

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

### PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Kari Parsons, Planner III

Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: CR-20-001

**Project Name: Crossroads North** 

Parcel Nos.: 54080-01-032, 54080-01-041, 54080-01-042,

54080-01-050, 54080-01-051, and 54080-01-052

OWNER:	REPRESENTATIVE:
Colorado Springs Equities, LLC	Kimley-Horn ad Associates
90 S. Cascade Ave., Suite 1500	2 N. Nevada Avenue, Suite 300
Colorado Springs, CO 80903	Colorado Springs, CO 80903

**Commissioner District: 2** 

Planning Commission Hearing Date:	5/6/2021
Board of County Commissioners Hearing Date:	5/25/2021

#### **EXECUTIVE SUMMARY**

A request by Colorado Springs Equities, LLC, for approval of a map amendment (rezoning) of 4.84 acres from M (Industrial Obsolete) and 20.34 acres from I-2 (Industrial) to CR (Commercial Regional). The six (6) parcels, totaling 25.18 acres, are located at the southwest corner of the Marksheffel Road and Highway 24 intersection, northeast of Highway 94, and are within Section 8, Township, 14 South, Range 65 West of the 6th P.M. An additional 4.45 acres of Marksheffel Road right-of-way (to the centerline adjacent to the subject property) is also included in the map amendment (rezoning) request from I-2 (Industrial) to CR (Commercial Regional) for a total of 29.63-acres. The property is within the CAD-O (Commercial Airport Overlay District) zoning overlay. The properties are not included within the boundaries of a small area plan.



#### A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

**Request:** A request by Colorado Springs Equites, LLC, for approval of a map amendment (rezoning) of 4.84 acres from M (Industrial Obsolete) and 20.34 acres from I-2 (Industrial) to CR (Commercial Regional). An additional 4.45 acres of Marksheffel Road right-of-way (to the centerline adjacent to the subject property) is also included in the map amendment (rezoning) request from I-2 (Industrial) to CR (Commercial Regional) for a total of 29.63-acres.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with the map amendment (rezone) request.

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

#### **B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

#### C. APPROVAL CRITERIA

In approving a map amendment (rezoning), 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, Map Amendment (Rezoning), of the <u>El Paso County Land Development Code</u> (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 <u>Land Development Code</u>, for the intended zone district.

#### D. LOCATION

North: CS (Commercial Service) Commercial

South: CR (Commercial Regional)/ City of Colorado Springs Vacant East: City of Colorado Springs Utility

West: CS (Commercial Service) Commercial

#### E. BACKGROUND

The property was zoned A-4 (Agricultural) and M (Industrial-Obsolete) at the time of initial zoning for this portion of El Paso County on May 11, 1942. A map amendment (rezoning) to PID (Planned Industrial) (PCD File No. PID-85-012) was approved by the Board of County Commissioners on August 8, 1985. Due to changes in the nomenclature of the Land Development Code, the PID zoning district was renamed I-2 (Industrial). Immediately adjacent to the south, a map amendment (rezoning) to PBC (Planned Business Center) (PCD File No. PBC-85-006) was also approved by the Board of County Commissioners on August 8, 1985. The PBC zoning district has since been renamed as the CR (Commercial Regional) zoning district.

The land included within the map amendment (rezoning) request was platted as Lots 12, 16, 17, 18, 19 and 20 of the Hillcrest Acres subdivision on May 12, 1960. The land immediately adjacent to the south is zoned CR zoning district and was also included within the Hillcrest Acres subdivision.

The applicant is requesting a map amendment (rezoning) of 4.84 acres from M (Industrial Obsolete) and 20.34 acres from I-2 (Industrial) to CR (Commercial Regional). An additional 4.45 acres of Marksheffel Road right-of-way (to the centerline adjacent to the subject property) is also included in the map amendment (rezoning) request from I-2 (Industrial) to CR (Commercial Regional) for a total of 29.63-acres.

A 44.63-acre preliminary plan is under concurrent review. The proposed preliminary plan includes 11 commercial lots, four (4) tracts, and encompasses the subject property and the adjacent property zoned CR. If the map amendment (rezoning) and preliminary plan are approved, then the applicant will seek approval of a final plat(s) to allow for the creation of 11 commercial lots and four (4) tracts. The immediate adjacent land to the south of the subject properties is also platted as

Hillcrest Acres subdivision filing, is zoned CR, and is included in the preliminary plan application (PCD File No. SP-20-007) under concurrent review. Due to outstanding comments, the preliminary plan has not yet been scheduled for public hearing. A preliminary concept plan exhibit is attached to this report depicting the 11 commercial lots, four (4) tracts, buildings, parking lot layout, and landscape.

#### F. ANALYSIS

#### 1. Land Development Code Analysis

The applicant is proposing a map amendment (rezoning) of 4.84 acres from M (Industrial Obsolete) and 20.34 acres from I-2 (Industrial) to CR (Commercial Regional). An additional 4.45 acres of Marksheffel Road right-of-way (to the centerline adjacent to the subject property) is also included in the request to rezone from I-2 (Industrial) to CR (Commercial Regional) for a total of 29.63-acres. The area included within the map amendment (rezone) request was platted as lots intended for industrial uses as part of the Hillcrest Acres subdivision in 1960.

This area of unincorporated El Paso County has experienced, and will likely continue to experience, significant growth and development along the Highway 24 corridor. Claremont Business Park, which has been developing since 2005, is located adjacent to the north and west of the proposed development area along Highway 24 and is zoned CS (Commercial Service).

The vacant property located adjacent to the south of the subject parcels is zoned CR and is also included within the concurrently reviewed preliminary plan. The proposed commercial land development is compatible with the existing and approved urban level commercial development surrounding the subject property.

The property is also within the CAD-O (Commercial Airport Overlay District) zoning overlay. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that they did not have concerns with the proposed commercial uses allowed within the proposed CR zone district and requested an avigation easement at the time of plat recordation. The property is within the APZ II (Accident Potential Zone). Section 4.3.1 CAD-O,

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

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

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

The applicant has agreed to the requested avigation easement in addition to recording an Airport Activity Notice and Disclosure against the title of the property at the time of subsequent final plat recordation(s).

#### 2. Zoning Compliance

The applicant is requesting approval of a map amendment (rezone) of 4.84 acres from M (Industrial Obsolete) and 20.34 acres from I-2 (Industrial) to CR (Commercial Regional). An additional 4.45 acres of Marksheffel Road right-ofway is also included in the map amendment (rezoning) request from I-2 (Industrial) to CR (Commercial Regional). Section 3.2.5.B of the Land Development Code states:

"The CR (Commercial Regional) zoning district is intended to accommodate regional centers providing ease of pedestrian and vehicular circulation, unity of architectural design, and best serving the convenience of the public and aesthetic enhancement of the community and region."

The density and dimensional standards for the CR zoning district are as follows:

- Minimum lot size: none
- Minimum setback requirement \* \*\*\*: front 50 feet, side 25 feet \*\*, rear 25 feet\*\*
- Maximum lot coverage: none
- Maximum Height: 45 feet

\*Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from residential zoning districts. Gasoline pumps and canopies shall be setback at least 25 feet from all property lines.

\*\* 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.

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

Approval of a preliminary plan and final plat(s) will be required to subdivide the 44.63-acre area into the proposed 11 commercial lots and four (4) tracts. The applicant will be required to demonstrate compliance with the CR (Commercial Regional) zoning district dimensional standards in association with each of the future preliminary plan and final plat applications.

#### 3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

**Policy 5.1.4**- Allow a sufficient inventory of available employment sites throughout the County.

**Policy 5.1.6-** Promote economic development alternatives that place the lowest strain on available infrastructure, such as locating in existing industrial parks.

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

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

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

The proposed map amendment is adjacent to a commercial development to the north and west within the CS (Commercial Service) zoning district. The land to the south is within the CR (Commercial Regional) zoning district and is undeveloped. The land to the east is within the incorporated boundaries of the City of Colorado Springs and includes a water storage and treatment facility. The proposed map amendment (rezone) to the CR (Commercial Regional) zone district is anticipated to be integrated into the existing commercial and utility land uses to the north, east, and west of the subject property.

The commercial development is anticipated to support interdependent land uses in the area, such as providing potential employment opportunities for nearby residents in the area. The proposed commercial development is proposed to occur within an industrially-zoned and platted area that did not develop as anticipated. Rezoning the industrially-zoned property to commercial zoning is not anticipated to pose a strain on existing infrastructure. Cherokee Metropolitan District has committed to provide water and wastewater services to the development with the concurrent preliminary plan in review. Falcon Fire Protection District has provided a letter in support of the development with the concurrently reviewed preliminary plan application.

The proposed commercial development will be required to incorporate landscaping, screening, and buffering for review and approval was part of a site development plan(s) pursuant to the requirements of Chapter 6 of the <u>Land Development Code</u>, which should help mitigate any potential visual impacts and to ensure that the commercial development is functionally and aesthetically integrated with the commercial development to the north and west, as well as with any future commercial development that may occur on the property located to the south.

The proposed map amendment (rezoning) is a logical extension of the existing commercial development in the area.

#### 4. Small Area Plan Analysis

The property is not included within the boundaries of a small area plan.

#### 5. Water Master Plan Analysis

The <u>El Paso County Water Master Plan</u> (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.
- **Goal 1.2** Integrate water and land use planning.
- **Goal 3.6** Develop and maintain partnerships with water providers.
- **Goal 3.7** Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.
- **Policy 4.1.1** Protect and enhance the quality of drinking water in the County.
- **Policy 4.2.3** Support studies to determine options for how water providers can secure and deliver a more permanent, long-term water supply.
- **Policy 6.0.11** Continue to limit urban level development to those areas served by centralized utilities.

The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the <u>Plan</u> states:

"Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps."

Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396-acre feet per year. The 2040 water supply is projected to be 6,800 acre-feet per year and the projected demand is 6,468 acre-feet per year, resulting in surplus of 332 acre-feet. The 2060 water supply is projected to be 10,131 acre-feet per year and the projected demand is 9,608 acre-feet per year, resulting in surplus of 523 acre-feet

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the <u>Water Master Plan</u>. The needs analysis in the <u>Plan</u> states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available today. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

The applicant anticipates that central water and wastewater service to the development will be provided by Cherokee Metropolitan District. A commitment letter is not required with a map amendment (rezoning) application; however, a commitment letter was received with the concurrently reviewed preliminary plan. A finding of sufficiency regarding water quantity, quality, and dependability is not required for a map amendment (rezoning) but will be required at the subdivision stage of development.

#### 6. Other Master Plan Elements

The <u>El Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments. A natural features report and noxious weed management plan is required with the concurrently reviewed preliminary plan application under review.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies Eolian wind-blown sand, 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, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not depict any parks, trails, or open space within the map amendment (rezoning) area.

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan Update (MTCP).

#### G. PHYSICAL SITE CHARACTERISTICS

#### 1. Hazards

No hazards were identified with the map amendment (rezone) application.

#### 2. Wildlife

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

#### 3. Floodplain

The property is not impacted by any designated 100-year flood plain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0754G, 08041C0756G and 08041C0754G, which have an effective date of December 7, 2018

#### 4. Drainage and Erosion

The property is located in the Sand Creek (FOFO4000), Jimmy Camp Creek (FOFO2000), and Peterson Field (FOFO3400) drainage basins. Sand Creek and Peterson Field drainage basins are studied basins, and all three basins have a drainage fee. Drainage fees shall be calculated as part of subsequently required final drainage report and must be paid at the time of final plat recordation.

A preliminary drainage report is included with the concurrently reviewed preliminary plan (PCD File No. SP-20-007). The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties by providing water quality and flood control detention.

#### 5. Transportation

The El Paso County 2016 Major Transportation Corridors Plan Update depicts additional roadway improvement projects in the immediate vicinity of the development, which include upgrades to Highway 24 from Marksheffel Road to Constitution Avenue.

The Colorado Department of Transportation (CDOT) Final Planning & Environmental Linkages (PEL) Report (2018) depicted conceptual roadway improvement projects in the immediate vicinity, which includes upgrades to the interchange of Highway 24 and Highway 94, and future widening of Highway 24

from Powers Boulevard to Constitution Avenue. Coordination with all adjacent local jurisdictions is occurring to determine the extent of these improvements.

A master traffic impact study for the area is included with the concurrently reviewed preliminary plan. The findings within the master traffic impact study are under review and will be finalized with the concurrently reviewed preliminary plans. It is anticipated that the commercial development will require construction of improvements to Highway 94 and Air Lane.

The development will be subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended, at the time of building permit authorization.

#### H. SERVICES

#### 1. Water

Central water supply service will be provided by Cherokee Metropolitan District. The District has provided a commitment letter to serve the anticipated development with the concurrently reviewed preliminary plan.

#### 2. Sanitation

Central wastewater service will be provided by Cherokee Metropolitan District. The District has provided a commitment letter to serve the anticipated development with the concurrently reviewed preliminary plan.

#### 3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the map amendment and has no outstanding comments.

#### 4. Utilities

Electrical and natural gas service will be provided by Colorado Springs Utilities (CSU). CSU was sent a referral for the map amendment and has no outstanding comments.

#### 5. Metropolitan Districts

The property is included within Cherokee Metropolitan District, which provides central water and sewer services in the area. The District does not have an ad valorem (property tax) mill levy.

#### 6. Parks/Trails

Land dedication or fees in lieu of park land dedication are not required with a map amendment (rezoning) application. Fees are not required in association with commercial development.

#### 7. Schools

Land dedication or fees in lieu of school land dedication are not required with a map amendment (rezoning) application. Fees are not required in association with commercial development.

#### I. APPLICABLE RESOLUTIONS

Approval Page 27 Disapproval Page 28

#### J. STATUS OF MAJOR ISSUES

There are no major outstanding 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 <u>El Paso County Land Development Code</u> (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 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.
- Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-family) zoning district and with the applicable sections of the <u>Land Development Code</u> and <u>Engineering Criteria Manual</u>.
- A site-specific traffic study shall be required with the site development plan for each commercial lot or pad site as required by <u>Engineering Criteria Manual</u>, Appendix B.1.2.

#### **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. Map amendment (rezoning) requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

#### L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 12 adjoining property owners on April 14, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

#### M. ATTACHMENTS

Vicinity Map
Letter of Intent
Map Amendment (Rezone) Map
Preliminary Concept Plan Exhibit
Adjacent Property Owner Responses

#### El Paso County Parcel Information

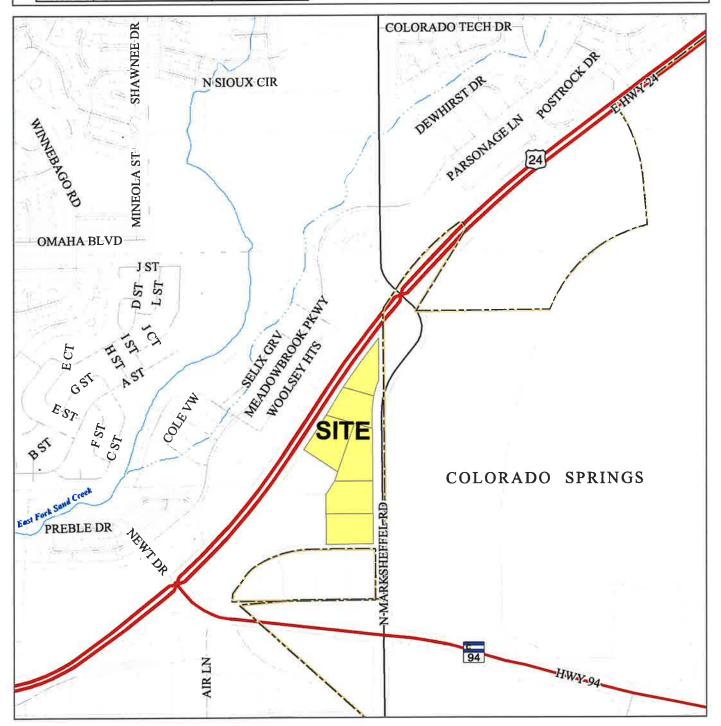
PARCEL	NAME
5408001052	COLORADO SPRINGS EQUITIES LLC
5408001051	COLORADO SPRINGS EQUITIES LLC
5408001032	COLORADO SPRINGS EQUITIES LLC
5408001050	COLORADO SPRINGS EQUITIES LLC
5408001041	COLORADO SPRINGS EQUITIES LLC
5408001042	COLORADO SPRINGS EQUITIES LLC

File Name:

CR-20-001

Zone Map No. -

Date: April 12, 2021



Please report any parcel discrepancies to: El Paso County Assessor 1675 W. Garden of the Gods Rd. Colorado Springs, CO 80907 (719) 520-6600



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# CROSSROADS NORTH MAP AMENDMENT (REZONING) LETTER OF INTENT (Revised November 17, 2020)

#### **APPLICANT-OWNER/CONSULTANT INFORMATION:**

#### **OWNER**

COLORADO SPRINGS EQUITIES, LLC 90 S. CASCADE AVENUE, SUITE 1500 COLORADO SPRINGS, CO 80903

#### **PLANNING**

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

#### **ENGINEERING**

MS CIVIL CONSULTANTS 102 E. PIKES PEAK, 5TH FLOOR COLORADO SPRINGS, CO 80903

#### SURVEYING

CLARK LAND SURVEYING, INC 177 S. TIFFANY DRIVE, UNIT 1 PUEBLO WEST, CO 81007

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

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

#### **REQUEST**

Rezone 25.18 acres from the M (4.84 AC) and I-2 (20.34 AC) zones to the CR CAD-O zoning district. An additional four (4) acres is included in the rezone as identified by the legal description and rezone map that includes property to the centerline of the adjacent roadways for a total of 29.63 acres .All future rezoning, subdivision, and/or land use applications will be subject to the restrictions and limitations of the Airport Overlay. The



subsequent preliminary plan and final plat will clarify zone district boundaries with respect to ROW, proposed commercial lots, and landscape buffers and setbacks.

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

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

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

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

#### **JUSTIFICATION**

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

 The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;

#### **WATER MASTER PLAN CONSIDERATIONS:**

The development area is in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water



and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown in other maps.

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

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

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

Planning Region	Current	2040	2060 Build-Out
	Supplies (AF	Supplies (AF	Supplies (AF
	per year)	per year)	per year)
Region 5	4,849	6,800	10,131

Table 5-2: Current, 2040, and Build-Out Water Supply by El Paso County Planning Region

Planning Region	Demand (AF)	Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 5	4,396	4,849	453	0	0%

Table 5-3: Current Demand and Current Supplies by El Paso County Planning Region

Planning Region	2040 Demand (AF) Need (AF) Need (%)	Current Supplies (AF)	(AF) Average- Year Surplus**	Need (AF)	Need (%)
Region 5	6,468	4,849	0	1,619	25%

Table 5-4: Future (2040) Demand and Current Supplies by El Paso County Planning Region

Planning Region	2060 Demand (AF)	Current Supplies (AF)	Average-Year Surplus** (AF)	Need (AF)	Need (%)
Region 5	9,608	4,849	0	4,759	50%

Table 5-5 – Build-out (2060) Demand and Current Supplies by El Paso County Planning Region



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

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

**Table 1:** Water rights and tributary status of Exportable Wells

Well Number	Water Right (AFY)	2019 Use (AFY)	Permit Number	Aquifer	Aquifer Status
Well 9	176	132	14145-FP-R	UBS Alluvium	Tributary
Well 10	176	108	14146-FP-R	UBS Alluvium	Tributary
Well 11	244	161	6821-FP-R	UBS Alluvium	Tributary
Well 12	244	149	11198-FP	UBS Alluvium	Tributary
Well 13	1268	975	49988-F	UBS Alluvium	Tributary
Well 14	0	0	52429-F	UBS Alluvium	Tributary
Well 15*	281	145	54070-F	UBS Alluvium	Tributary
Well 16*	219	123	54069-F	UBS Alluvium	Tributary
Well 17*	175	151	63094-F	UBS Alluvium	Tributary
Well 18	225	138	16253-RFP-R	UBS Alluvium	Tributary
Well 19	95	79	20567-RFP-R	UBS Alluvium	Tributary
Well 20	400	38	4332-RFP	UBS Alluvium	Tributary
Well 21	290	0	81782-F	UBS Alluvium	Tributary
DN-4**	110	110	78315-F	Denver Aquifer	Non-Tributary
AR-1***	147.7	155	75881-F	Arapahoe Aquifer	Non-Tributary
Total	3984.7	2464			



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

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

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

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

CMD's water commitments stand at 4,130.4 AFY. The Tipton and Kane commitments are related to an arrangement from the mid-2000's where developers reserved commitments on two new wells. The water from these wells is considered fully committed to these developers even if they have not yet begun the projects associated with the reserved commitments. Due to a complex legal history, the "Kane" water right was not tied to a specific physical water well but instead operates as a commitment served from CMD's general supply portfolio. The "Tipton" water right corresponds to CMD's Well 18.

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



Commitments	AFY
In-District (2015)	2693
Committed Since 2015	406.7
Schriever Air Force Base	537
Kane	200
Tipton	225
Construction	25
Parks	25
Total	4111.7

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

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

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

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

**Existing Water Storage Tanks** 

_,	- 10 . 5.5
Tank Name	Volume
	(MGAL)
ELLICOTT TANK	0.5
TANK 1	3.0
TANK 2	1.0



TANK 3 (TAMLIN)	5.0
TANK 4	3.0
FRANK ROAD	2.0
TANK	
SUNDANCE TANK	0.5
TOTAL	15.0

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

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

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

#### **POLICY PLAN CONSIDERATIONS:**

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

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

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



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

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

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

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

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

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

Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services. Necessary urban services are currently available to meet the use demands of the proposed mixed-use development, specifically the multifamily service demands. The subdivision review will identify system or service deficiencies as well as clarify specific development demands of which the service providers will express respective needs in order to meet projected demands.



- Policy 6.1.5 Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:
  - maximize the economy and efficiency of land use
  - preserve open space or natural areas
  - integrate employment, housing, shopping, schools and other use
  - accommodate multi-modal transportation linkages
  - allow for variations in design and character

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

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

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

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

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

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

Water and wastewater services for properties within the rezone will be provided by Cherokee Metropolitan District Service. Delivery of the utility requires extension of required infrastructure from the north side of US 24 under the highway to the development properties. The Meadowbrook Crossing Metropolitan District, Applicant, and Cherokee have been coordinating necessary



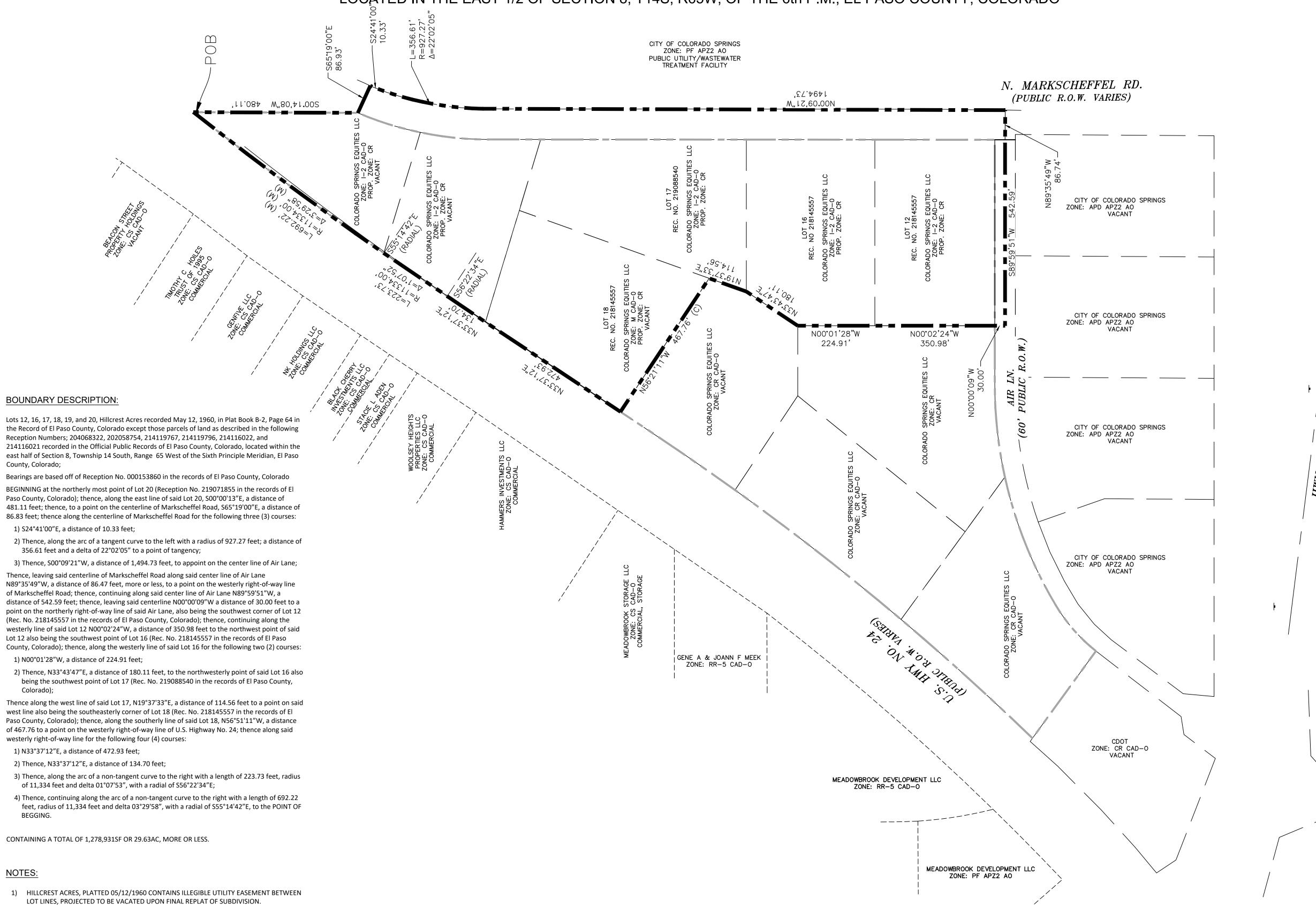
activities which will be reflected in and on associated reports and plans submitted with future subdivision applications.

- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
   The application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
   The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions. Approval of the rezone increases the compatibility of the existing CR zone from 16.24 AC to 41.42 AC. The unified 41,42 AC CR zone district is more compatible with existing and permitted land uses and zoning districts in all directions.
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

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

## CROSSROADS NORTH REZONE

LOCATED IN THE EAST 1/2 OF SECTION 8, T14S, R65W, OF THE 6th P.M., EL PASO COUNTY, COLORADO



MINERAL RIGHTS ESTATE HOLDER(S)
ATE ENTERPRISES LIQUIDATING TRUST 5408 STONEHILL DRIVE LATONIA, KY 41015-4133

OWNER/ DEVELOPER: CROSSROADS METROPOLITAN DISTRICT NO. 2

90 SOUTH CASCADE AVENUE, SUITE 1500

C/O THE EQUITY GROUP

COLORADO SPRINGS, CO 80903

PLANNERS/ LANDSCAPE ARCH.:

COLORADO SPRINGS, CO 80903

2 NORTH NEVADA AVENUE

ATTN: DANNY MIENTKA

KIMLEY-HORN

SUITE 300

SHEET 1 of 1



COLORADO SPRINGS, COLORADO 80903 (719)453-0180

096956000-RZ.dwg

DATE: 11/30/2020

NOTES:



From: Tim Hoiles < tim@hoiles.com >
Sent: Thursday, April 22, 2021 12:17 PM
To: Elena Krebs < ElenaKrebs@elpasoco.com >
Cc: Pam McLeod < pamm@hoiles.com >
Subject: CR-20-001 Map Amendment

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#### Dear Elena,

As indicated in the Notice of Public Hearing(s) I received for CR-20-001 Map Amendment (Rezone) Crossroads North, I would like to provide testimony on the item at the Planning Commission and/or the Board of County Commissioners Meetings. I have not decided yet, whether or not I would like to provide the testimony in person or remotely. However, I have attached a presentation on "Mobility Our Crumbling Community Keystone," dated January 27, 2020, which supports my concerns on the traffic impact that the proposed development will exacerbate. The presentation's main argument is that "Colorado Springs/El County Residents Face an Inevitable Mobility Crisis, Urgent Collaborative Action is Needed." Also, other key takeaways from the presentation are:

- Population growth will drive transportation system capacity demand to well beyond current capacity.
- Funding is not available to meet growth demand. It will inevitably lead to Denver-like congestion throughout the region.
- Failure to address the crisis through additional investment will have dramatic economic and quality of life consequences.

As noted on page 3 of the Traffic Impact Study "Crossroads-Meadowbrook, El Paso County, Colorado" prepared for Colorado Springs Equities LLC by Kimley-Horn and Associates, Inc. in August 2020, the following paragraph is of concern (I have highlighted in bold my main concern):

The intersection of SH-94 and US-24 is projected to operate poorly in 2025 with the existing intersection configuration. Therefore, US-24 may need to provide three through lanes in each direction through this intersection in the near-term horizon. The additional through lanes are a regional capacity improvement that should be considered by CDOT and El Paso County in the near future. If and when US-24 is improved to provide three through lanes in each direction, it is recommended that a separate 600-foot plus 225-foot taper right turn lane be constructed to maintain free right turn movements to eastbound SH-94. The third southwestbound through lane along US-24 can be designated by absorbing the existing right turn lane. The six-lane section of US-24 can occur between the Peterson Road interchange to the west and transition back to a four-lane roadway east of SH-94. In addition to these regional improvements, it is recommended that the existing single 900-foot left turn lane be extended to 935-feet plus 225-foot taper with dual left turn lanes on the northeastbound US-24 approach for the left turn to Newt Drive. The area for these dual lefts is presently mostly available; however, the lane is striped out which will require restriping and a slight extension may also need to be

constructed. A traffic signal modification will be required at the intersection to incorporate these improvements.

Where is the funding for these improvements? The current City and County road infrastructure system is in a deplorable state. The Board of County Commissioners and other elected leaders within our Community must address these infrastructure issues instead of continuing to add to the "inevitable crisis." I have included a short March 2, 2021, YouTube update from Rocky Moretti, TRIP Director of Research & Policy, that confirms my concerns regarding Colorado Springs/El Paso County's road infrastructure. Please take a minute to view the report "Keeping Colorado Mobile."

https://www.youtube.com/watch?v=RffGjWstgBc

Thank you,

T. C. Hoiles

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