

## Letter of Intent for Rezone of 11745 Owl Place

EA Number Description: EA21191  
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## **Section 1: Owner, Applicant, & Consultant**

### **Property Owner**

Name: James E Hagan & Mary L Hagan  
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Telephone: (719) 291-5497

### **Applicant/Developer**

Name: Brian Zurek, BH RE Investments LLC  
Address: 106 S. Kyrene Rd. Suite 2, Chandler, AZ 83226  
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### **Consultant**

Name: Steve Baggs, Baseline Engineering  
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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 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
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. 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, 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 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 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 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, and near the commercial intersection of Meridian and East Woodman.

- 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.

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## 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**

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 for the primary land use of single family residential surrounding the site to the west, north and east. This proposed zoning is also compatible with the Commercial Regional zoning to the south. It is predicted that that residential parcels to the west and north will eventually be redeveloped for higher density residential or commercial uses. 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 will include a service station, three quick-service restaurants, and one car wash. 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 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. 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. A traffic study has been included in the submittal for this rezone application.