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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ashlyn Mathy, Planner I
Ed Schoenheit, IE Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File #: P-22-024
Project Name: TR El Paso Land LLC Rezone
Parcel No.: 3500000245 3500000252

OWNER:	REPRESENTATIVE:
TR El Paso Land LLC 999 18th Street, Suite 3000 Denver CO, 80202	Kimley-Horn larry.salazar@kimley-horn.com 2 North Nevada Ave, Suite 300 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	3/2/2023
Board of County Commissioners Hearing Date:	4/4/2023

EXECUTIVE SUMMARY

A request by TR El Paso Land, LLC for approval of a map amendment (rezoning) of 275.89 acres from R-4 (Planned Development) to A-35 (Agricultural). The property is located at the northwest corner of South Ellicott Highway and Drennan Road. (Parcel No.3500000245) (Commissioner District No. 4).

A. WAIVERS/DEVIATIONS/ AUTHORIZATION

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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

B. 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 El Paso County Land Development Code (2022):

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.

C. LOCATION

North:	A-35 (Agricultural)	Single-Family Residential/Vacant
South:	A-35 (Agricultural)	State/Dry Farmland/Single-Family Residential
East:	A-35 (Agricultural)	State
West:	A-35 (Agricultural)	Single-Family Residential/Vacant

D. BACKGROUND

The property was zoned R-4 (planned Development) on December 16, 1985, PCD file number R485016Z. The County initiated zoning, A-35 (agricultural) on the surrounding properties in 1999.

The applicant is proposing to rezone the unplatted parcel, containing 275.89 acres, from the R-4 zoning district to the A-35 (Agricultural) zoning district.

If the proposed map amendment is approved, the applicant intends to develop the 275.89 acres into 7 lots. The lots are anticipated to meet or exceed the 35-acre lot minimum requirement. The 35-acre lot size is a requirement of the A-35 zoning district as indicated in the applicant's letter of intent and concept exhibit.



E. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 275.89 acres to the A-35 (Agricultural) zoning district. Section 3.2.1 of the Code states the following as the intent of the A-35 zoning district:

The A-35 zoning district is a 35-acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.

The applicant intends to use the property for development of rural residential properties and conservation of agricultural resources, which is consistent with the intent of the A-35 zoning district.

The County encourages applicants to rezone from an obsolete zoning district because obsolete zoning is considered outdated and cannot be applied to any additional land within the County. This rezone is consistent with surrounding zoning and residential and agricultural land uses and helps to preserve the agricultural character in the area.

2. Zoning Compliance

The subject parcel is proposed to be rezoned to the A-35 (Agricultural) zoning district. The A-35 zoning district is intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources. The density and dimensional standards for the A-35 zoning district are as follows:

Minimum lot size: 35 acres

Minimum width at the front setback line: 500 feet

Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet (*)

Maximum lot coverage: None

Maximum height: 30 feet (+)

* Agricultural stands shall be setback a minimum of 35 feet from all property lines.

* Sawmills shall be setback a minimum of 300 feet from all property lines.

* Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.



(+) One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.

The applicant intends to submit a subdivision application subsequent to the approval of the rezoning request. In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. In this process the applicant will need to meet zoning requirements, setbacks, and meet criteria of the engineering manual.

F. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Rural

Placetype Character:

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.



Recommended Land Uses:

Primary

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

Supporting

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional



Figure G.1: Placetype Map

Analysis:

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC2-6 – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

The proposed rezone would reallocate approximately 275.89 acres of obsolete zoning from the R-4 zoning district to the A-35 zoning district, which would support the primary uses of the place type such as agricultural and farm and homestead residential uses.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.



Figure G.2: Area of Change Map

Analysis:

The minimal change: undeveloped area of change states that these areas will experience some redevelopment but will be limited in scale. The applicant is proposing to rezone the subject property to A-35 (Agricultural) in order to create seven large lots of development. This is consistent within the master plan and zoning district criteria for A-35.

c. Key Area Influences: Not Applicable

The subject property is not within a key area influence.



Figure G.3: Key Area Influences Map

- d. **Other Implications (Priority Development, Housing, etc.):** The subject property is not within a development area.

3. 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 property is located within Region 5 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with a current supply of 4,849 AFY (Figure 5.2). The projected demand in 2040 is at 6,468 AFY (Figure 5.1) with a projected supply in 2040 of 6,800 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 9,608 AFY (Figure 5.1) with a projected supply in 2060 of 10,131 AFY (Figure 5.2). This means that by 2060 a surplus of 523 AFY is anticipated for Region 5.

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

4. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) does identify Laramie coal and Alluvial fan 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, no severed mineral rights exist.

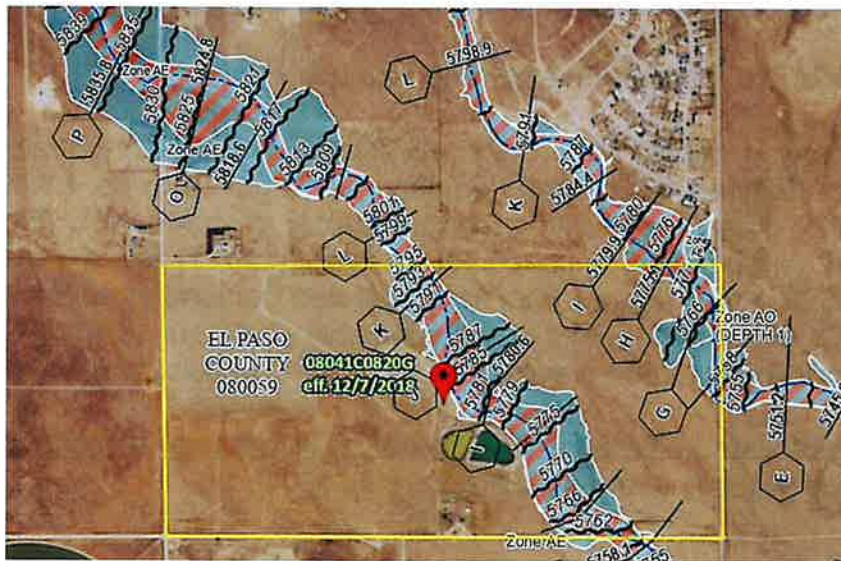
G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No geological hazards were identified during the review of the rezone application. A geology and soils report will be required with any subsequent subdivision request.

2. Floodplain

The parcel contains two (2) distinct 100yr regulatory floodways areas specifically zoned AE and AO. These flood areas have been surveyed and contain base flood elevations. Future development of the parcel with buildable lots two and one half (2½) acres and larger, are required to have the 100-year floodplain contained in a drainage easement dedicated by plat in the name of the governing body with the restrictions of “No Build” and “No Storage of any Materials”. If subdivision proposals are located within three hundred (300) feet of a Zone A (including AO and AE) floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on any future plat. The Federal Flood Insurance Rate Map for this parcel is 08041C0820G, effective on December 7th, 2018.



3. Drainage and Erosion

The property is located within three (3) different drainage basins those being the Lower Black Squirrel, Book Ranch, and Telephone Exchange. Both Book Ranch and Telephone Exchange are studied and have drainage basin and bridge fees. Lower Black Squirrel currently does not have drainage basin or bridge fees. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage. Drainage basin and bridge fees will be required at the time of platting during the subdivision process, if applicable.

4. Transportation

The property is bordered by three County maintained roads: Bar Ten Road, Drennan Road, and South Ellicott Highway. Bar Ten is classified as a rural local gravel road. Drennan is classified as a rural minor collector gravel road. South Ellicott is classified as rural major collector paved road. Additional right-of-way dedication to the County will be requested at time of final plat for Drennan Road and South Ellicott Highway. Future lots will be required to gain access from the lowest classification roadway, and lots will require a county driveway access permit.

Per Engineering Criteria Manual Appendix B.1.2.D, a transportation impact study was not required with this rezone application because the average daily trips are anticipated to be less than 100, and no other listed criteria is triggered at this time. The requirement for a Traffic Impact Study or memorandum will be reviewed at the time of the subdivision and replat stage.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) anticipates Drennan Road to be improved as a two (2) lane paved minor collector with 80-foot right-of-way. Additionally, Ellicott Highway is to be improved to a minor arterial with 100-foot right-of-way.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. Fees will be due at the time of building permit issuance.



H. SERVICES

1. Water

A finding of water sufficiency is not required with a map amendment request. A finding of water sufficiency for water quantity, quality, and dependability is required with any subsequent final plat(s) application.

2. Sanitation

Wastewater is anticipated to be provided by onsite wastewater treatment systems.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The district was sent a referral and has no objections to the rezone request.

4. Utilities

Mountain View Electric Association (MVEA) is anticipated to provide electrical service. MVEA was sent a referral for the rezone, and has no outstanding comments. The gas service provider is Colorado Natural Gas; Colorado Natural Gas did not respond with comments for this project.

5. Metropolitan Districts

The property is not located within a metropolitan district service area.

6. Parks/Trails

Parkland dedication or fees in lieu of parkland dedication is not required for a map amendment (rezoning) application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

7. Schools

The subject property is with the Ellicott School District No. 22. Land dedication or fees in lieu of school land dedication is not required for a map amendment application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues with this map amendment request.



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 (2022), 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.
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 A-35 (Agricultural) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

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 35 adjoining property owners on February 10, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.



M. ATTACHMENTS

Vicinity Map

Letter of Intent

Letter of Intent Concept Map Exhibit

Rezone Map

Draft PC Resolution

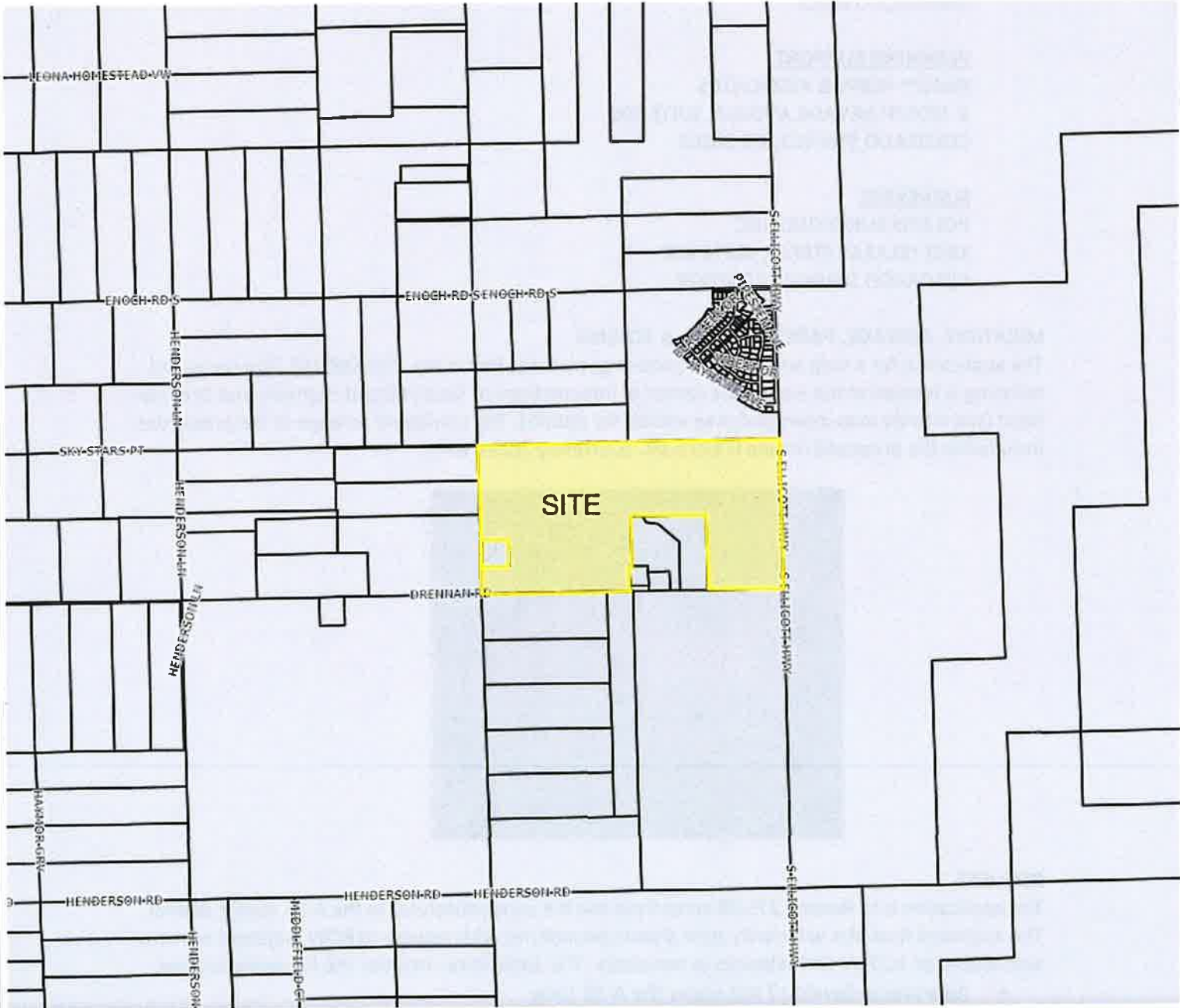


El Paso County Parcel Information

File Name: P2224

Date: 2/9/2023

PARCEL	NAME	ADDRESS
3500000245	TR EL PASO LAND LLC	DRENNAN RD, COLORADO SPRINGS CO, 80928



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

TR EL PASO LAND, LLC
999 18TH STREET, SUITE 3000
DENVER, CO 80202

PLANNING SUPPORT

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903

SURVEYING

POLARIS SURVEYING, INC
1903 LELARAY STREET, SUITE 102
COLORADO SPRINGS, CO 80909

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3500000245. The proposed rezoning is located at the northwest corner of intersections of South Ellicott Highway and Drennan Road (see vicinity map insert and map exhibit for details). The combined acreage of the properties included in the proposed rezone is ±275.89. (Currently Zoned R-4).

**REQUEST**

The application is to Rezone 275.89 acres from the R-4 zone (obsolete) to the A-35 zoning district. The approved final plat will clarify zone district boundaries with respect to ROW, adjacent parcels, and landscape buffers and setbacks as necessary. The application includes the following request:

- Approval to develop 7 lots under the A-35 zone.
- Each lot will be approved with on-site wells and septic. Each lot will be required to complete individual permitting independent of the rezone.

JUSTIFICATION

Per the El Paso County Land Development Code Chapter 4 (4.1.4 Obsolete Zoning Districts) the current R-4 Zoning identified as “Planned Development” has been declared to be obsolete pursuant to Board of County Commissioners (BoCC) Resolution No. 91-59, Land use 10 as replaced by Resolution No. 92-46 later replaced by Resolution No. 17-374 Exh. A. 12-12-2017.

“Zoning District, Obsolete--A zoning district which remains applicable to land, but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county.

4.1.4. Obsolete Zoning Districts The C-1, C-2, M, and R-4 zoning districts have been declared to be obsolete pursuant to BoCC Resolution No. 91-59, Land Use 10 as replaced by Resolution 92-46, Land Use-9. No land will be rezoned to an Obsolete Zoning district. The BoCC may modify the allowed uses, special uses, and development standards within these zoning districts. Landowners are encouraged to rezone land from an Obsolete Zoning district classification. The BoCC may offer incentives, such as modified application fees in order to accomplish this goal.”

The request of the zone-change will result in the “down-zoning” of the area to a lower density of land use. Per the approved resolution “Landowners are encouraged to rezone land from an Obsolete Zoning district classification”. The down-zone to A-35 provides a variety of potential development use.

The request has no impacts on identified or acknowledged overlay zoning that would impact the A-35 zone.

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

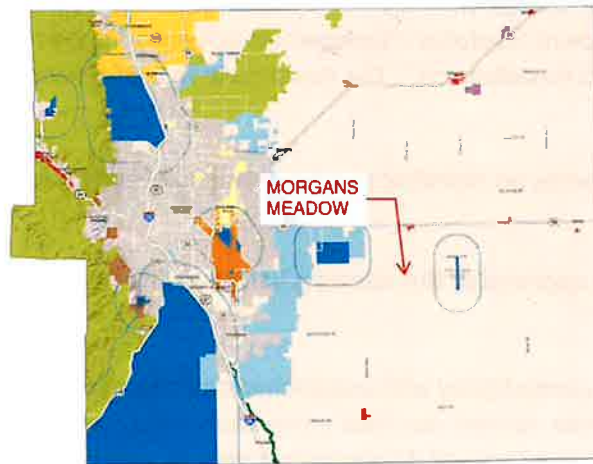
- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed rezone provides opportunity to preserve the agricultural character of rural communities. The character of the area is generally rural and distant from high activity and higher density areas. Rural El Paso County exists of hilly areas to the east. The project will preserve the rolling plains and maintain the grazing lands used for agricultural production of rural lifestyle. Rural areas also provide farm homesteads and large single-family estates on substantially sized parcels. The rezone will provide 35+ ac home sites. The project/rezone will not put additional demands on the area infrastructure and is consistent with the area landscape and development context in the county.

PLACETYPES	LAND USES																			
	Single-Family Detached	Single-Family Attached	Medium-Density Residential	High-Density Residential	Commercial Office	Commercial Retail	Commercial Service	Community Commercial	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operations	Open Space	Recreational and Amusement	Utility	Other	Other	Other	Other	Other
Rural	●	●	○																	
Large-Lot	○	○	○																	
Suburban		●	○	○																
Urban Residential	●	●	●	○																
Rural Center		●	○	○	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Regional Center		○	○	○	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Employment Center					○	○	○			●	●	●								
Regional Open Space													●	●						
Mountain Interface		○			○	○	○	○					●	●	○					
Military		○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Utility																				

● Primary Land Use: More prominent and plays a crucial role in characterizing that placetype.
 ○ Supporting Land Use: Less prominent and serves to support the primary land use.

Key Areas:

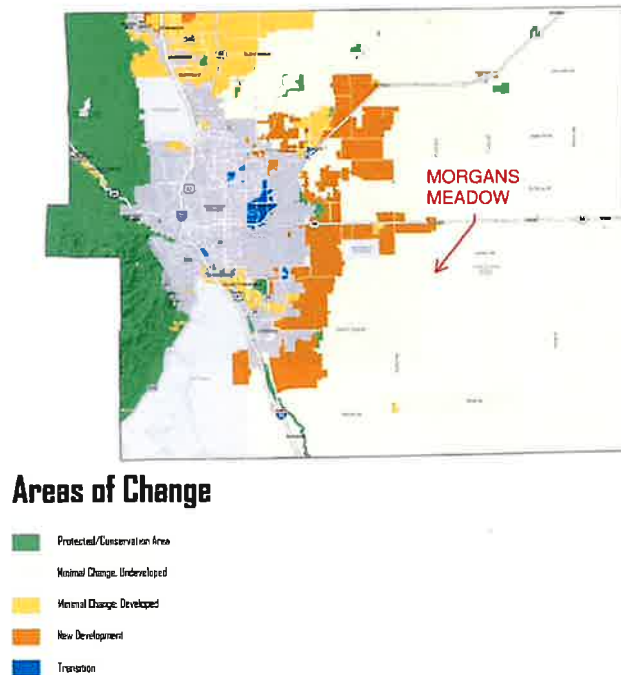


Key Areas

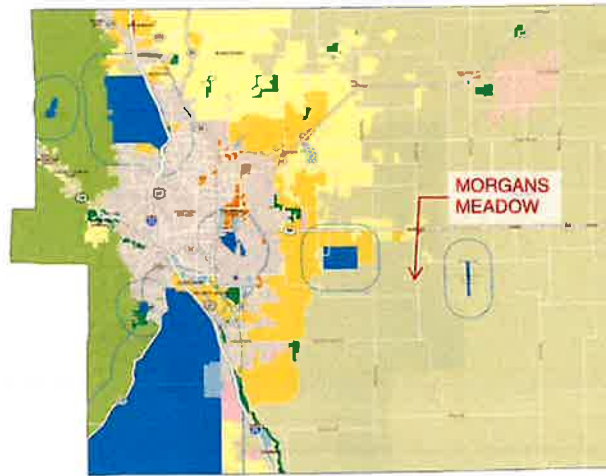
- Military Installations and 2-Mile Notification Zone
- Potential Area for Remediation
- Enclaves or Near Enclaves
- Pikes Peak Influence Area
- Small Town & Rural Communities
- Forested Area
- Fountain Creek Watershed Flood Control & Greenway District
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Air Force Base
- Unclassified Natural Resources

The property is not located within any of the ten (10) key areas.

Areas of Change:



Morgans Meadow is located in the area expected for “Minimal Change Undeveloped”. These areas are designated as low impact, undeveloped or agricultural areas. It is expected that these developments are to match the characteristics of adjacent properties.



Placetypes

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

Morgan's Meadow is located within the Rural type. This land use is designated for agricultural homestead, 35 acres or larger. The rural place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- The rezone would be consistent with this place type
- The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.
- The proposal would provide for the land uses in relation to existing and predicted patterns of growth in the area.
- The proposal is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans

Water Master Plan:

Under the Colorado Revised Statutes, Title 32. This property is within the Region 4c district boundary and will consistently follow the rules and regulations per the El Paso County Water Master Plan,

- A sufficient water supply has been clarified or provided through existing private wells. The well have been permitted per quantity and quality standards set forth in the State water supply standards.
- The individual wells will be monitored per local standards

- The reduction in zone density and projected build out will reduce the water demand in the area/region 4c.

Wastewater systems:

- Wastewater services will be provided by way of individual on-site septic/wastewater systems.
- Individual private properties on-site sewage disposal systems will be established and comply with state and local laws and regulations, per [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;

Electric

- Electric service will be provided through Mountain View Electric

Gas

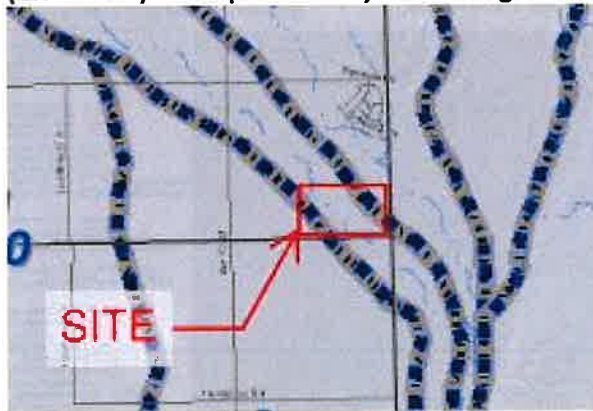
- Gas service will be provided through Colorado Natural Gas

Natural or Physical site features:

The Zone Change will support the preservation of the natural features and drainages of the site and surrounding lands:

○ Site Natural Features:

- Site is located within three (3) drainage basins, those being Lower Black Squirrel (CHBS0600), Telegraph Exchange (CHWS0200) and Book Ranch (CHBS0800). Data provided by Muller Engineering Company; (1988)

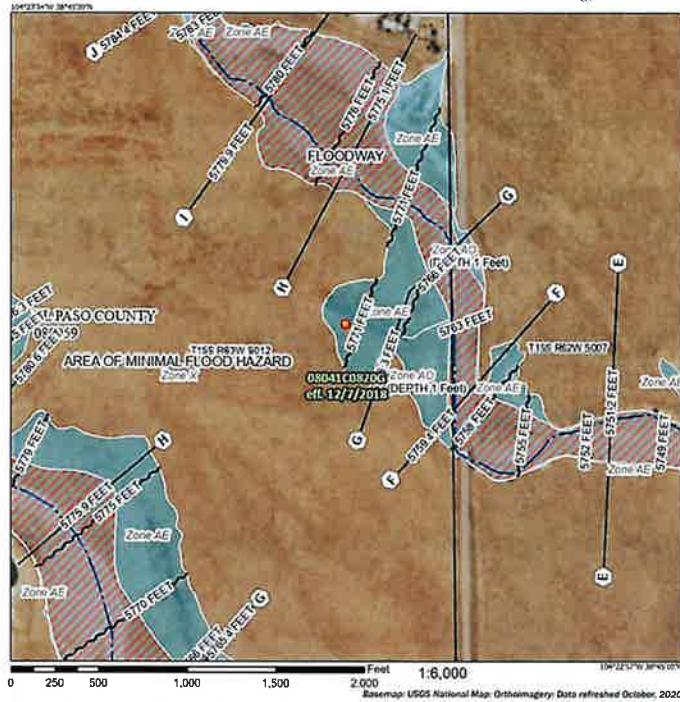


- The topography of the site is rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide without a defined flow path and no erosion is anticipated.

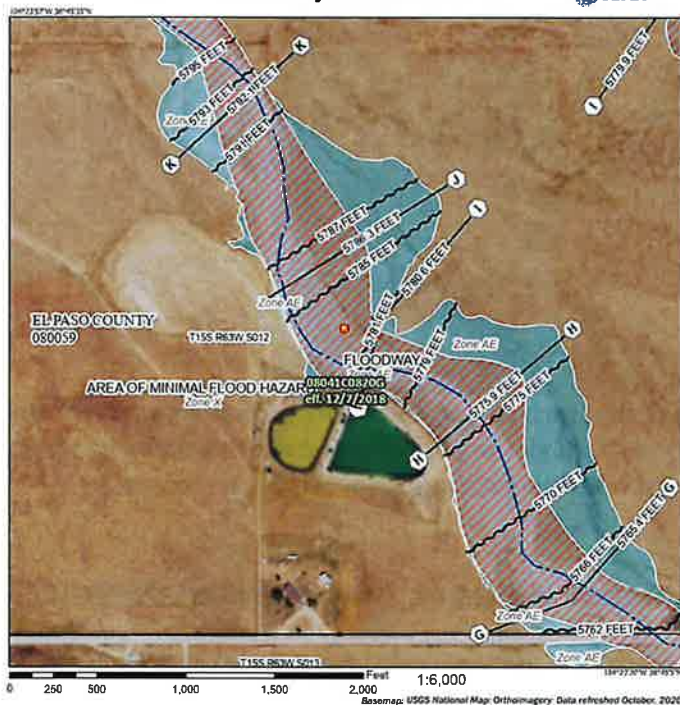
○ The site consists of;

- A floodway Zoned AE per the National Flood Hazard Layer FIRMette (08041C0820G)
- A Floodway Zoned AO per the National Flood Hazard Layer FIRMette (08041C0820G)

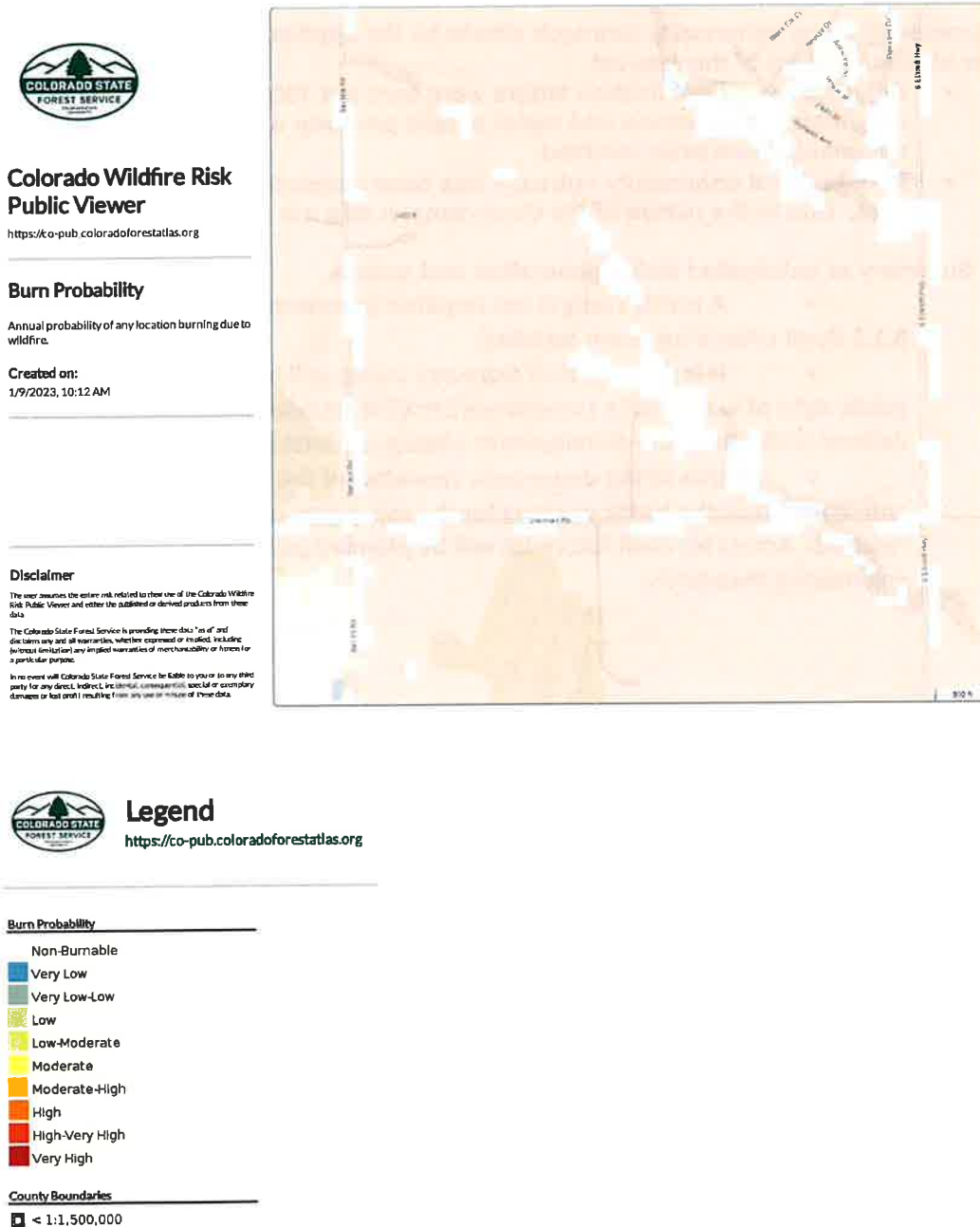
National Flood Hazard Layer FIRMette



National Flood Hazard Layer FIRMette



- Said Site is mapped as low to moderate-high per the wildfire risk public viewer.



Wildlife:

With the reduced allowable development density, the rezoning will future help reduce Wildlife impacts are expected to be generally very-low

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- **Adjacent owner notification letters were sent out 10/31/2022 informing neighbors that a rezoning and replat of said property will be completed. No comments have been received.**
- **No additional community outreach has been conducted on the zoning change to date. Due to the nature of the down-zoning, it was not anticipated.**

A Summary of anticipated traffic generation and access

- **A traffic study is not required in accordance with the ECM Section B.1.2.D, all criteria has been satisfied.**
- **It is planned that driveway access will be limited to the adjacent public right of ways and in compliance per ECM standards and provisions. To be defined with future site development plans and platting.**
- **Due to the down-zoning character of the application, it is anticipated that the traffic projects for the same area of development should be reduced. Access for each future lot will be planned per current development and engineering standards.**



REZONE

COUNTY OF EL PASO, STATE OF COLORADO



MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-024
TR EL PASO LAND LLC REZONE

WHEREAS, TR El Paso Land, LLC 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 R-4 (Planned Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 2, 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. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. 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. All exhibits were received into evidence;
5. 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. 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. 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 (2022):

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 Planning Commission recommends that the petition of TR El Paso Land, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the R-4 (Planned Development) zoning district to the A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

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.

_____ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DONE THIS 2nd day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Brian Risley, Chair

DATED: March 2, 2023

EXHIBIT A

A portion of the South 1/2 of Section 12, Township 15 South Range 63 West of the 6th/ P.M., El Paso County, Colorado ,described as follows:

BEGINNING at the at the West ¼ Corner of said Section 12, thence, N89°38'02" E, 2654.68 feet along the North line of the Southwest 1/4 of said Section 12 to the Northeast Corner of said Southwest 1/4;

Thence N89°38'27"E, 2654.86 feet along the North line of the Southeast 1/4 of said Section 12 to the East 1/4 Corner of said Section 12;

Thence S00°45'57"E, 2652.07 feet along the East line of the Southeast 1/4 of said Section 12 to the Southeast Corner thereof;

Thence S89°53'58"W, 1326.34 feet along the South line of the Southeast 1/4 of said Section 12;

Thence N00°47'23"W, 1323.04 Feet along the East line of that parcel of land described under El Paso County Tax Schedule Number 3500000310;

Thence S89°46'05"W, 1326.83 feet along the North line of said parcel of land described under El Paso County Tax Schedule Number 3500000310 and along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000311;

Thence S00°48'41"E, 884.93 feet along the West line of that said parcel of land described under El Paso County Tax Schedule Number 350000031;

Thence S89°53'41"W, 39.20 feet along the North line of that parcel of land described under El Paso County Tax Schedule Number 3500000210;

Thence S00°06'19"E, 434.99 feet along the East line of said parcel of land described under El Paso County Tax Schedule Number 3500000210 to a point on the South line of the Southwest 1/4 of said Section 12;

Thence S89°54'43"W, 2608.02 feet along said Southwest 1/4 to the Southwest Corner of said Section 12;

Thence N00°51'49"W, 485.00 feet along the West line of said Southwest 1/4;

Thence N89°50'56"E, 484.81 feet along the South line of that tract of land described in Warranty Deed recorded in Book 5542 at Page 184 of the records of El Paso County, Colorado to the Southeast Corner thereof;

Thence N00°52'00"W, 454.99 feet along the East lone of said tract to the Northeast Corner thereof;

Thence S89°50'51"W, 484.78 feet along the North line of said tract to a point on the West line of the Southwest 1/4 of said Section 12;

Thence N00°51'49"W, 1687.22 feet along the West line of said Southwest 1/4 to the Northwest Corner thereof and the POINT OF BEGINNING.

Area = 275.90 acres more or less.