch subdivision. The property is surrounded by a growing residential area along the Elbert Road corridor in El Paso County. See Figure 1 – Site Location (below).

rmhregmaptools

<https://rlmcony.users.earthengine.app/view/rmhregmaptools?tool=plsstool&fips=08041&labe...>



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Figure 1 – Site Location

SURROUNDING LAND USE

- To the north is a 5 acre parcel zoned RR-5 a single-family residence.
- To the east is the Apex Ranch subdivision and per the El Paso County Master Plan is designated as Large-Lot Place Type with 25, ~5-acre RR-5 lots. Immediately south the Apex Ranch subdivision is the Overlook planned subdivision to be approximately 60-65 2.5- to 5-acre lots.
- South of this parcel is 35 acre parcel zoned A-35 with a single-family residence.
- West of this parcel is 160 acre parcel zoned A-35. This parcel also includes has a strip of land 30'-70' wide by 1,021' long connecting to Elbert Road on the southern boundary line of the property. See Figures 2 & 3 – Placetype and Zoning Surrounding Area (below).

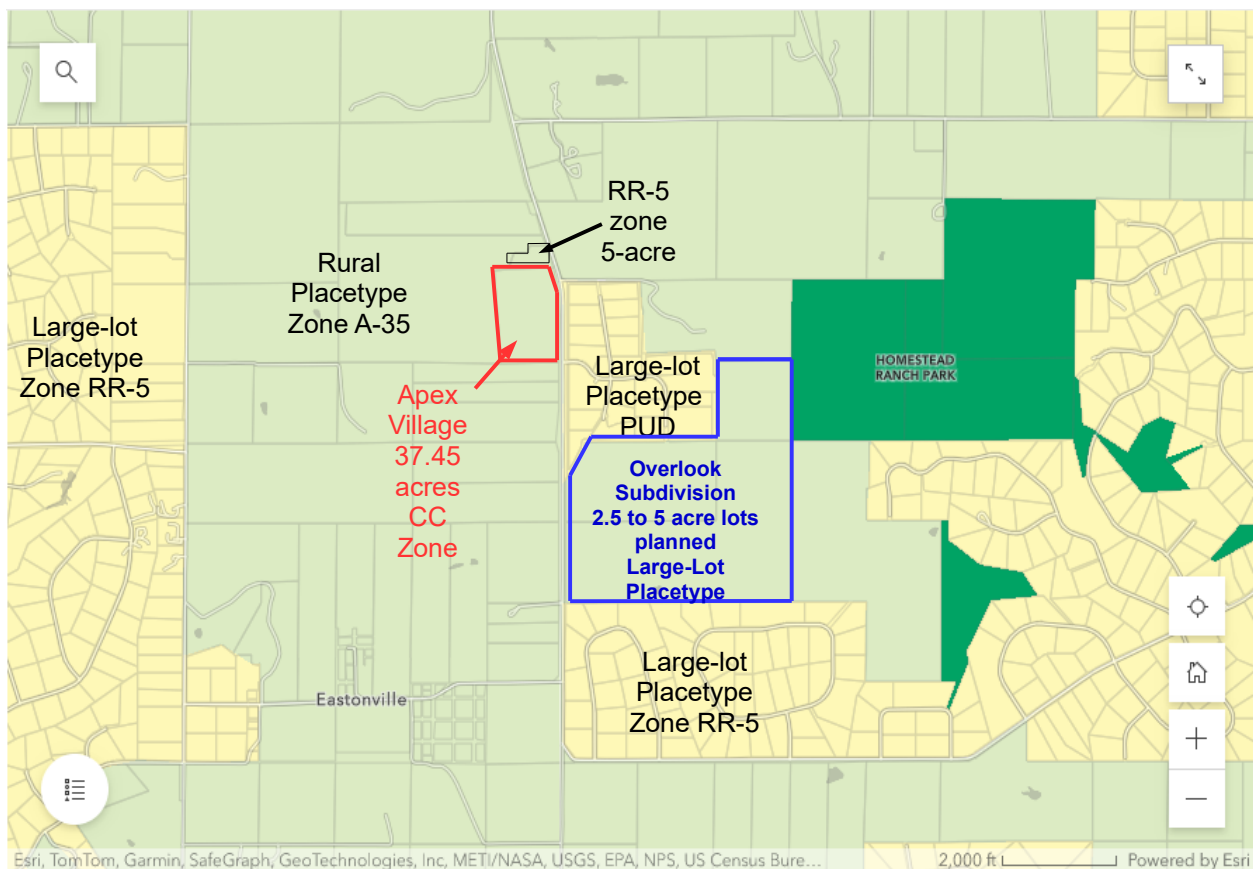


Figure 2 – Placetype and Zoning Surrounding Area

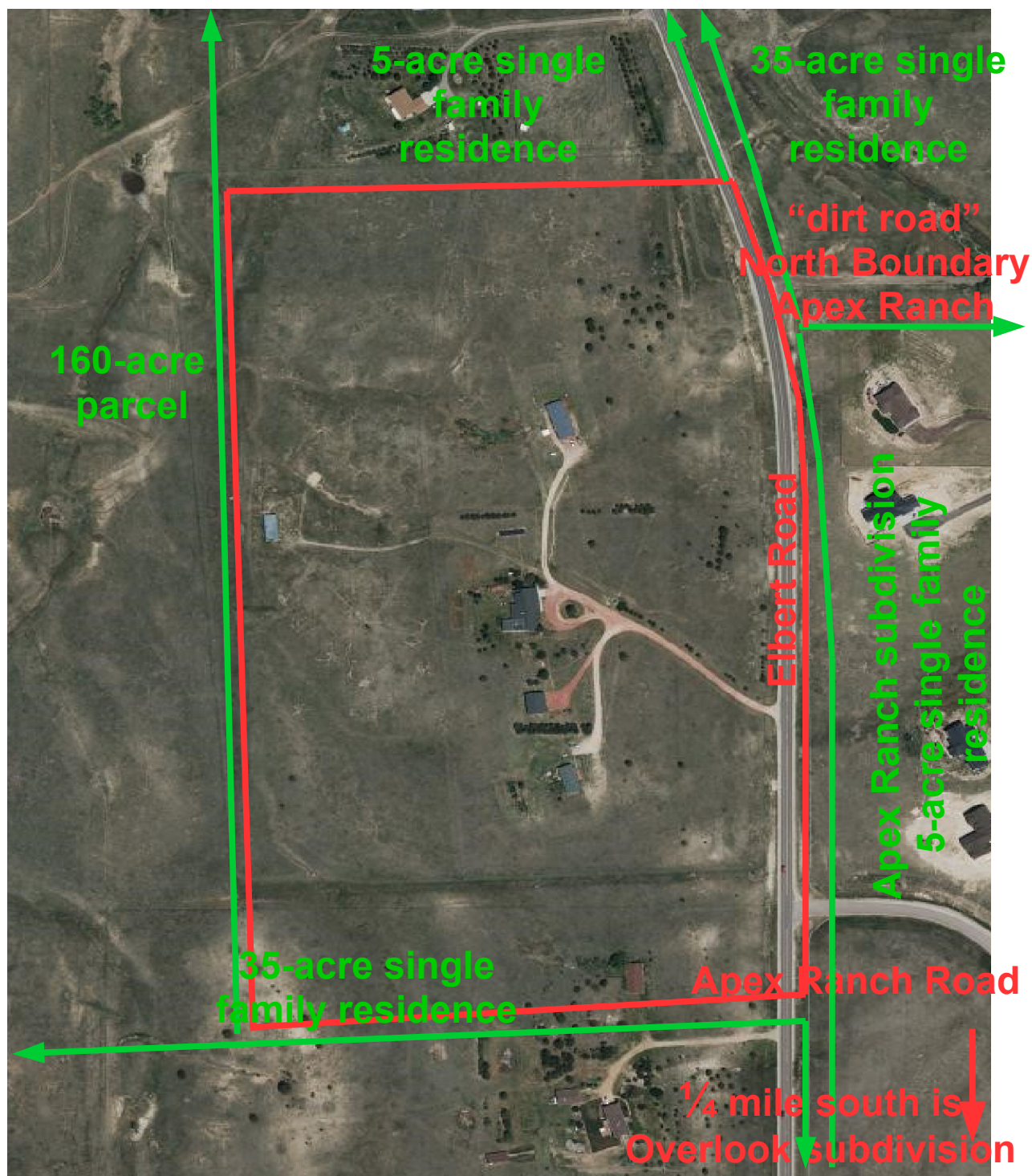


Figure 3 – Placetype and Zoning Surrounding Area

ZONING CONTEXT

The property is currently zoned A-35, Rural Placetype. Surrounding zoning includes A-35 to the west and south. PUD to the east Large-Lot Placetype, and RR-5 to the north. In conjunction with the Apex Village, the following map amendments (rezones) Community Commercial (CC) rezone is requested.

This rezoning creates Commercial Community zoned parcel. Figure 4 is survey conducted by Centennial Land Survey showing the placement of all structures, utilities, and elevations.



Figure 4 – Structures, Utilities, and Elevations.

Mixed-Use Residential units 5.2.35 LCD

In addition, dwelling units to be included under the Mixed-Use Residential units 5.2.35 LCD and shall comply with the following standards:

- Residential Use to be Subordinate to Commercial Use. Mixed-use residential units shall be subordinate to the commercial use of the mixed use building.
- Lot Area Required Per Residential Unit. The following minimum gross lot area requirements apply to all mixed use buildings:
 - 7,000 square feet of lot area for the first 2 dwelling units; and
 - 2,500 square feet of additional lot area for each additional dwelling unit.
- In calculating minimum lot area requirements, the entire area of the lot or parcel shall be counted.
- Parking Area Reduction. The parking requirements in Chapter 6 shall be reduced by 15% for mixed use buildings that include 5 or more residential dwelling units. This parking reduction will be applied against both the residential and nonresidential components of the mixed use buildings.

In Phase 1 of the Apex Village development, the 3 existing single-family residences, 4-car detached outbuilding, large animal shelter, and green house located on the parcel and will remain.

PROJECT DESCRIPTION

Apex Village is an commercial and higher residential density development to support the growing needs of the area. A storm water pond is included.

ACCESS AND CIRCULATION: The Apex Village includes adding entrance from Elbert Road, improving the intersection with a east-side access point that is in alignment with the northern boundary line of Apex Ranch subdivision and Elbert Road. There is currently a 'dirt road' servicing the 3 homes along the road along the northern boundary of Apex Ranch subdivision. Also, a private frontage road with 60' ROW, running north-south along Elbert Road to be created to service the commercial and residential uses.

COMPATIBILITY/TRANSITIONS: The following measures have been implemented to ensure the proposed Apex Village is compatible with the adjacent zoning and provides effective land use transitions.

The property is to be reassigned as a Large-Lots Placetype, similar to the Apex Ranch Subdivision PUD directly east. The Apex Ranch subdivision contains 25 lots, of which most now have single-family residences. Also, there is the Overlook Large-Lot subdivision of ~65 homes being developed directly south of the Apex Ranch subdivision. The Overlook subdivision is nested between two existing Large-Lots placetype areas with RR-2.5 and RR-5 zoning.

The Apex Village configuration of land uses and densities continues the gradual transition from the Rural Residential areas on the east and south. In addition, the Apex Village is to provide needed commercial services that are lacking in the area as well as dwelling units.

TRAFFIC: A Traffic Impact Study (TIS) for Phase 1 of the project is included in this submittal. Phase 1 limits the development to adding a Business Event Center, adding storm water pond, and 60' ROW road. The Average Daily Traffic (ADT) from the Business Event Center is limited to 100.

Follow-on phases to be submitted as the commercial development proceeds to include Elbert Road roadway widening and auxiliary lane improvements as well as additional of commercial uses and dwelling units.

NOISE: The noise level coming from Elbert Road is not enough to warrant adding any noise barriers.

WATER SERVICE: In Phase 1, the existing 3 residences will continue using the 2 existing water wells and their Onsite Waste Treatment Systems (OWTS). The new Business Event Center will also draw water from one the wells and have its own OWTS. As future commercial developments continues and dwelling units are added, a central sewer services will be needed when the projected water usage exceeds 2,000gal per day.

A Water Resources Report, prepared in August of 2023, is included with this submittal. The permitted usage is 19.1 annual acre feet.

In Phase 1, the 3 existing homes (dwelling units) and Business Event Center will use the existing well. In follow-on phase develop and where possible, add infrastructure to centralize the re-use of water.

Any new OWTS site is not to be located within defined drain areas. Individual soil testing is required on the parcel prior to construction. Absorption fields must be located a minimum of 100 feet from any well, including those on adjacent properties. Absorption fields must also be located a minimum of 50 feet from any drain areas, floodplains or pond areas and 25 feet from dry gulches.

OTHER UTILITIES: The property is within the service area of Mountain View Electric Association, Inc. (MVEA) for electricity supply. Service commitment letter has been provided by MVEA. No natural gas is available in the area and currently all existing homes are all-electric, no propane gas is used. Future development to be all-electric as well. A goal of the Apex Village is not to be dependent the use of fossil fuels.

DRAINAGE: A drainage report has been prepared for the Apex Village area and submitted with this application. A storm water pond to be constructed in the north-west portion of the area.

FLOODPLAINS: A review conducted by RMG of the Federal Emergency Management Agency (FEMA) Community Panel No. 08041C0566G and the online ArcGIS El Paso County Risk Map, the majority of the site lies outside of a 100-year floodplain. The site is within the boundaries of Zone X, meaning it is an area of minimal flood hazard risk.

GEOLOGIC & SOIL HAZARDS: A Soils and Geology Study for the proposed development, prepared by RMG, is included in this submittal. Geologic hazards expected at the site include: potentially expansive soils, shallow bedrock, seasonal shallow groundwater and potentially seasonally shallow groundwater areas, and radon. The geologic conditions of the site are common, and mitigation can be accomplished by implementing common engineering and construction practices.

VEGETATION & WILDLIFE: The area is within the Foothill Grasslands eco region, composed of a mixture of tall and mid-grasses and isolated pine trees. No globally-sensitive vegetation communities are present on site. The site provides a moderate quality habitat for some grassland wildlife, and while development would inevitably affect some potential habitat for wildlife, expected impact is relatively low.

The project is not anticipated to result in any impacts to federally- or state-listed threatened and endangered species or their habitats.

WILDFIRE: Apex Village is within the Falcon Fire District. The primary wild land fuel type is grassland with scattered trees.

Per the Colorado State Forest Service, the wildfire risk and burn probability within the project site is “Low Risk”. Mitigation includes tractor mowing the perimeter of the property and around each structure.

USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER: There are no tributaries on the site.

COUNTY MASTER PLAN COMPLIANCE

Applicable plans for the County comprise the Your Master Plan, the Water Master Plan, the 2040 Major Transportation Corridor Plan, and the El Paso County Parks Master Plan.

YOUR EL PASO MASTER PLAN

Apex Village is denoted as “Rural” on the Placetypes Map, see Figure 2 – Placetype and Zoning Surrounding Area in the Master Plan. The primary land use in the Rural placetype is agricultural with single-family detached residential, lot sizes 35 acres and up to 2 units per parcel. The local area has grown to now include Large-Lots Placetypes with adjacent properties to the east and continuing south from to Apex Ranch subdivision.

The proposed Apex Village is to be CC zoned allowing for commercial uses and higher-density units.

There is now a rapid amount of residential growth along the Elbert Road corridor north of US-24. The CC zoning will allow needed retail services to be locally available in this area. Currently, the nearest (Falcon) is 12 miles away. The services and housing planned, include: (but not limited to) assisted living housing, dining services and food deliveries, entertainment, learning center, child day care, grocery (and local deliveries), hair salon, fitness center, library, mail/package services, banking, office spaces, car washing, laundromat, shopping center, and medical. If possible, EV charging services to be made available – no gas station is allowed.

The Apex Village is seeks to develop neighborhoods with a mix community services and mixed-use residential/dwelling units.

WATER MASTER PLAN

The proposed development satisfies the following policies of the Water Master Plan.

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

Goal 4.2 – Support the efficient use of water supplies.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

Policy 4.1.2 – Encourage more systematic monitoring and reporting of water quality in individual wells.

Goal 6.2.2 – Fully reuse all water that can be economically reused.

The project is located within Region 3, the Falcon area. This growth area is projected to experience significant growth by 2040. By 2060, a 14% increase in supply is needed.

Water Access

The Apex Village is unable to access central water as there are none locally. In Phase 1, the new and existing uses will be the 2 existing wells on the parcel. In follow-on phases.

Sewer Access

The Apex Village is unable to access central sewer services as there are none locally. In Phase 1, the existing residences will be served by their existing 3 OWTS . One additional OWTS to be added for the Business Event Center. In follow-on phases, the Apex Village development needs to centralize the sewer services with the added goal of water re-use for landscaping and other non-potable water uses.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

The 2040 Functional Classification map in the MTCP shows Elbert Road as a Minor Arterial connection as a 2-lane principal arterial by 2040 and will be continue to be uncongested.

PROJECT JUSTIFICATION

Map Amendment (Rezone) Approval Criteria-Chapter 5.3.5 (B)

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 Plans for the Apex Village map amendments are Your El Paso County Master Plan, the County Water Master Plan, and the 2040 Major Transportation Corridor Plan. The Apex Village is in conformity with these plans as described above adding commercial services to the local community.

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 map amendments fulfill the goals of the County Master Plan as described under criterion (1) and 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.

There are 4 lots proposed the Apex Village subdivision, size 37.45 acres. The proposed rezone is Community Commercial (CC). By adding Mixed-Use Family Residential Units (Special Uses in Table 5.1 of LDC), the Apex Village becomes self-sustaining. The dwelling unit (du) density to not exceed 1.5 du/ac.

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 Apex Village will meet the use and dimensional standards for the respective CC zone, as set out in Chapter 5 of the Land Development Code (LDC).

Plan Approval Criteria-Chapter 7.2.1.D.2.e of the Land Development Code

THE PROPOSED SUBDIVISION IS IN GENERAL CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN;

The relevant County Plans for Apex Village are: Your El Paso County Master Plan, the County Water Master Plan, and the 2040 Major Transportation Corridor Plan. Apex Village Plan is in general conformity with the plans as described above.

THE SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THIS CODE;

The Apex Village Plan meets all technical submittal requirements of the Land Development Code. The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the present and future residents of El Paso County. The Apex Village Plan achieves this by proposing new development consistent with the policies of the El Paso County Master Plan in a manner that provides a gradual transition from the Rural Residential areas along the Elbert Road corridor within El Paso County. This Plan also achieves the goal of accommodating a variety of higher density housing and commercial services to meet the needs of the present and future El Paso County residents in the area.

THE SUBDIVISION IS IN CONFORMANCE WITH THE SUBDIVISION DESIGN STANDARDS AND ANY APPROVED SKETCH PLAN;

This Plan is in conformance with the subdivision design standards of the Land Development Code; no waivers are requested.

A SUFFICIENT WATER SUPPLY HAS BEEN ACQUIRED IN TERMS OF QUANTITY, QUALITY, AND DEPENDABILITY FOR THE TYPE OF SUBDIVISION PROPOSED, AS DETERMINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE WATER SUPPLY STANDARDS [C.R.S. § 30-28-133(6)(A)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE (THIS FINDING MAY NOT BE DEFERRED TO FINAL PLAT IF THE APPLICANT INTENDS TO SEEK ADMINISTRATIVE FINAL PLAT APPROVAL);

A sufficient water supply is available per the determination of water rights included with this submittal.

A PUBLIC SEWAGE DISPOSAL SYSTEM HAS BEEN ESTABLISHED AND, IF OTHER METHODS OF SEWAGE DISPOSAL ARE PROPOSED, THE SYSTEM COMPLIES WITH STATE AND LOCAL LAWS AND REGULATIONS, [C.R.S. § 30-28-133(6) (B)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;

Phase 1 of the development to use existing OWTS. Currently, the 3 existing homes have their own OWTS and the Business Event Center will have its own OWTS installed. Future development will need to centralize sewer treatment facility with the added goal of water re-use.

ALL AREAS OF THE PROPOSED SUBDIVISION, WHICH MAY INVOLVE SOIL OR TOPOGRAPHICAL CONDITIONS PRESENTING HAZARDS OR REQUIRING SPECIAL PRECAUTIONS, HAVE BEEN IDENTIFIED AND THE PROPOSED SUBDIVISION IS COMPATIBLE WITH SUCH CONDITIONS. [C.R.S. § 30-28-133(6)(C)];

The Soils and Geology Study identifies the potential geologic hazards to include potentially expansive soils, pond water, shallow groundwater, seasonal shallow groundwater and potentially seasonally shallow groundwater areas, and radon. The geologic conditions of the site are common, and mitigation can be accomplished by implementing common engineering and construction practices.

ADEQUATE DRAINAGE IMPROVEMENTS COMPLYING WITH STATE LAW [C.R.S. § 30-28-133(3)(C) (VIII)] AND THE REQUIREMENTS OF THIS CODE AND THE ECM ARE PROVIDED BY THE DESIGN;

A drainage report has been prepared for the Apex Village and submitted with this application. A storm water pond will be constructed in the north-east portion of the Plan area. All proposed drainage improvements comply with State Law and the requirements of the LDC and ECM.

THE LOCATION AND DESIGN OF THE PUBLIC IMPROVEMENTS PROPOSED IN CONNECTION WITH THE SUBDIVISION ARE ADEQUATE TO SERVE THE NEEDS AND MITIGATE THE EFFECTS OF THE DEVELOPMENT;

In Phase 1, the only public improvement is to add new entrance access Elbert Road. The Traffic Impact Study (TIS) is included with this submittal. The new access has been separately approved in AP23883.

LEGAL AND PHYSICAL ACCESS IS OR WILL BE PROVIDED TO ALL PARCELS BY PUBLIC RIGHTS-OF-WAY OR RECORDED EASEMENT, ACCEPTABLE TO THE COUNTY IN COMPLIANCE WITH THIS CODE AND THE ECM;

All lots will have legal and physical access to a public street. Apex Village's primary north-south road to have 60' wide ROW and firetruck turn around.

THE PROPOSED SUBDIVISION HAS ESTABLISHED AN ADEQUATE LEVEL OF COMPATIBILITY BY:

INCORPORATING NATURAL PHYSICAL FEATURES INTO THE DESIGN AND PROVIDING SUFFICIENT OPEN SPACES CONSIDERING THE TYPE AND INTENSITY OF THE SUBDIVISION;

An east-west oriented rise exists on the north-east portion of the property, spanning one eighth of the development area. The rise is relatively gently sloped on all sides and does not provide any significant topographic features such as rock outcroppings or bluffs.

Per the Geology and Soils report included with this submittal, the site does not contain waters of the United States that are subject to regulation under Section 404 of the Clean Water Act. This means that all wetlands within the project area are non-federally jurisdictional and do not require mitigation. The non-jurisdictional wetlands within the Plan area are of low quality and most will not be preserved.

INCORPORATING SITE PLANNING TECHNIQUES TO FOSTER THE IMPLEMENTATION OF THE COUNTY'S PLANS, AND ENCOURAGE A LAND USE PATTERN TO SUPPORT A BALANCED TRANSPORTATION SYSTEM, INCLUDING AUTO, BIKE AND PEDESTRIAN TRAFFIC, PUBLIC OR MASS TRANSIT IF APPROPRIATE, AND THE COST-EFFECTIVE DELIVERY OF OTHER SERVICES CONSISTENT WITH ADOPTED PLANS, POLICIES AND REGULATIONS OF THE COUNTY;

This Plan provides for upgrading the intersection for the entrance to the Apex Village. Phase 1 to build out the entrance and extending it to handle the existing 3 residences and the Business Event Center.

INCORPORATING PHYSICAL DESIGN FEATURES IN THE SUBDIVISION TO PROVIDE A TRANSITION BETWEEN THE SUBDIVISION AND ADJACENT LAND USES;

Not applicable.

INCORPORATING IDENTIFIED ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING BUT NOT LIMITED TO, WETLANDS AND WILDLIFE CORRIDORS, INTO THE DESIGN;

There are some non-jurisdictional wetlands within the Plan area, but they are of low quality, and some will not be preserved.

INCORPORATING PUBLIC FACILITIES OR INFRASTRUCTURE, OR PROVISIONS THEREFORE,

REASONABLY RELATED TO THE PROPOSED SUBDIVISION SO THE PROPOSED SUBDIVISION WILL NOT NEGATIVELY IMPACT THE LEVELS OF SERVICE OF COUNTY SERVICES AND FACILITIES;

A Traffic Impact Study was prepared by Holmes Enterprises LLC and is included with this submittal. There is one primary access points to the Apex Village area from Elbert Road. Other than creating the entrance access to Elbert Road, Phase 1 of the development does not need addition Elbert Road improvements.

NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, OPEN SPACE AND TRANSPORTATION SYSTEM, ARE OR WILL BE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;

In Phase 1, the existing wells and separate septic systems will serve the large lots. The proposed Apex Village lies within the service area boundaries for the Falcon Fire Protection District and the Mountain View Electric Association. Letters of commitment from these service providers are included in the application.

THE SUBDIVISION PROVIDES EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE; AND

A Fire Protection Report is included with this submittal which demonstrates compliance with the International Fire Code and the standards in Chapter 6.3.3. of the Land Development Code relating to fire protection and wildfire mitigation.

THE PROPOSED SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8 OF THIS CODE.

All applicable sections of Chapter 6 and 8 are met. No waivers to any LDC standards are required.