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El Paso County Planning & Community Development
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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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 8/1/2023
RE: CR-22-001; 11745 Owl Place Commercial Rezone

Project Description

A request by Baseline Engineering Corp. for approval of a Map Amendment (Rezoning) 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. The planned development following the rezone is anticipated to include a service station, two quick-service restaurants, and one car wash; however, all uses allowed within the CS zoning district would be allowed upon approval of the rezone. The file prefix was created prior to the application being submitted.

Notation

Please see the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Mr. Carlson moved / Mr. Schuettpelz seconded to recommend approval, for the Map Amendment (Rezone), utilizing the resolution attached to the staff report with three conditions and two notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a consent agenda item.

Discussion

The item was approved on the consent agenda, no discussion took place.

Attachments

1. Planning Commission Minutes from 7/6/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, July 6th, 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: THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, KARA OFFNER, BRYCE SCHUETTEL, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JEFFREY MARKEWICH AND WAYNE SMITH.

PC MEMBERS ABSENT: BRANDY MERRIAM, ERIC MORAES, AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, ASHLYN MATHY, KYLIE BAGLEY, ED SCHOENHEIT, JEFF RICE, GILBERT LAFORCE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: BRETT LOUK, TIM MURPHY, ERIN DURAN, SARAH COLE, HILARY BRENDEMUHL, AND BILL BRENDEMUHL.

1. REPORT ITEMS – The next PC Hearing is Thursday, July 20th, 2023, at 9:00 A.M.

Ms. Herington updated the PC of the revised public notice procedures. Notifications will now be sent to property owners within 500 feet and will be sent after the submittal of the application. This will result in the information being more accessible to the public. Certified bulk mailing certificates will replace the certified mailing (green card) requirement. She also advised the board that Mr. Gilbert LaForce was promoted to EPC Public Works Engineering Manager.

Mr. Whitney asked for clarification on certified bulk mailing certificates.

Ms. Herington explained that the USPS certifies how many letters were sent in a bulk mailing. The applicant will submit a list of who the letters were sent to.

Mr. Kilgore advised the board that the applicant for agenda item 3D, VR-21-014, has requested a continuance. Also, the advertisement for PC vacancies closes 7/12/2023.

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

3. **CONSENT ITEMS**

A. **Adoption of Minutes** of meeting held June 15th, 2023.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).

B. **VR-22-013**

MATHY

**VACATION AND REPLAT
1384 BUCKWOOD LANE**

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

PC ACTION: ITEM 3B WAS PULLED TO THE CALLED-UP CONSENT CALENDAR (MOVED TO AGENDA ITEM 4).

C. **CR-22-001**

BAGLEY

**MAP AMENDMENT (REZONE)
11745 OWL PLACE COMMERCIAL REZONE**

A request by Baseline Engineering for approval of a Map Amendment (Rezone) of 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel No. 5301001015) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER CR-22-001, FOR A MAP AMENDMENT (REZONE), 11745 OWL PLACE COMMERCIAL REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

D. **VR-21-014**

BAGLEY

**VACATION AND REPLAT
VILLA CASITAS FILING NO. 4**

A request by Jesus Barron for approval of a 5.80-acre Vacation and Replat illustrating a vacation of one single-family residential lot and platting into one (1) single-family lot which will include a portion of County right-of-way. The property is zoned RR-5 (Residential Rural), and is located at 10015 Calle Bernardo Point, directly south of the intersection of Calle Bernardo Point and La Piedra Point. (Parcel No. 5735004001) (Commissioner District No. 4).

THE APPLICANT REQUESTED A CONTINUANCE. NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO CONTINUE CONSENT ITEM NUMBER 3D, FILE NUMBER VR-21-014, FOR VACATION AND REPLAT, VILLA CASITAS FILING NO. 4, TO A DATE CERTAIN OF JULY 20, 2023. THE MOTION WAS APPROVED (7-0).

E. MS-22-008

BAGLEY

**MINOR SUBDIVISION
IVILO MINOR SUBDIVISION**

A request by Pawel Posorski for approval of a 14-acre Minor Subdivision illustrating three (3) single-family lots. The property is zoned RR-2.5 (Residential Rural) and is located 0.37 miles west of the intersection of Vessey Road and Black Forest Road and 0.15 miles south of the intersection of Vessey Road and Pine Castle Drive. (Parcel No. 5206000065) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER MS-22-008, FOR A MINOR SUBDIVISION, IVILO MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, 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 (7-0).

F. MS-22-005

BAGLEY

**MINOR SUBDIVISION
OWL RIDGE MINOR SUBDIVISION**

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two (2) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road, adjacent to the intersection of Brown Road and Running Horse View. (Parcel No. 5100000447) (Commissioner District No. 1).

DISCUSSION

Ms. Fuller asked how the shape of this property came to be.

Mr. Brett Louk, with SMH Consultants, answered that when the current owner bought the land, the shape was already established. His parents own the adjacent lot to the east. The flag on the west side is a driveway to his parents' house.

PC ACTION: SCHUETTELZ MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER MS-22-005 FOR A MINOR SUBDIVISION, OWL RIDGE MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, 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 (7-0).

G. SF-22-009

HOWSER

**FINAL PLAT
WINSOME FILING NO. 3**

A request by Winsome, LLC, for approval of a Final Plat to create thirty-eight (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road. (Parcel Nos. 5124000003, 5124000004, 5100000524, and 5100000526) (Commissioner District No. 1).

DISCUSSION

Mr. Whitney stated his concern regarding the water finding. The State Engineer stated there is an adequate water sufficiency but also stated that it's unknown how long the water will be in the Denver Basin. Therefore, they suggested that the County might want to consider requiring the applicant to provide a permanent water supply for whenever that may be. Ms. Seago's office correctly relies in part on the finding of the State Engineer to determine water sufficiency, but then there's a plat note that essentially says, "but don't count your chickens" because if the water isn't there, they reserve the right to amend or withdraw the recommendation of sufficiency. It's there today but it may not be there tomorrow. He finds this concerning, but he's not sure what the answer may be.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3G, FILE NUMBER SF-22-009 FOR A FINAL PLAT, WINSOME FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, THREE (3) NOTATIONS, 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 (7-0).

H. SF-22-039

HOWSER

**FINAL PLAT
TERRA RIDGE NORTH**

A request by Phillip S. Miles and Jennifer Miles for approval of a Minor Final Plat to create eleven (11) single-family residential lots and to replat two (2) existing single-family residential lots to accommodate the dedication of land for right-of-way. The 39.72-acre property is zoned RR-5 and RR-2.5 and is located approximately three-quarters of a mile south of the intersection of Black Forest Road and Hodgen Road. (Parcel Nos. 5129300002, 5129302011, and 5129302012) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3H, FILE NUMBER SF-22-039, FOR A FINAL PLAT, TERRA RIDGE NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, 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 (7-0).

4. CALLED-UP CONSENT ITEMS

3B. VR-22-013

MATHY

**VACATION AND REPLT
1384 BUCKWOOD LANE**

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

STAFF & APPLICANT PRESENTATIONS

Mr. Bailey reiterated that the Criteria of Approval from the LDC is what the PC uses to make a recommendation to the BOCC. The presentation continued.

Mr. Whitney asked the applicant if they anticipated any issues with the concerns submitted by CPW regarding fencing and the removal of trees.

Mr. Tim Murphy, owner/applicant, replied that he met with CPW last week and they discussed the removal of dead trees. There were also fences on the property that needed to be removed due to non-compliance with Woodmoor. That has all been cleaned up.

Mr. Schuettpelz mentioned that this property consisted of 4 lots previously. He asked if Mr. Murphy's proposal was identical to the way the property looked in 2010?

Mr. Murphy confirmed. It will look like it did in 2010 and 1963.

PUBLIC COMMENT

Ms. Erin Duran stated she would be addressing Criteria of Approval numbers 1, 3, 6, and 7. She lives adjacent to the subject property. When making her purchase, she was told by a realtor that the area was not a vacant lot to be developed. She stated that she and other neighbors requested Woodmoor Improvement Association (WIA) and the Architectural Control Committee (ACC) deny this proposal, but they did not. She thinks WIA would not deny the request because the BOCC makes the ultimate decision. When she and others moved into the neighborhood, the subject property was a single lot. She sees wildlife on the property. She stated that geological hazards, traffic and congestion, and soils and drainage were all sited as concerns during the application review process. She stated those concerns were also mentioned in 2010 when it was merged.

Ms. Sarah Cole, on the phone, lives adjacent to the subject property. She stated that the sliver of land added to "Lot 4A" was from their property. She has documents from that application process, which happened in 2010. The previous owner listed concerns from the Tri-Lakes Comprehensive Plan: erosion and steep topography (up to 40%) make this area difficult to build on, the roadway system is inadequate for additional population, and stated County services like police are inadequate for the existing population. She stated that the rationale cited in 2010 is still valid today.

Ms. Hilary Brendemuhl lives adjacent to the subject property. She stated the former owner of the property was concerned about preserving the area, which is why they combined the four lots into one. She was also told by a realtor that this lot would not be further developed. On page 5 of the staff report, it says *"New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project."* The applicant indicated that they plan to build three additional homes during their presentation. On page 2 of the staff report, in the approval criteria, it says *"Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved."* Mr. Murphy shared a letter from the HOA, but she questions the permission that has been given. When the lot was combined, it only required one access point, soils test, etc. The HOA allowed access points to the three proposed lots and there are now prospective driveways (which she referenced in her slideshow). Trees and foliage that help with erosion were removed. The HOA Board of Directors has a history of making arbitrary and capricious decisions.

Mr. Bill Brendemuhl lives adjacent to the subject property. He stated he was a real estate-related attorney. He questions if undoing the previous owner's replating will set an unintended precedent. He found examples of people combining lots to expand, but he did not find examples of people dividing their large lots. He does not think this proposal complies with the CC&Rs. Woodmoor HOA follows the Colorado Common Interest Ownership Act (CCIOA) which states in Section 38-33.3-217 Amendment of declaration, that *"(a), the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated..."* He does not have a record of their HOA following that procedure for this proposal. He stated that he participated in meetings with WIA and ACC after seeking the services of a land-use attorney, but after their presentation of where the HOA was overstepping, they never heard back from the attorney. The only response he or the attorney received was that WIA approved it. He has concerns about the geological report available on the EDARP website. There are problems with the soil, drainage, and slope. The engineer from the Colorado Geological Survey recommended that a plat note be added to require lot-specific soils and foundations investigations before development of the lots. The plat attached to the staff report does not include that recommendation. The Geological Survey also states it's critical that all recommendations made by the Geotechnical Engineer be followed when developing the property. He wants to ensure there are safeguards built-in to review any successive development. He also mentioned that there is a Deed of Trust put on the property but no signage block on the plat for the trust holder to sign.

Mr. Bailey noted that many concerns mentioned were between the property owners and their HOA.

Mr. Murphy replied to the comment that the previous landowner wanted to keep the land a certain way. He stated that he checked, and there are no deed restrictions. He added that the wife was planning to do the same thing but didn't want to go through the process. Regarding the engineering comments, he stated that the issues can be mitigated with proper planning, engineering, and construction. There will be engineer-designed foundations and drainage for all future homes.

Mr. Bailey added that this is a multi-step process. Vacation and Replat is the first step. There will be subsequent site plan reviews, etc., before a house is built.

DISCUSSION

Ms. Fuller noted that the opposing public comments involved the last criteria of approval regarding the CC&Rs. However, Mr. Murphy has a letter from the HOA stating he complies. In her opinion, he has met that criterion. She suspects the lots were combined in part for tax purposes. This area is zoned RR-0.5 so anyone who exceeds a 1-acre lot that meets the criteria or approval, could divide their lot. She often hears that a realtor told someone “That will never be developed”, but the reality is that this parcel exceeds 2 acres in RR-0.5 zoning and *can* be divided into smaller lots. She believes the criteria is being met and she is in favor of the application.

Mr. Whitney agreed with Ms. Fuller’s comments and added that the neighbors have an issue with the actions of the HOA. That issue is not in this review criteria.

PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3B, FILE NUMBER VR-22-013, FOR A VACATION AND REPLAT, 1384 BUCKWOOD LANE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATIONS, 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 (7-0).

5. REGULAR ITEMS – NONE.

6. NON-ACTION ITEMS – NONE.

MEETING ADJOURNED at 10:14 A.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CR-22-001
11745 OWL PLACE COMMERCIAL REZONE

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

WHEREAS, a public hearing was held by this Commission on July 6, 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. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission;
3. That 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. That all exhibits were received into evidence;
5. That 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. That 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. That 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 (2021) ("Code"):

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 Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of James Hagan for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners 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 CS, Commercial Service zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Owl Place Commercial Traffic Impact Study, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the development.

NOTATIONS

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

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

SCHUETTEL seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / <u>non-voting</u> / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 6th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

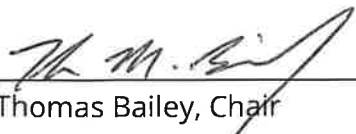
By: 
Thomas Bailey, Chair

EXHIBIT A

LOT 15, FALCON RANCHETTES AND THE SOUTH 30 FT OF OWL PLACE ROW ADJACENT TO THE NORTH LINE OF LOT 15

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Daniel Torres, Engineer III
Meggan Herington, AICP, Executive Director

RE: Project File Number: CR-22-001
Project Name: 11745 Owl Place Commercial Rezone
Parcel Number: 5301001015

OWNER:	REPRESENTATIVE:
James Hagan 2831 Tecumseh Road Colorado Springs, CO 80920	Baseline Engineering Corp. Steve Braggs 1046 Elkton Drive Colorado Springs, CO 80907

Commissioner District: 2

Planning Commission Hearing Date:	7/6/2023
Board of County Commissioners Hearing Date:	8/1/2023

EXECUTIVE SUMMARY

A request by James Hagan for approval of a Map Amendment (rezoning) of 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

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

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

B. APPROVAL CRITERIA

In approving a Map Amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

- 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

North:	RR-5 (Residential Rural)	Single-family Residential
South:	CR (Commercial Regional)	Commercial
East:	RR-0.5 (Residential Rural)	Single-family Residential
West:	RR-5 (Residential Rural)	Single-family Residential

D. BACKGROUND

The 4.61-acre property was platted in 1972, as part of the Falcon Ranchettes Subdivision. The property is currently zoned RR-5 (Residential Rural) and has an existing single-family dwelling on the property which is served by well and septic. The applicant is proposing a rezone to CS (Commercial Service) as an extension to the Falcon Marketplace commercial lots to the south.

According to the applicants’ letter of intent, the planned development following the rezone is anticipated to include a service station, two quick-service restaurants, and one car wash; however, all uses allowed within the CS zoning district would be allowed upon approval of the rezone.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
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These will be accessible by a road branching north from the roundabout on Eastonville Road in the northeast corner of Falcon Marketplace. This road will run north to Owl Place. The site will connect to surrounding utilities and cease use of the well and onsite wastewater treatment system. The applicant intends to apply to the Woodmen Hills Metro District for wastewater and water supply connections to be added to the site for future commercial development.

If the Map Amendment (rezoning) application is approved, site development plan approvals will be required prior to initiation of any uses on the property. The site development plans will need to provide a detailed depiction of the proposed use and compliance with all standards for the CS (Commercial Service) district.

Any subsequent subdivision will need to demonstrate compliance with the standards of the CS zoning district as well as the subdivision standards included in Chapters 7 and 8 of the Land Development Code.

E. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property to CS (Commercial Service). Section 3.2 of the Code states the following as the intent of the CS zoning district:

“The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.”

2. Zoning Compliance

The applicant is requesting to rezone 4.61 acres to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum zoning district area: 2 acres¹¹
- Minimum lot size: N/A
- Setbacks
 - Front: 25 feet^{1,3,11}
 - Side: 25 feet^{1,2,3,11}
 - Rear: 25 feet^{1,2,3,11}
- Maximum height: 45 feet

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¹ Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

³ Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

To initiate any uses on the property, the applicant will need to obtain subsequent site development plan approval. The site development plan will be reviewed to ensure that all proposed and existing structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Land Development Code and Engineering Criteria Manual requirements.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype 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.

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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*

Analysis:

The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections.

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

Specific Strategies – *The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area/ Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.*

Objective ED1-6 – *Large employers should be located on major roadways to improve connectivity and minimize their impact on daily traffic.*

Objective ED3-1 – *Continue promoting commercial development to serve increasing residential neighborhoods in the Falcon area.*

The proposed rezone would reallocate approximately 4.61 acres from the RR-5 zoning district to the CS zoning district, which would support commercial development. Commercial development is consistent with the supporting land uses of the Suburban Residential placetype by providing limited retail and services. The CS zoning district would allow for greater flexibility to utilize the land based upon the market's needs.



The subject property is located north of the Falcon Marketplace commercial development. The rezone to the CS zoning district would allow for an extension of commercial development. According to the applicants' letter of intent the subject property will extend Falcon Marketplace Road to the north and is considering potential quick-service restaurants, convenience stores and car wash development.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

Analysis:

The proposed rezone would bring commercial development to an area that has commercial development to the south and less than a quarter mile to the north along Meridian Road. There is currently an application in review for the parcels directly to the north, across Owl Place, that is proposing a rezone from RR-5 to CS. The rezone would be consistent with the commercial developments that are adjacent to the subject property.

The 4.61-acre property was platted in 1972, as part of the Falcon Ranchettes Subdivision as 5-acre residential lots. As the area surrounding the original subdivision has developed the land uses have redeveloped into a more intense urban development that utilizes urban services. The proposed rezone would match the urban character and intensity while accommodating the increase in population with commercial services.

c. Key Area Influences: The property is not located within a key area.

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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.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 32 AFY is anticipated for Region 3.

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

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and have the following comments:

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1. A completed U.S. Army Corps of Engineers (USCOE) permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.
2. The applicant is hereby on notice that the U.S. Fish and Wildlife Service has regulatory jurisdiction over threatened and endangered species and migratory birds, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act and the Migratory Bird Treaty Act.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

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

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the map amendment (rezoning).

2. Floodplain

The FEMA Flood Insurance Rate Map indicates that a 100-year floodplain (Zone A) flows through the site. The applicant will be required to process a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) with FEMA for any modification to the floodplain.

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3. Drainage and Erosion

The property is located within the Falcon drainage basin (CHWS1400), which is a studied drainage basin with drainage and bridge fees. Drainage and bridge fees are not assessed with Map Amendment (rezoning) requests but will be due at the time of final plat recordation. A grading and erosion control plan as well as a drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage of the development.

4. Transportation

The property is located at the southwest corner of the intersection of Meridian Road and Owl Place. The submitted traffic impact study identifies that the primary access to the site will be via the extension of Falcon Market Place north of the roundabout located at the intersection Eastonville Road and Falcon Market Place. The proposed roadway will extend to Owl Place. It is anticipated that Owl Place at the intersection of Meridian Road will be closed with the commercial development proposed in this area. Table 10 in the traffic impact study provides recommended improvements consisting of auxiliary turn lanes, Owl Place roadway closure, and the extension of Falcon Market Place to the north due to this development's impacts. Further staff analysis of the proposed access points and improvements will be performed with the review of the engineering documents associated with the subsequent land use applications.

The 2016 Major Transportation Corridors Plan Update (MTCP) depicts corridor preservation for Meridian Road adjacent to the subject property for future widening to a 6-Lane Principal Arterial. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Water is currently provided by an onsite well. The applicant intends to bring in central water with the approval of the rezoning application.

2. Sanitation

Wastewater is currently provided by an onsite wastewater treatment system. The applicant intends to bring in central wastewater with the approval of the rezoning application.

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3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Electricity is provided by Mountain View Electric Association and gas is provided by Colorado Springs Utilities. Both Mountain View Electric Association and Colorado Springs Utilities were notified of the map amendment application and have no outstanding comments.

5. Metropolitan Districts

The subject property is not within a metro district. The applicant intends to apply to the Woodmen Hills Metro District for wastewater and water supply connections to be added to the site for future commercial development.

5. Parks/Trails

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

6. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

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 (2021), 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

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agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS, Commercial Service zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Owl Place Commercial Traffic Impact Study, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the development.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified forty-one (41) adjoining property owners on June 13, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

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M. ATTACHMENTS

Map Exhibits

Vicinity Map

Letter of Intent

Rezone Map

Draft Resolution

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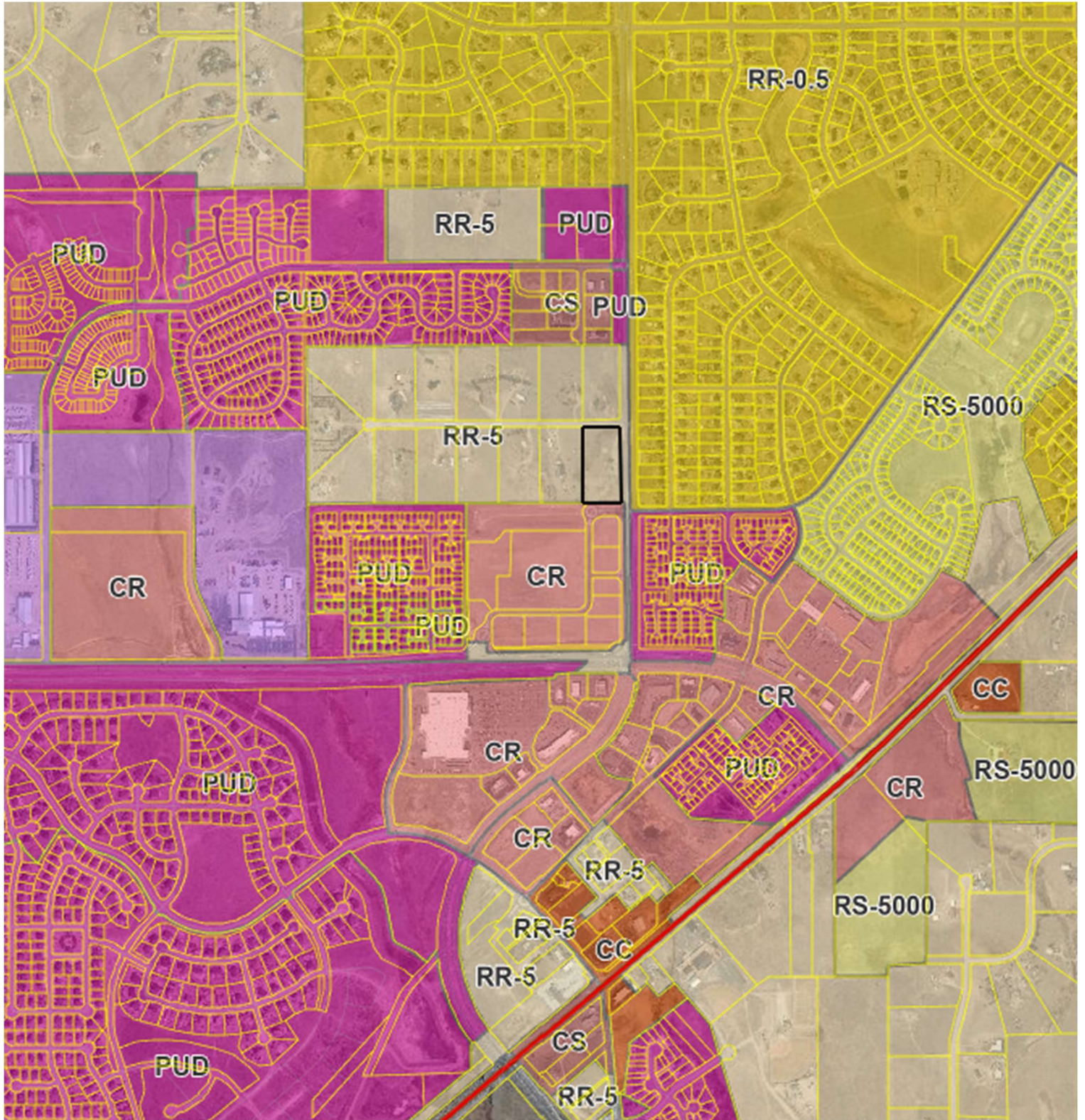


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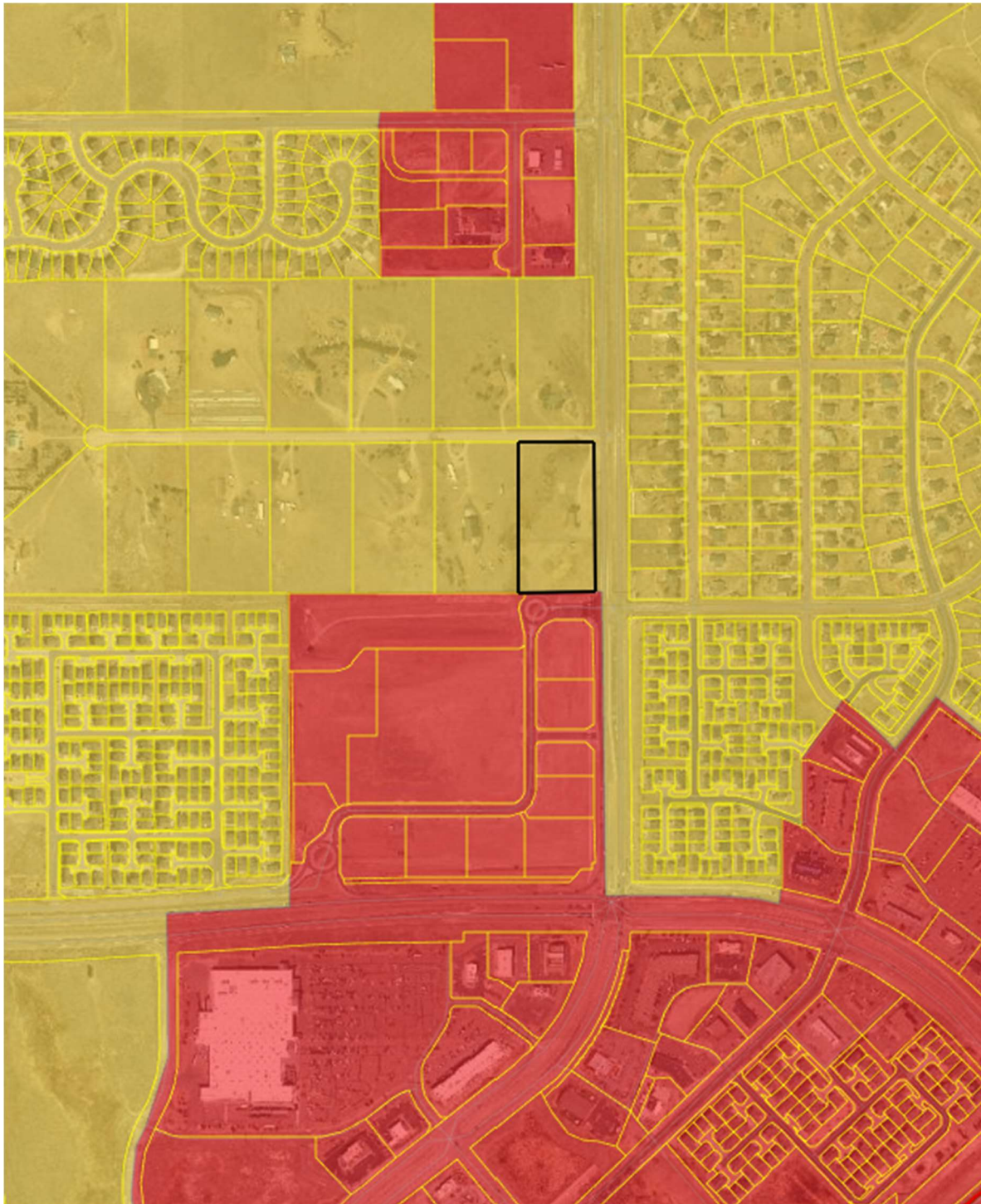
Map Exhibit #1: Aerial



Map Exhibit #2: Zoning



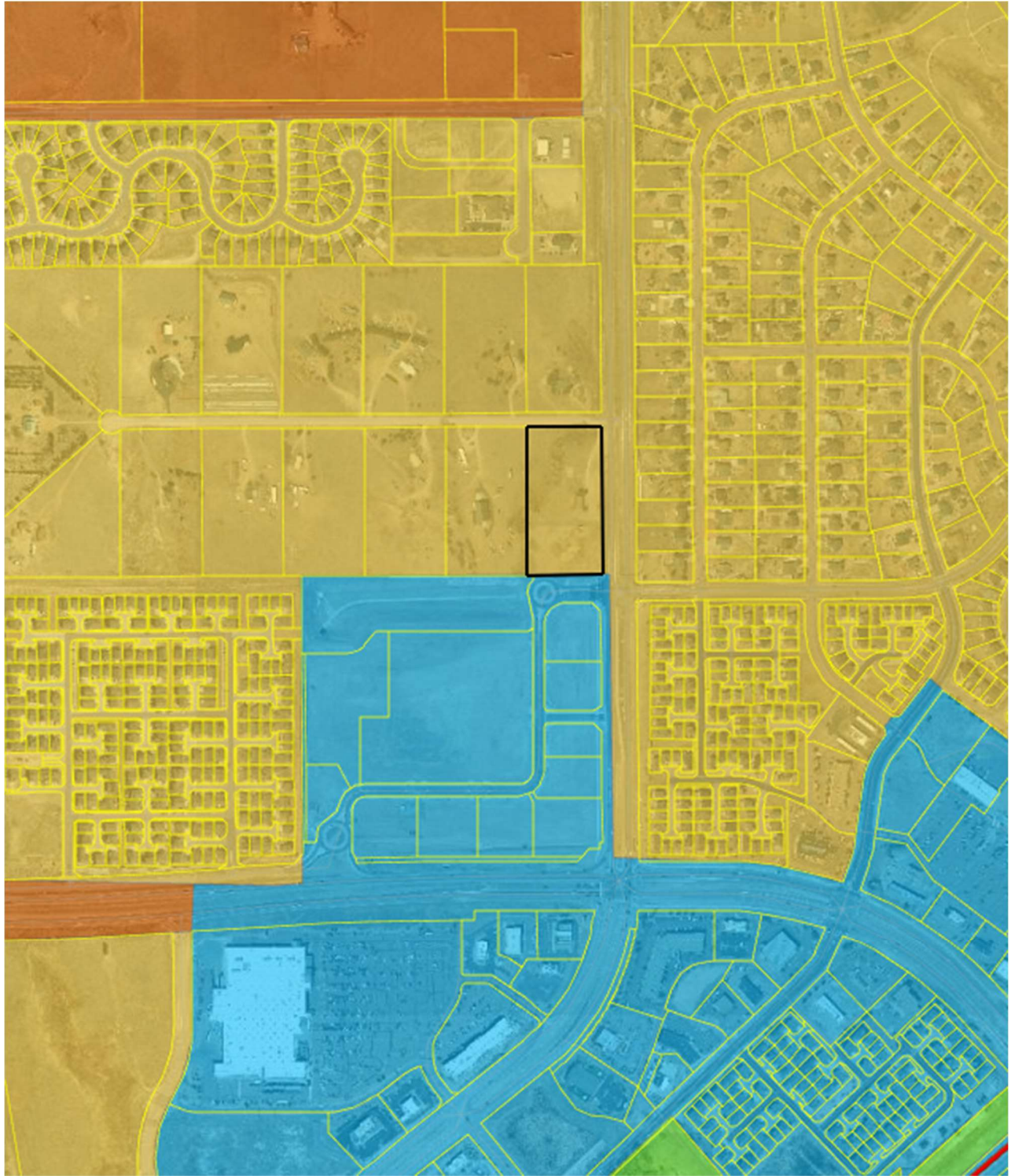
Map Exhibit #3: Placetype






Legend

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

Map Exhibit #4: Area of Change



Legend

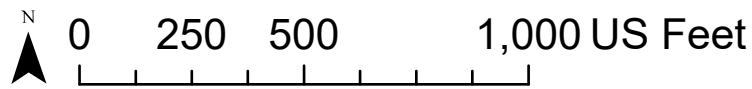
-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition



Owl Place Commercial Rezone Vicinity Map



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnology, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar



■ Subject Property



www.baselinecorp.com

Letter of Intent for Rezone of 11745 Owl Place

Revised 9/26/22

Revised 1/5/23

EA Number Description: EA21191
Project Manager: Ryan Howser
(719) 520-6049
ryanhowser@elpasoco.com

Contents

1. Owner, Applicant, and Consultant
2. Site Location, Size, Zoning
3. Request and Justification
4. Existing and Proposed Facilities, Structure, Roads, Etc.

Section 1: Owner, Applicant, & Consultant

Property Owner

Name: James E Hagan & Mary L Hagan
Address: 2831 Tecumseh Road, Colorado Springs, CO 80920-3648
Telephone: (719) 291-5497

Applicant/Developer

Name: Brian Zurek, BH RE Investments LLC
Address: 106 S. Kyrene Rd. Suite 2, Chandler, AZ 83226
Telephone: (480) 313-2724

Consultant

Name: Steve Baggs, Baseline Engineering
Address: 1046 Elkton Dr, Colorado Springs, CO 80907
Telephone: (719) 531-6200

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Section 2: Site Location, Size, & Zoning

Location of Property:	11745 Owl Pl, Peyton, CO 80831
Legal Description:	LOT 15 FALCON RANCHETTES
Parcel:	5301001015
Plat Number:	3800
Acreage:	4.61
Zoning:	RR-5
Current Land Use:	Single Family Residential

Section 3: Request & Justification

Request

The property owner and developer would like to rezone from RR-5 to CS. The site is a 4.6-acre parcel located directly north of Falcon Marketplace. The south half of the Owl Place ROW adjacent to the north property line of Lot 15 will also be included in the rezone. The site will be accessed from a future "leg" of a planned round-about located directly south of the parcel. The client is considering potential quick-service restaurant, C-Store, and car wash developers.

Justification

Land Development Code Section 5.3.5 Rezone Criteria

A - Purpose: When the requested rezoning is in general conformance or consistency with the County's Master Plan;

B – Criteria for Approval

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 complies 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

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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.

Item 1. El Paso County Master Plan Compliance

- Does the proposed use promote the level of change identified in the Areas of Change map?

The proposed zoning change and subsequent development promote the level of change identified in the Areas of Change map. The subject property falls within the area defined as Minimal Change: Developed. The subject property is an underdeveloped lot within the context of a broader single-family and commercial area. The property is bordered to the east by Meridian Road, a divided, 4-lane road with commercial and residential uses on its border. Across Meridian lies a residential neighborhood. The property is planned to serve a mix of uses including a car wash, convenience store, and quick-service restaurants. These uses are similar to uses planned or developed on the property to the south. Uses to the south include a fuel station, quick-service restaurants, auto service, and grocery store. The rezone and development of the subject property will consolidate similar uses, utility demand, and activity near the commercial centers already existing at the intersection of Woodmen Road and Meridian Road. The development and rezone, Commercial Service (CS), has also been identified as a supporting land use for the single-family detached homes in the surrounding area. The rezone and development of the property will result in a minimal change to the area by providing supporting uses similar to those already existing in the Meridian Road corridor.

- Is the proposed use located within a key area? If so, how will the proposed use affect the unique identity or character of the Key area?

The lot itself is not in a key area, however, the Falcon Marketplace development to the south is in a key potential annexation area. The continuity of this development with surrounding activity will likely result in the area's future annexation and/or classification as a future key area. The rezone and development support the character of the key area by providing similar land uses occurring along the Meridian Road corridor and on the parcel to the south.

- Does the use fall within the primary or supporting land uses within the identified Placetype? Is the proposed use consistent with the character and objectives of the Placetype?

The site is within the Suburban Residential placetype which by definition “comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections”. The proposed rezone type, Commercial Service, is a supporting land use type to the primary land use, Single-Family Detached residential. This use is consistent with the character and objectives of the Placetype by providing limited retail and services along a perimeter street, Meridian Road, and near the commercial intersection of

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Meridian Road and East Woodman Road. Additionally, the County is projecting that the proposed road on the west side of the site will eventually be a frontage road for Meridian Road.

- Is the use located within a Priority Annexation Area? If so, how does the municipality plan for or otherwise address the subject property, and does the proposed use align with the municipality's plans?

The location does not fall within a primary annexation area. However, it is adjacent to an area that is likely to be annexed. This rezoning and development are similar to the other uses and zoning types that are likely to be annexed in the future. This consistency may lead to its future annexation, but will not have any negative or controversial impact on the annexation plan.

- Is there existing infrastructure to which the proposed development can connect? If so, is the connection proposed and how will it be accomplished? If not, is there a plan for future extension of infrastructure to the property?

The property does have existing infrastructure that is adjacent to the property. It also has approved proposed infrastructure to the south of the site. The site will not have direct access to the existing Meridian Road. Owl Place currently provides access to the site from the north. The extension of Eastonville Rd into the site adjacent to the south will include a roundabout that will have a branch that extends into the property. This will be the main access to the site once it is constructed. It is anticipated by the County that this access road will eventually become a frontage road for Meridian Road and the Owl Place connection to Meridian Road would be eliminated. Existing utility infrastructure is located in Eastonville Rd and Meridian Rd. Storm sewer infrastructure consists of culverts on the north end of the site that direct runoff from a natural drainage channel under Owl Place onto the site. This natural channel crossing the site is part of the FEMA floodplain on the site and will need to be mitigated as part of the development of the site.

- Does the development trigger the need for pedestrian or multimodal connections and are such connections being proposed?

The proposed rezone and subsequent development will include the addition of multimodal, pedestrian access in the form of sidewalks along the proposed street connecting Falcon Marketplace to Owl Pace.

- Does the proposed use/development incorporate appropriate conservation design principles as identified in the Master Plan?

The rezoning and subsequent development incorporate conservation design by planning for the existing floodplain on and near the property. The applicant will work with nearby property owners and developers to appropriately construct necessary conduits for the flow of water, preserve permeable surfaces, and effectively use current or planned infrastructure.

- Does the proposed use/development support the implementation of Objectives and Specific Strategies of the Master Plan?

This rezoning and subsequent development incorporate the goals and objectives of the master plan by incorporating compatible zoning types, by preserving the neighborhood character through supporting uses, by strengthening the economy through opportunities in employment and commerce, by incorporating multimodal access, and by coordinating with surrounding partners to construct quality infrastructure and services.

Water Master Plan

- Where is the project? (Refer to region)

The project is located in Region 3.

- What is their water supply? (Central, wells, by whom)

The site is currently a single-family residence served by a well. The sites to the north and south of the site are served by the Woodmen Hills Metro District. The development will need to apply for inclusion in the district. The water supply connection would be at the proposed roundabout at the south end of the site. Wastewater connection would be to the existing wastewater main in Meridian Rd.

- If they are a central supplier, how have they addressed Section 3 (efficiencies, cooperation, reuse, storage, interconnection)?

Woodmen Hills Metro District supplies water and wastewater utilities for the site. The district meets or exceeds all state and federal regulations. They strive to cooperate with surrounding providers and customers to ensure proper conservation and storage. Such actions intended to conserve water include the construction of a new water treatment facility and seasonal irrigation policies for all residential and commercial properties.

- What standards of Section 4 are applicable, especially for groundwater (quality, economic life, sustainability)?

The development will meet all standards set by local, state, and federal regulations. The developer seeks to maintain quality ground and drinking water, contribute to the local economy, and ensure resources use is sustainable.

- How has the applicant addressed water supply needs at full buildout? Chapter 5

The applicant is an experienced developer with knowledge and understanding of the water needs for the proposed commercial developments. Available data allows for predictable water demand to be calculated and compared with availability in the surrounding area.

Item 2. Rezoning Complies with Statutory Provisions

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The site is zoned in accordance with the El Paso County Land Development Code and as such is in compliance with the general considerations for zoning in the Colorado Revised Statutes. Additionally, the amendment of zoning is acceptable under CRS 30-28-116.

Item 3. Proposed Zone Compatibility with Adjacent Land Uses and Zones

The proposed Commercial Service Zone is a supporting land use in the Suburban Residential placetype and the primary land use of single family residential currently surrounds the site to the west, north and east. This proposed zoning is also compatible with the Commercial Regional zoning to the south. It is anticipated that that residential parcels to the west and north will eventually be redeveloped for higher density residential or commercial uses. The future frontage road and associated approved landscaping and buffering will provide compatibility through separation until the future development occurs. The Meridian Road corridor separates the site from fully developed residential use to the east. The site will be developed in accordance with El Paso County buffering requirements to be determined during the development process.

Item 4. Suitability for Intended Use

The uses proposed in the Concept plan for this site based on the proposed zone change are all compatible with the acceptable uses shown in Table 5-1 of the El Paso County Land Development Code. Additionally, the development of the site under the proposed rezone would comply with Chapter 5-Use And Dimensional Standards of the Land Development Code.

Section 4: Existing and Proposed Facilities, Structures, Roads, Etc.

Existing Facilities

The site is currently home to one single-family residence. The residence is connected to Meridian Road and Owl place by a dirt road. The site is served by a well and onsite wastewater treatment system (OWTS).

Proposed Facilities

The planned development following the rezone is anticipated to include a service station, two quick-service restaurants, and one car wash. These will be accessible by a road branching north

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from the roundabout on Eastonville Road in the northeast corner of Falcon Marketplace. This road will run north to Owl Place. The site will connect to surrounding utilities and cease use of the well and OWTS.

Utilities

Utilities will be extended into the proposed site from Meridian Road (sewer) and Eastonville Road (water). The provider for these utilities is Woodmen Hills Metropolitan District. The site is on the border of this district but it is anticipated that it could be included in the district. Gas service is provided by Colorado Springs Utilities in Meridian Road and electric service is provided by Mountain View Electric.

Sensitive Natural/Physical Features

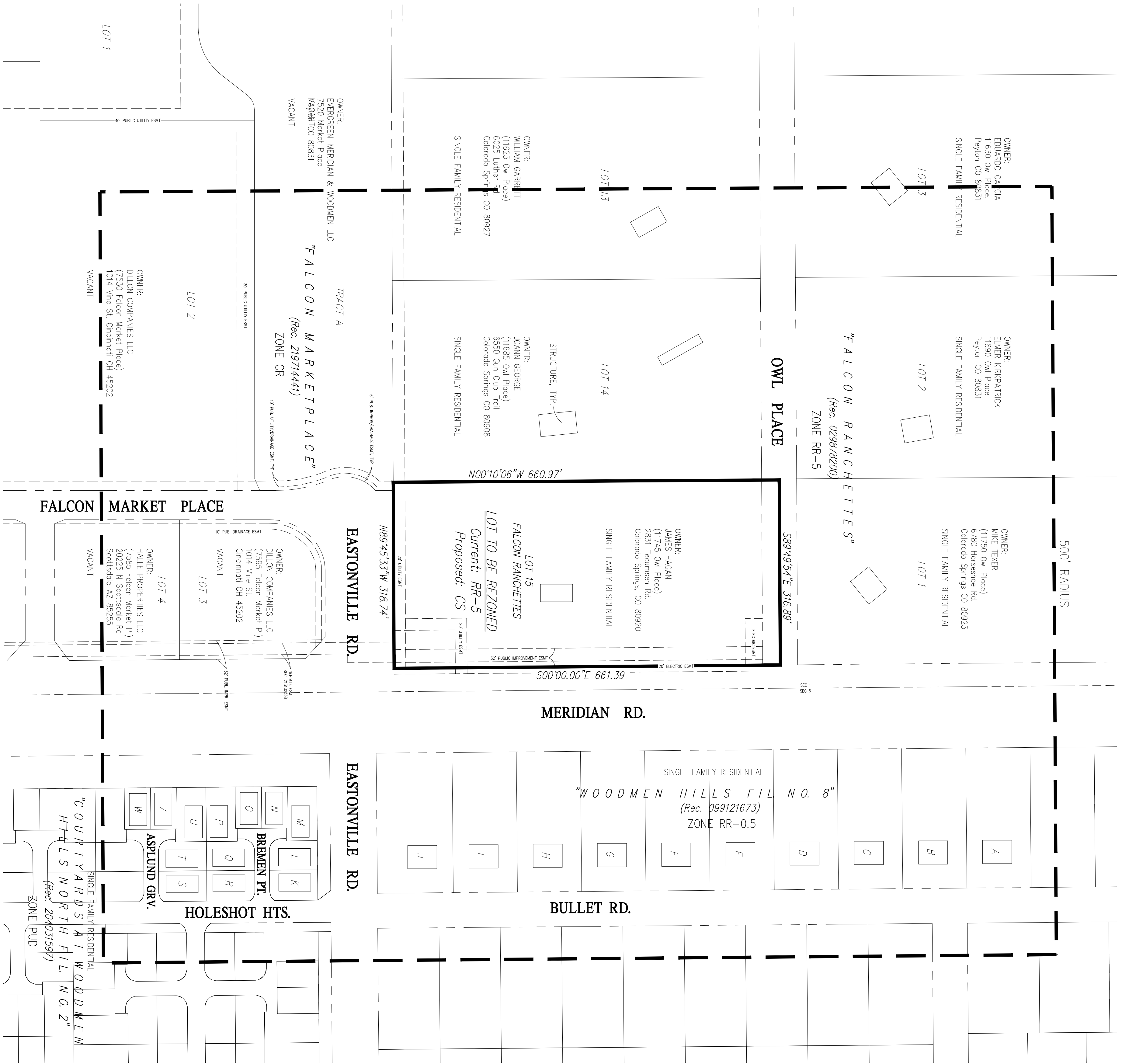
The site is within a FEMA unstudied Zone A floodplain for the East Branch of an unnamed tributary of Black Squirrel Creek. The flow in this tributary is mitigated by a regional detention pond on the Falcon Marketplace development to the south of the site. The proposed rezoned site will need to mitigate the tributary flow across the site and direct it to the regional detention pond. A CLOMR will be a necessary condition of the development of this site. A wetland study, if required will be prepared during the site development process. No other sensitive natural or physical features have been noted at the site.

Community Outreach Efforts

There have been no specific community outreach efforts for this action other than the notification mailings for the adjacent landowners as required for this submittal. The Applicant has had some informal conversations with a couple of neighbors regarding future plans.

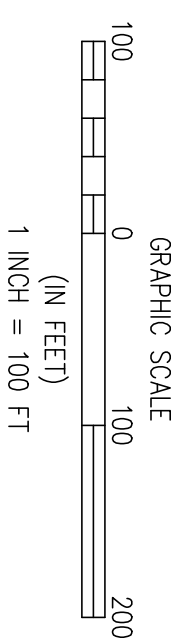
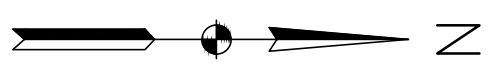
Traffic Generation and Access

As discussed previously, site access will be from the future northern leg of the roundabout on the north end of Falcon Marketplace. This access is ultimately a potential frontage road for Meridian Road. The roundabout, the access from the northerly leg of the roundabout and its future status as a frontage will all be part of the public road system. A traffic study has been included in the submittal for this rezone application.



- ADJACENT OWNERS**
- A HENRY STEIGS 7720 Bullet Rd, Peyton, CO 80831
 - B MICHAEL VANDERHOYE 7708 Bullet Rd, Peyton CO 80831
 - C DANIELLE BROWN 7696 Bullet Rd, Peyton CO 80831
 - D ELLEN GASPER 7684 Bullet Rd, Peyton CO 80831
 - E MATTHEW WEST 7372 Bullet Rd, Peyton CO 80831
 - F NATHAN BREWSTER 7660 Bullet Rd, Peyton CO 80831
 - G SANDRA OCHOA 7648 Bullet Rd, Peyton CO 80831
 - H MATTHEW COLLINS 7636 Bullet Rd, Peyton CO 80831
 - I JAMES RICHARDS 7624 Bullet Rd, Peyton CO 80831
 - J DAWN DEBOW 7612 Bullet Rd, Peyton CO 80831
- ADJACENT OWNERS**
- K JEFFREY BYRD (11840 Bremen Pl) 4314 Centerline Rd, Colorado Springs, CO 80922
 - L MARK VASZARY (11828 Bremen Pl) 11466 San Luis Peak Way, Peyton CO 80831
 - M AMBER SCHAWA 11816 Bremen Pl, Peyton CO 80831
 - N WILLIAM BARCLAY 11804 Bremen Pl, Peyton CO 80831
 - O JORDAN JACOUES 11805 Bremen Pl, Peyton CO 80831
 - P PAUL DESJARDINS 11817 Bremen Pl, Peyton CO 80831
 - Q JESSIE GRAHAM 11829 Bremen Pl, Peyton CO 80831
 - R SARA NEUMANER (11841 Bremen Pl) 265 W. Alkaline Springs Rd, Yonahda OH 45377
 - S ALBERTO MONTIELANO (11842 Bremen Pl) 5021 Teft Blvd, Wichita Falls TX 76308
 - T BRANDON COBB 11830 Bremen Pl, Peyton CO 80831
 - U DEANUS BLANKER 11818 Aspund Grv, Peyton CO 80831
 - V DEANUS BLANKER 11815 Aspund Grv, Peyton CO 80831
 - W BILL-10 EBYNE 11807 Aspund Grv, Peyton CO 80831

- ADJACENT OWNERS**
- PETTINGER
BH RE INVESTMENTS LLC
1046 ELKTON DR
CHANDLER, AZ 85226
- OWNER:**
JAMES HAGAN
2831 TECUMSEH RD,
COLORADO SPRINGS, CO 80920
- PREPARED BY:**
BASELINE ENGINEERING CORPORATION
1046 ELKTON DR
COLORADO SPRINGS, CO 80907



<p>REZONE MAP</p> <p>OWL PLACE COMMERCIAL LOT 15, FALCON RANCHETTES 11745 OWL PLACE</p> <p>EL PASO COUNTY</p>	<p>REVISION DESCRIPTION</p> <p>1 REV PER COUNTY TRIAGE</p> <p>2 REV PER EPC COMMENTS</p>	<p>PREPARED BY</p> <p>SGB</p>	<p>DATE</p> <p>6/28/22</p> <p>12/23/22</p>	<p>DESIGNED BY</p> <p>LJA</p>	<p>BASELINE</p> <p>Engineering • Planning • Surveying</p> <p>1046 ELKTON DRIVE • COLORADO SPRINGS, COLORADO 80907 P: 719.531.6200 • F: 719.531.6266 • www.baselinecorp.com</p>
	<p>FALCON</p>	<p>FOR AND ON BEHALF OF</p> <p>INITIAL SUBMITTAL: XX/XX/XX</p> <p>DRAWING SIZE: 24" X 36"</p> <p>SHEET NO: 35/49</p> <p>DATE: 12/23/22</p> <p>DESIGNED BY: SGB</p> <p>CHECKED BY: SGB</p>			

RESOLUTION NO. 23-

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

APPROVAL OF MAP AMENDMENT (REZONE) TO CS
OWL PLACE COMMERCIAL REZONE (CR-22-001)

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 6, 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 August 1, 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 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 James Hagan to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district ;

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS, Commercial Service zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Owl Place Commercial Traffic Impact Study, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the development.

NOTATIONS

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

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

DONE THIS 1st day of August 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 15, FALCON RANCHETTES AND THE SOUTH 30 FT OF
OWL PLACE ROW ADJACENT TO THE NORTH LINE OF LOT 15