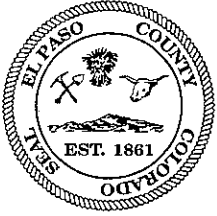


EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT

File No: P-05-014 El Dorado Village (a/k/a Rancho Colorado) rezoning from RR-3 (Rural Residential) District to RR-2 (Rural Residential) District
Applicant: LWD LLC
Owner: LWD LLC
Date Submitted: 10/13/05

Location: In Rancho Colorado area east of Fort Carson and west of I-25; in the South Central Comprehensive Plan area
Commissioner District: 4

Staff report prepared for Planning Commission Public Hearing

Date Prepared:

Project Manager:

Not Applicable

Planner:

Carl Schueler

Engineer:

Bob Wolf

PROJECT/ PROCESS DESCRIPTION: This is a rezoning request from RR-3 (Rural Residential) District to RR-2 (Rural Residential) District. The effect of the action would essentially be to double the potential residential density within this approximately 942.2 acre property. A maximum of about 320 new lots are anticipated. This would effectively almost double the allowable density in the area. This zoning action is not tied to any prior land use approvals and is related to an ongoing plan to acquire property within 1.5 miles of Fort Carson for the purpose of providing a buffer to protect the function of the Base. The applicant's desire is to transfer density from the buffer area to this property. A condition is proposed which will require approval of a Development Agreement by the Board of County Commissioners prior to any subdivision of this property

I. SUMMARY OF STAFF REPORT COMMENTS:

The subject property is located just outside the 1.5 mile wide buffer identified by Fort Carson as being especially impacted by noise from downrange activities. Fort Carson has also stated a desire to limit ambient light levels within the buffer area so as not to interfere with nighttime training activities.

The applicant's have developed a significant number of the 5-acre lots which were platted within the buffer area in approximately 1971, and they own several others which they propose to convey to the County through the use of Federal funds. Water for these lots is not generally available from individual wells because the entire Rancho Colorado area is underlain by a shale layer (Pierre Shale) that does not function as an aquifer. The applicants have provided water

to the area through the use of a private central water system. They propose to limit the further use of the water they control within the buffer area, and transfer both the system and the water rights for use within this project.

As noted in the staff analysis, evidence has been provided that an adequate water supply could potentially be provided using the applicant's current water rights and system to support this density. Although a soils and geologic study has not yet been prepared for the property, it is reasonable to assume that 2.5 acre lots could be served by individual septic systems, especially since there will be no individual wells.

The existing road system in the area is clearly deficient, and access to I-25 is limited to a one-lane conduit under the Highway. Some roads have been improved within the Rancho Colorado area, both through the use of a Local Improvement District and by the applicants. A condition is proposed which would require a traffic study in conjunction with any subsequent subdivision applications.

The relevant Small Area Plan element of the El Paso County Master Plan is the South Central Comprehensive Plan. Although the Development Services Department believes the request is not consistent with the original intent of the South Central Comprehensive Plan, a case can be made that the character of the area has materially changed since this Plan was adopted in 1988.

Additionally, the rezoning could also be justified on the basis of advancing general health, safety and welfare. Although the subject property has some challenges associated with noise, proximity to non-residential uses, and access limitations, the argument could be made that, in a relative sense, shifting development to this property from closer to Fort Carson may result in less incompatibility.

For this request to be supported, it is essential approval be tied to the future requirement for a Development Agreement which, among other things, will legally create the linkage between development of this rezoned property and guarantees toward the removal of development rights from the buffer area to the west.

The only agency responses of major significance are from the Engineering Division which expresses the need for a traffic impact study prior to any subdivision of the property, and the Hanover Fire District which notes at this time they do not believe they can support this amount of additional development with emergency services. Conditions are proposed to address each of these issues.

II. PROJECT AND PROCESS DESCRIPTION – ACREAGE, PARCEL NUMBERS, PROPOSED USE

Acreage:	942 acres
Parcel Number(s):	numerous
Proposed Use:	Rural Residential 2.5-acre home sites

Project Name:
Project Number:
Project Manager:

III. STAFF RECOMMENDATION

That the Planning Commission **approve** the proposed rezoning subject to a number of conditions outlined in Section XII.

IV. NOTIFICATION: Staff notified 21 adjoining property owners. Response will be provided at the hearing.

V. PUBLIC HEARINGS and LEGAL NOTIFICATION

Planning Commission:

Request: Scheduled Hearing Date(s) 11/29/05
Waiver(s): None
Vote: N/A
Voting Rationale:

Summary of Planning Commission Hearing: N/A at this stage

Legal Notice: Not required at this stage; will be required prior to Board of County Commissioners

Board of County Commissioners:

Request: Not Applicable Hearing Date
Not yet scheduled
Waiver(s): None

VI. PROJECT HISTORY

Part of the project history is summarized above. The area was comprehensively zoned to what is now the RR-3 (Rural Residential) District in 1965. In approximately 1971, the area to the west of the subject property was subdivided into 5-acre lots. This was just prior to the passage of comprehensive State subdivision requirements (Senate Bill 35).

These subdivisions are considered deficient for reasons including, but not necessarily limited to, present and past noise impacts from Fort Carson, road improvements which were not installed properly at the time of original subdivision, and lack of an adequate water supply at time of subdivision. These 5-acre lots remained almost entirely vacant until about 5 years ago when the applicants and others began developing homes on the property served by either the aforementioned central water supply or on-site cisterns. The subject property

Project Name:
Project Number:
Project Manager:

itself consisted of one or more large parcels until about the Year 2000, at which time it was divided into 35-acre tracts through a process that did not involve any County review. Within the past 10 years, a number of non-residential uses have also been developed in the area. These include a large municipal solid waste landfill to the south, a tire landfill to the east, and gas-turbine electrical generating plant to the north.

VII. CODE AND POLICY COMPLIANCE:

The project was reviewed against Chapter IV and specifically Section 9 of that Chapter of the Land Development Code.

The proposed project is in compliance with the El Paso County Land Development Code.

VIII. IDENTIFICATION AND LOCATIONAL INFORMATION

Surrounding Land Use:	North: Undeveloped
	South: Developed Industrial Waste Management Landfill
	East: Undeveloped
	West: Developed Single-Family Residential 5-Acre platted lots; developed and undeveloped

Zoning of Surrounding Property:	North: RR-3 -	
	South: A-1 -	also PHID
	East: RR-3 -	also A-1
	West: RR-3 -	

IX. LAND USE ANALYSIS AND IMPLICATIONS

see above

X. COMPREHENSIVE PLAN ANALYSIS

Policy Plan Recommendation

Project Name:
Project Number:
Project Manager:

Small Area Plan Recommendation

The operative element of the El Paso County Master Plan is the South Central Comprehensive Plan. This particular area is within the South Central Comprehensive Plan is identified as the "West Area #8". The short, medium, and long term land use scenarios for this sub-area all recommend "special" and/or "industrial" land uses for this area due to the combination of proximity to Fort Carson noise impacts and the lack of on-site water supplies.

The specific language from the Plan is as follows:

Much of this area consists of approved residential lots approximately 10 acres in size. The area is currently not well suited to this use due to limited groundwater supplies, the Noise II Level zone, numerous power lines, a power substation, and limited and steep access from I-25.

Scenario A, B, and C Policies:

- 8.ABC.1 A change to special uses which are compatible with the existing conditions in the area is encouraged. Such special uses may be recreational or industrial. Uses which should normally be separated from populated or residential areas should be encouraged. Such uses may include amusement parks, dirt bike race courses, rifle ranges or power substations. Any new special use developments should be designed to ensure compatibility with the existing residentially platted area.

- 8.ABC.2 Uses within the Noise Level II area should adhere to the following policies:
 - a. Residences should be designed and landscaped to reduce outdoor and indoor noise levels.
 - b. Mobile homes should not be allowed.
 - c. Outdoor sports arenas, where announcing is necessary, should not be approved.
 - d. Adjacent to the Noise II Level Zone, noise levels may still be disturbing to residences. Residential units should be designed to ensure that adequate provisions to reduce noise are provided.

- 8.ABC.3. Problems concerning steep slopes, drainages, lack of utilities, lack of community services, lack of water and limited road access should be resolved before any development is approved.

Other Master Plan Recommendations

The Major Transportation Corridors Plan identifies no major corridors in this area. The El Paso County Parks and Leisure Services Master Plan (2005) does not identify any major trails or open space values in this area. The El Paso County Wildlife Habitat Descriptors (1996) does not identify any highly critical wildlife habitat in this area. The Master Plan for Extraction of Commercial Mineral Deposits depicts Mesa Gravel

Project Name:
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Project Manager:

deposits in this area. These have the potential to provide a reasonably valuable source of commercial-grade gravels. There are a number of operating and inactive gravel mines west of Interstate 25 in this vicinity. The Mineral Master Plan and the Code are written to allow the Board of County Commissioners to make the final determination as to whether a "commercial mineral deposit" will be adversely affected by this zoning action. It is noted that the RR-2 (Rural Residential) District allows mineral extraction as a Use Subject to Special Review, which is similarly allowed in the present RR-3 (Rural Residential) District.

A condition is proposed to carry this issue forward to the subdivision stage.

Summary

Based on the forgoing, a case cannot be made for direct consistency with the South Central Comprehensive Plan. However, since the South Central Comprehensive Plan was adopted, about 250 residential dwelling units have been located within the planning sub-area. A case can be made for a change in circumstances within the area, since the plan was completed. Additionally, a general health, safety and welfare argument could be made for the approval of this request based on indirect furtherance of the adopted Master Plan by eliminating the highest areas of land use incompatibilities in exchange for allowing residential uses in areas which are better suited for these uses.

XI. PUBLIC SERVICE AND SITE CONSIDERATIONS

Major Thoroughfare and Transportation

Transportation

- a. Access. Access to the existing lots is via a network of public rights-of-way and easements created with the existing 35-acre tracts. The existing roads are not maintained by the County, but the County does maintain a portion of Rancho Colorado Road near the interchange with Interstate-25. Access for future lots is expected to be required to meet criteria established in the Land Development Code and Engineering Criteria Manual.
- b. Traffic Impacts. The proposed rezoning will create the potential for significant traffic impacts. The number of new lots allowed would be around 290, which would generate approximately 3000 vehicle trips per day. A full traffic impact study is warranted for this application as per the County's Engineering Criteria Manual. No study was received with the application.
- c. Right-of-way, Circulation & Improvements. The existing roads are not classified in the County's adopted Major Transportation Corridors Plan. At a minimum, collector roads should be identified as part of a traffic study. A conceptual network should be established so that appropriate public rights-of-way can be dedicated with future subdivision applications. Public improvements requirements would also be based on a conceptual network which would be finalized with preliminary and final subdivision applications. Future subdivision of this area will provide an opportunity to improve some currently sub-standard roadways.

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(Staff notes that a condition is recommended which ties the requirement for a traffic study to the subdivision stage. This should be acceptable in this unique case, because the proposed Development Agreement with the Board of County Commissioners will limit the ability to accomplish any subdivision until agreed upon requirements are met).

Drainage

a. General. The subject property is located in the Sand Creek and Midway Ranch Drainage Basins. These basins have not been studied, and there are no drainage or bridge fees adopted for them. Drainage impacts will be required to be studied with any future subdivision applications. A master drainage study should be required.

(Staff similarly notes that the drainage study could be deferred to the subdivision stage using the same basis for deferral of the traffic study)

Utilities Services

The property is served by Mountain View Electric Association, which has no adverse comments. There is no natural gas service to the area at this time.

Schools

District: The property is located within the Hanover School District. Their nearest facility is about 10 miles to the east near the town site of Hanover. However, the District has an elementary school site immediately to the south of the subject property. There are eventual plans to build a school in this area if demand for such a facility is met. The District did not comment on this application.

Public Safety (Fire Protection and Law Enforcement)

The Hanover Fire District provides emergency services to this area. As with the School District, their nearest currently available facility is also located about 10 miles to the east in Hanover. The District does have an approved site for an unmanned station just to the south of this property.

As of the date of this staff report, the Hanover Fire District does not support the request on the basis that they do not believe they have the capability of providing adequate services to the area. A condition is proposed to require potential resolution of this issue prior to the BOCC hearing.

Recreation and Parks

District Number:	3
Urban Parks Area:	5
Fees in Lieu of Land:	
Regional Parks:	\$112,960 at subdivision
Urban Parks:	
Neighborhood:	N/A
Community:	

Project Name:
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Project Manager:

Topography and Land Characteristics Adaptability

The topography of the area is fairly steeply rolling open ground with limited semi-arid vegetation. Geologically, the area consists of mesa gravels on top of a thick layer of Pierre Shale. There are some areas that are deeply incised by drainageways.

Water

Source	Proposed central water supply from existing and planned wells in the Fountain Creek alluvium
Quantity	Not Applicable
Quality	Not Applicable
Dependability	Not Applicable
Comments	Water will be addressed at the Subdivision stage. The proposed development agreement will address the applicant meeting the County's water supply requirements.

XII. OTHER AGENCIES/ OTHER CONCERNS

No other significant agency concerns.

XIII. APPLICABLE RESOLUTIONS

Approval: Page 21
Disapproval Page 22

XIV. CONDITIONS OF APPROVAL:

1. Prior to scheduling this item for the Board of County Commissioners the applicant shall address the concerns of the Hanover Fire Protection District as outlined in their November 8, 2005 letter.
2. In conjunction with Board approval of this rezoning, the applicant shall enter into a Development Agreement acceptable to the Board of County Commissioners, which Agreement shall address the following issues at a minimum.

Project Name:
Project Number:
Project Manager:

A. The ability to subdivide this property shall be tied directly to limitations on development rights for properties within the 1.5-mile Fort Carson buffer area to the west. The exact nature extent of these concomitant limitations shall be determined by the Board of County Commissioners in the agreement.

B. The applicant shall agree to prepare the traffic impact and drainage studies required by the Engineering Division in conjunction with the subdivision process.

C. Intent to meet the County's water supply requirements.

D. Intent to form a Title 32 Metropolitan District for purposes including water service and roadway improvements.

XV. NOTATIONS:

1. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
2. The applicant shall address the potential for adverse impacts to any "commercial mineral deposits" as part of the subdivision process.

Attachments:

Vicinity Map

Letter of Intent

Other:

Site Plan

Letter from Hanover Fire District

Project Name:
Project Number:
Project Manager:

El Paso County Parcel Information

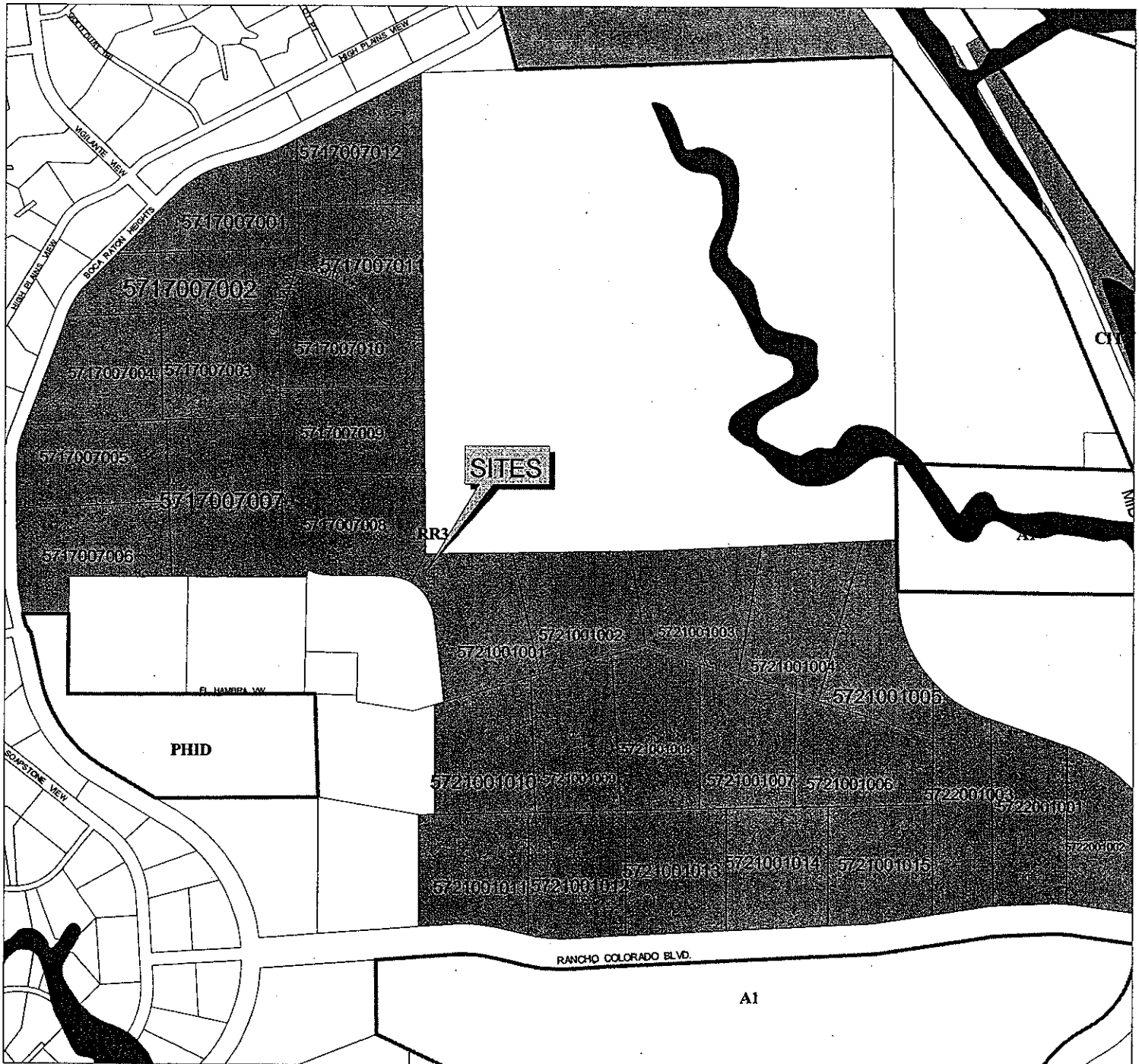
Parcel Number: 5717007006

File Name: P-05-014

Parcel Address: 18361 BOCA RATON HEIGHTS

Parcel Owner: WARD WILLIAM T III TRUSTEE

Owner Mailing Address: 2454 WAYNOKA RD, COLORADO SPRINGS, CO 80915



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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October 20, 2005



REAL ESTATE DEVELOPMENT CONSULTANTS

October 8, 2005

Mike Garrett
Project Manager
El Paso County Planning Dept.
2880 International Circle #110
Colorado Springs, CO 80910

Please accept this as a letter of intent for the subject property.

Owner:
LWD LLC.
24 North Tejon Street
Colorado Springs, CO 80903

Location and size of Zone: Seer legal description for size / Zone is currently RR-3

LEGAL DESCRIPTION - EL DORADO VILLAGE, ZONE CHANGE REQUEST:

LOTS 122 THROUGH 129, 133 THROUGH 142, 144 THROUGH 148, 151 AND 154, AND A PORTION OF LOTS 149 AND 150, MIDWAY RANCHES FILING NO. 7, AS RECORDED UNDER RECEPTION NO. 201085497 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, CONTAINING 942.27 ACRES OF LAND, MORE OR LESS, AND LOCATED IN SECTIONS 17, 20, 21, & 22, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S89°26'12"E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 21, A DISTANCE OF 2616.48 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 21; THENCE S89°26'08"E ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 21, A DISTANCE OF 2616.61 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S00°21'12"W ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 566.26 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2497 AT PAGE 438 AND 439 OF THE RECORDS OF SAID COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID TRACT THE FOLLOWING THREE (3) COURSES: 1.) THENCE ALONG THE ARC OF A 1450.21 FOOT **RADIUS CURVE** TO THE LEFT, WHOSE CENTER BEARS S89°43'16"E, THROUGH A CENTRAL ANGLE OF 70°22'51", AN ARC LENGTH OF 1781.40 FEET; 2.) THENCE S70°02'30"E, A DISTANCE OF 888.50 FEET; 3.) THENCE ALONG THE ARC OF A 1728.06 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS S19°57'07"W, THROUGH A CENTRAL ANGLE OF 68°01'09", AN ARC LENGTH OF 2051.48 FEET TO THE SOUTHWEST CORNER OF SAID BOOK 2497 AT PAGE 438-439, SAID POINT ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 3186 AT PAGE 719 OF THE RECORDS OF SAID COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID BOOK 3186, PAGE 719 AND ALONG THE ARC OF A 1728.06 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS S87°45'09"W, THROUGH A CENTRAL ANGLE OF 11°28'20", AN ARC LENGTH OF 345.99 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EL CENTRO BOULEVARD (FORMERLY PEACEPIPE HEIGHTS) AS ESTABLISHED ON THE RECORDED PLAT OF INDIAN VILLAGE FILING NO. 3 AS RECORDED IN BOOK S-2 AT PAGE 10 OF THE RECORDS OF SAID COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID INDIAN VILLAGE FILING NO. 3, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOTS 122 THROUGH 129, MIDWAY RANCHES FILING NO. 7, THE FOLLOWING THIRTEEN (13) COURSES: 1.) THENCE N80°36'21"W, A DISTANCE OF 975.42 FEET; 2.) THENCE ALONG THE ARC OF A 1966.00 FOOT RADIUS CURVE TO THE LEFT, WHOSE CENTER BEARS S09°22'30"W, THROUGH A CENTRAL ANGLE OF 10°28'47", AN ARC LENGTH OF 359.59 FEET; 3.) THENCE S89°02'02"W, A DISTANCE OF 488.25 FEET; 4.) THENCE ALONG THE ARC OF A 1966.00 FOOT RADIUS CURVE TO THE LEFT, WHOSE CENTER BEARS S01°00'08"E, THROUGH A CENTRAL ANGLE OF 06°08'25", AN ARC LENGTH OF 210.69 FEET; 5.) THENCE S82°50'49"W, A DISTANCE OF 1168.23 FEET; 6.) THENCE ALONG THE ARC OF A 1634.00 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS N07°11'10"W, THROUGH A CENTRAL ANGLE OF 05°49'35", AN ARC LENGTH OF 166.16 FEET; 7.) THENCE S88°41'31"W, A DISTANCE OF 2899.15 FEET; 8.) THENCE ALONG THE ARC OF A 1966.00 FOOT RADIUS CURVE TO THE LEFT, WHOSE CENTER BEARS S01°15'58"E, THROUGH A CENTRAL ANGLE OF 00°58'25", AN ARC LENGTH OF 33.41 FEET; 9.) THENCE S87°41'54"W, A DISTANCE OF 353.45 FEET; 10.) THENCE ALONG THE ARC OF A 1634.00 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTER BEARS N02°17'24"W, THROUGH A CENTRAL ANGLE OF 16°55'32", AN ARC LENGTH

CS

HANOVER FIRE PROTECTION DISTRICT
17550 SOUTH PEYTON HIGHWAY
COLORADO SPRINGS, COLORADO 80928
Chief: CARL TATUM
Phone: 492-2729
E-mail: HANOVER3500@aol.com

11-08-05

RECEIVED

NOV 09 2005

EPC DEVELOPMENT SERVICES

EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT
2880 INTERNATIONAL CIRCLE SUITE 110
COLORADO SPRINGS, COLORADO 80928
Attention: CARL SCHUELER, LONG RANGE PLANNING DIVISION MANAGER

SUBJECT: ELDORDO VILLAGE

Mr. Schueler and Members,

The Hanover Fire Protection District Board of Directors do understand the you will be asked to review the possible future development in proposed El Dorado village.

At the current time, and near future we cannot commit our support to the project. We do not have the funding or infrastructure that would permit us to service the area, and future citizens described, with either fire protection or medical / rescue response.

We do have a list of specific needs that is available upon request.

Thank you very much for your consideration.

Sincerely,



Dave Million, President of the HANOVER FIRE PROTECTION DISTRICT BOARD

DM:fr