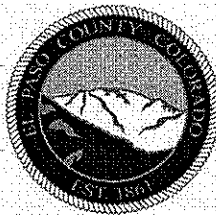


EL PASO COUNTY



COMMISSIONERS:
SALLIE CLARK (CHAIR)
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JIM BENSBERG
DOUGLAS BRUCE
WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

DICK ANDERWALD, AICP, DIRECTOR

**TO: El Paso County Planning Commission
Steve Sery, Chair**

**FROM: Tony Deconinck, Project Manager I, extension 7942
Heather Rose, Planner I
Gary Hamacher, Engineering Review Manager
Meggan Yoest, Long-Range Planner II
Mike Hrebenar, Customer Services Manager**

**RE: PBP-06-001/Lincoln Plaza Rezone
Tax Schedule #65024-00-001**

**OWNER:
Bradley Crossroads, LLC
1822 Hancock Expressway
Colorado Springs, CO 80920
(719) 330-1334**

**REPRESENTATIVE:
Lincoln Equities, LLC
2928 Straus Lane, #210
Colorado Springs, CO 80907
(719) 473-4463**

Commissioner District: 4

Planning Commission Hearing Date;	07/18/06
Board of County Commissioners Hearing Date:	TBD

EXECUTIVE SUMMARY

Request by Bradley Crossroads, LLC, to rezone approximately 0.55 acres from the A-1 (Agricultural) zone district zone districts to the PBP (Commercial) zone district. The property is located at the southwest corner of Bradley Road and Hancock Expressway. Staff recommends approval of this request with the Conditions and Notations identified in Section C of this report.



A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: Request by Lincoln Equity, LLC, to rezone approximately 0.55 acres from the A-1 (Agricultural) zone district to the PBP (Commercial) zone district. There is a concurrent request to vacate and replat this parcel with the larger 10.62-acre adjoining parcel which is already zoned PBP and is proposed as additional parking for that development. The property is located at the southwest corner of Bradley Road and Hancock Expressway.

C. STAFF RECOMMENDATION

Staff recommends approval of the request with the following Conditions and Notations:

CONDITIONS OF APPROVAL

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. A completed U.S. Army Corps of Engineers permit shall be provided to the El Paso County Planning Department prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project may be acceptable.

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.

D. APPLICABLE RESOLUTIONS

Approval Page 21
Disapproval Page 22

E. LOCATION

Abutting zoning and land use:

North: Vacant Land - PBP (Planned Business Park)

South: Developed Land School Administration Building - PBP (Planned Business Park)

East: Developed Land Commercial Uses - PBP (Planned Business Park), M (Industrial) and A-1

West: Developed Land Single Family - R-2 (Residential)

F. BACKGROUND

This rezone request is a result of a vacation of a portion of Bradley Road which was abandoned after the realignment of the Bradley Road Hancock intersection in the late 1980s. Prior to realignment, the portion of the right-of-way to be vacated was a functional section of Bradley Road. With this portion of right-of-way vacated, this parcel can be consolidated with a larger lot owned by the applicant to the southwest. This right-of-way vacation was approved by the Board of County Commissioners on May 13, 1999. In order to complete the consolidation of this vacated right-of-way with the larger lot to the southwest, a rezone from A-1 to PBP to match the zoning of the larger lot is required.

Background on the larger lot to the southwest: A final plat for Lincoln Plaza Subdivision was approved by the Board of County Commissioners on December 5, 1973. That plat included 21.7 acres, in three lots. Lots 1 and 2 of Lincoln Plaza Subdivision were replatted into Lot 1 Lincoln Plaza Subdivision 2, which was approved by the Board on October 18, 2004. An application is running concurrently with this rezone to vacate and replat Lot 1 Lincoln Plaza Subdivision with the vacated portion of the right-of-way to create Lot 1 Lincoln Plaza 3.

G. STATUS OF MAJOR ISSUES

There are no major issues remaining on this project.

H. APPROVAL CRITERIA

1. LAND DEVELOPMENT CODE COMPLIANCE

Standard: LDC Chapter IV, Section 19, Planned Business Park (PBP).

This application meets the PBP standards in Chapter IV, Sections 19 of the Land Development Code.

2. ZONING COMPLIANCE

The current zoning is A-1 (Agricultural), with a request to change it to PBP, allowing commercial uses. Rezoning is necessary to be able to add this small section of land to the existing larger parcel already zoned PBP.

Case law in Colorado has established the following general reasons for justification of a zone change:

- a) To implement the Master Plan,
- b) If a zoning action is inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning must be demonstrated,
- c) An error occurred in the original zoning of the property.
- d) The zone change is necessary for the general health, safety and welfare of the community.

3. POLICY PLAN COMPLIANCE

The **El Paso County Policy Plan** does not include site-specific land use policies, but establishes broad goals and policies which are intended to serve as a framework for decision-making regarding the development of the County. The following are goals and policies from the Countywide Policy Plan as related to this request:

***Goal 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.*

This rezone request is a result of the vacation of a portion of Bradley Road which was abandoned after the realignment of the Bradley Road intersection in the late 1980s. Prior to realignment, the portion of the right-of-way to be vacated was a functional section of Bradley Road. With this portion of right-of-way vacated, this parcel can be consolidated with the larger lot zoned PBP, Planned Business Park, to the southwest. This piece will then be included in the commercial development plans for this corner.

***Goal 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.*

As stated above, the adjacent properties are zoned PBP. This rezone will allow a small piece of A-1 zoned property to be developed with the larger adjacent PBP piece.

SUMMARY

This rezone is basically “cleaning up” a piece left over when the County realigned Bradley Road. The applicant would like to develop this small piece along with the larger property at this southwest corner. The Long Range Planning Division has no issues with this rezone request and recommends that the request is consistent with the El Paso County Master Plan.

4. SMALL AREA PLAN COMPLIANCE

There is no small area plan for this property. See Sub-Section 3 (Policy Plan Compliance) for Master Plan Consistency.

I. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

There are no hazards on this site that hinder or prevent rezoning of this property. A geological survey has already been done on the larger lot to the south and there are no geological hazards that would prevent the use of this land.

2. WILDLIFE

Potential impact to wildlife in this area is high, as denoted by the El Paso County Wildlife Habitat Descriptors, which are adopted as an element of the County Master Plan. Although potential wildlife impact is high in this area, rezoning this site should have no additional impacts in this area.

3. FLOODPLAIN

The site is not within a FEMA floodplain. The nearest regulatory floodplain to this site is more than 3,000 feet away, as designated on the FEMA Floodplain Insurance Rate Maps (FIRM) for El Paso County.

4. DRAINAGE AND EROSION

The project is located within the Little Johnson and Security drainage basins. The site generally drains to the southwest, with a small portion draining to the southeast. The Security Creek / Little Johnson DBPS calls for a regional detention pond on a site approximately 1,300 feet southwest of the site. The existing and/or upgraded storm sewer systems are to convey flows to the regional pond. Until the time that regional detention is provided, on-site detention will be required. The Fountain Mutual Irrigation Canal has an underground conduit running from northwest to southeast outside the northeast corner of the property.

Grading and Erosion Control plans will be required with the Plot Plans for each lot. These plans will call for best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public storm sewer system before, during and after construction. Each site will be required to obtain a County storm water permit prior to construction activity.

5. TRANSPORTATION

The site has frontage along Bradley Road to the north, Main Street (southerly extension of Hancock Expressway) to the east and Gladiator Drive to the south. The Major Transportation Corridors Plan designates Bradley Road as a 4-lane principal arterial (130-foot ROW), Main Street as a 2-lane minor arterial (100-foot ROW) and Gladiator Drive as a local road (60-foot ROW). Dedication of the portions of the added property within the required right-of-way widths is provided with the associated vacation and replat. The existing roads are adequate for the proposed traffic, with the addition/reconstruction of auxiliary turn lanes, medians and potential traffic signals per traffic study recommendations. The applicant will be responsible for the construction of the improvements required due to this development.

J. SERVICES

1. WATER

Not applicable to this request. Water will be addressed with the concurrent Vacation/Replat request.

2. SANITATION

Not applicable to this request.

3. EMERGENCY SERVICES

The subject property is served by the Security Fire District, who was notified of the proposed rezone and did not express any objection.

4. UTILITIES

Not applicable to this request.

5. METROPOLITAN DISTRICT STATUS

Not applicable to this request.

6. PARKS/TRAILS

The parks department was notified of this request and has no objections to the rezone at this time. This is not a residential project; therefore, fees will not apply to this development.

7. SCHOOLS

The School District was notified of this request and has no objections to the rezone at this time. This is not a residential project; therefore, fees will not apply to this development.

8. DEDICATIONS

Roads: The portions of the added property within the required right-of-way widths of Bradley Road and Main Street are dedicated as right-of-way with the associated vacation and replat.

Parks: Not applicable

Schools: Not applicable

K. PUBLIC COMMENT AND NOTICE

The Development Services Department notified seventeen (17) adjoining property owners on July 3, 2006. No responses have yet been received.

L. OUTSTANDING CONCERNS

There are no remaining outstanding concerns for this request.

M. ATTACHMENTS

Letter of Intent
Maps

Lincoln Equities, LLLP

2928 Straus Lane, Ste 210
Colorado Springs, CO 80907
(719) 473-7763

February 1, 2006

El Paso County Planning Department
Attn: Tony Deconinck
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: EA-05-378, Letter of Intent

Dear Tony,

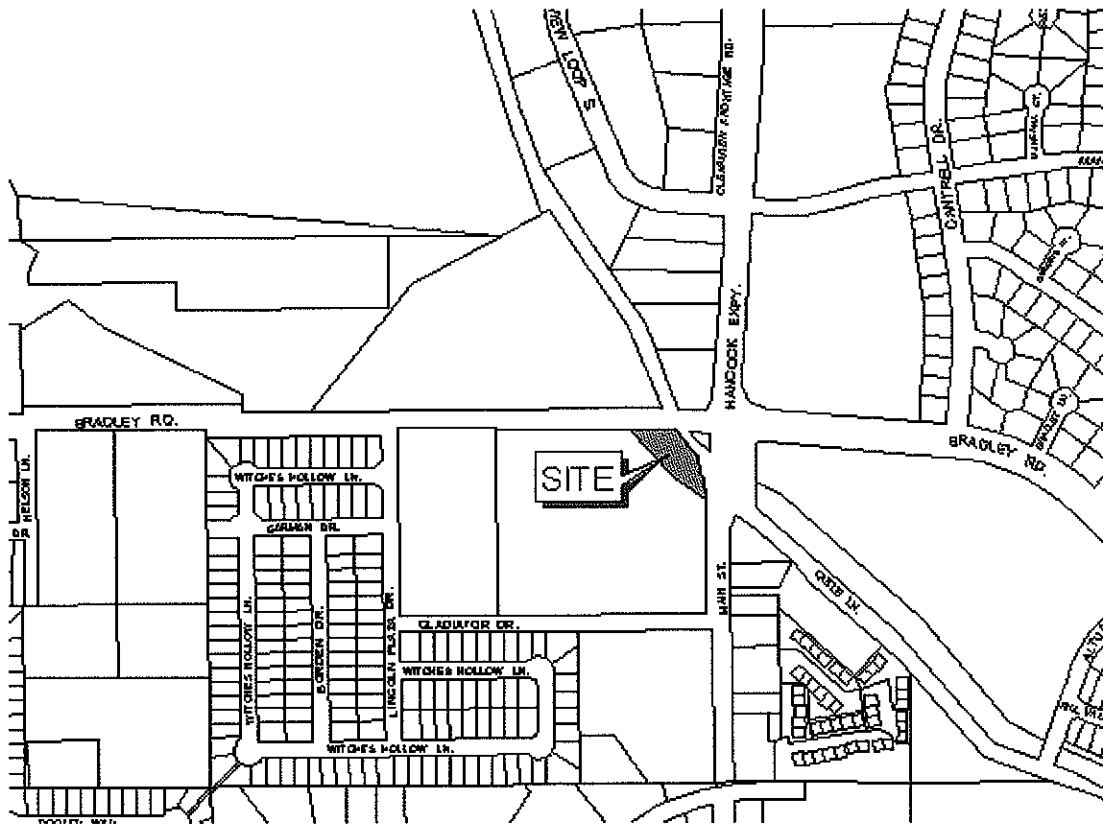
This letter serves to explain the submittal for the vacation/replat and rezone for the parcel located on the south-west corner of Bradley and Main Streets. The parcel is 10.618 acres. On the north-east corner of the lot there is an adjacent 0.55 acre parcel that is owned by the same ownership that we wish to incorporate into the main lot. This small parcel was originally owned by El Paso County as a portion of Bradley Road. When the road was realigned, the corner was deeded to the owners of the corner parcel. It is now zoned A-1 and the rezone asks that it be zoned the same as the existing adjacent parcel to PBP. We appreciate your time on our project.

Sincerely,



Joy Focht

Maps



*Paul Danley, PE
Engineering Manager*

*Mike Hrebenar
Customer Services Manager*

*Sarah Tresouthick-Koerner, ASLA
Planning Review Manager*

*Carl Schueler, AICP
Long Range Planning Manager*