

P-04-008

552.07, 552.08

**ZONE CHANGE TO REMOVE
THE AIRPORT OVERLAY ZONE
WATERVIEW**

A request by Cygnet Land, LLC for approval of the removal of the OA-CGM (Airport – Commercial, General, Military) District from 221.24 acres in the Waterview Sketch Plan area. The property lies between Powers Boulevard and Bradley Road, on either side of Grinnell Street. The property is in the Fountain Valley area and not in a small area plan. Assessor's Tax Schedule #55000-00-231 and 65121-00-001.

PREPARED BY

Barry Holmes
6/23/04

APPLICABLE RESOLUTIONS

Approval Page 21
Disapproval Page 22

PLANNING DIVISION RECOMMENDATION: For reasons further articulated in Planning Division Comments, staff recommends **continuation**, subject to the following condition:

CONDITION

1. The removal of the OA-CGM will receive favorable consideration if accompanied by a PUD request that conforms to the uses proposed for the new airport zone. (The proposed use list is attached to this agenda.)

PUBLIC NOTICE: The property was posted prior to July 7, 2004.

PUBLIC NOTIFICATION: The Planning Department notified adjoining property owners of applicant's intent prior to July 7, 2004. A summary of their responses will be given at the hearing.

ADJOINING LAND USE AND ZONING

North	Powers Blvd./Vacant	City of Colorado Springs
South	Vacant/Colorado Springs School	A-1 (Agricultural) District

West	Vacant	A-1 (Agricultural) District
East	Vacant/Open Space	A-1 (Agricultural) District

REQUEST: As expressed in the Letter of Intent (attached), the request is to remove the airport overlay zone (OA-CGM) from this property.

BACKGROUND: This property is in the Waterview Sketch Plan (SKP-00-002). The plan was approved May 10, 2001 with the Conditions and Notations provided below. The plan shows single-family residential for most of this area, but also includes multi-family and commercial. At the time the sketch plan was approved, the property was within the 65 Ldn noise contour. A revision of the noise contours has moved the 65 Ldn north of this property. The Airport Zone District has not yet been amended to take into account the 65 Ldn change and other recommended changes stemming from new standards and a new airport master plan.

CONDITIONS

1. Except for the limitations imposed by Chapter IV - Section 30.B, OA/CGM (Airport Zone - Commercial, General, Military) District of the El Paso County Land Development Code, this property shall be zoned PUD (Planned Unit Development) District.

At the present time, the OA-CGM District does not allow residential uses such as have otherwise been recommended for approval in this project. No residential zoning within the OA-CGM District can occur until either the OA-CGM District regulations are amended or the boundary of the OA-CGM District is amended. Any future rezoning request shall include:

- a. A new traffic study, including a listing, by development phase, of all improvements needed for major roads.
- b. Feasible plans for secondary access to the area west of Grinnell Street, and to the area east of Powers Blvd. and north of Bradley Road.
- c. A workable plan for Parcel P-4. If the plan requires changes to the Fountain Mutual Irrigation Company Ditch, written concept approval from the Company will have to be provided.
- d. Provisions for a landscaped streetscape along Grinnell Street.

2. The Sketch Plan is only adopting the general land use concept and general alignment of collector streets or larger. The density ranges adopted shall mean that consideration will be given to establishing a maximum density somewhere in that range for indicated portions of the site, depending on the ultimate provision of open space and the design of the higher density areas.
3. Phase 1 residential development will require construction of the north one-half of Bradley Road from Grinnell Road to Goldfield Road with appropriate intersection improvements as well as financial assurance for two-lanes of Bradley Road from Goldfield Road to the end of Phase 1. The 11-36-acre commercial parcel (P-11) cannot be developed until two lanes of Bradley Road are constructed from Goldfield Road to the P-11/ Bradley intersection. More exact timing for the road improvements will be set with the rezoning and/or Preliminary Plan.

Prior to development in Phase 2, it will be required that two lanes of Bradley Road be constructed from Goldfield Road to Powers Boulevard and that a traffic study be produced to determine regional cost sharing of intersection/ interchange improvements at Bradley Road and Powers Boulevard. The traffic study will be required with any rezoning in Phase 2. The timing of the two lanes of Bradley Road will also be established with the first rezoning in Phase 2.

NOTATIONS

1. Action taken by the Planning Commission and Board of County Commissioners on a Sketch Plan shall be considered a preliminary decision to the zoning and platting of the property and shall not be considered a final decision for purposes of judicial review.
2. Areas of this Sketch Plan which contribute developed runoff (after development) to these facilities may be required to become a member of the Fountain Mutual Metropolitan District (FMMD).
3. Widefield School District #3 has indicated that homeowners in this development will not be guaranteed a consistent school attendance area for their children.
4. The applicant should be aware that they will be required to grant an avigation easement and have same recorded with the El Paso County Clerk so as to be a burden on the title to the property included in this request. And, that the conditions of that easement will include:
 - a. No man-made or non-man-made obstructions be allowed to penetrate the 40:1 approach surface.
 - b. All exterior lighting plans be approved by the Director of Aviation to prevent a hazard to aircraft.

- c. No electromagnetic, light, or any physical emissions which might interfere with aircraft, aviation, communications or navigational aids be allowed.
 - d. While not a requirement, a recommendation is made that a 25db reduction in interior noise (in the offices and/or any other inhabited work areas susceptible to aircraft noise) be obtained by soundproofing using FAA-recommended construction techniques and performed by a certified acoustical engineer.
 - e. A statement should be included in the aviation easement and recorded on the plat and deed requiring disclosure by the developers/ realtors to prospective purchasers. This statement should be clear and in bold print to read: **"NOTICE: This property may be impacted by noise caused by aircraft operating into and out of the Colorado Springs Municipal Airport. The buyer should familiarize himself/ herself with this potentiality and the ramifications thereof."**
5. It is the County's intention to have a landscaped streetscape along Grinnell between Bradley and Powers to the North. The owner can anticipate County cooperation in the application of landscape requirements and other regulations, in a cooperative venture to provide this landscaping.

A finding of insufficiency regarding water.

AGENCY COMMENTS:

DEVELOPMENT SERVICES DEPARTMENT - ENGINEERING DIVISION

- 1) Engineering Division has no objection to the rezone provided it can be shown the property is outside the airport overlay zone.
- 2) No direct lot access will be allowed to Powers Blvd, Bradley Road or Grinnell Street.
- 3) Dedicated right-of-way will be required for Grinnell Street and Bradley Road at the time this property is platted.
- 4) Additional drainage and transportation issues will need to be addressed with any development in the area.

CITY OF COLORADO SPRINGS - Should be coordinated with the airport.

WIDEFIELD SCHOOL DISTRICT NO. 3 - See attached letter dated May 11, 2004.

Referral agencies either having no comment, or no objections:
El Paso County Park Department

Other agencies notified, their comments will be provided at the meeting if available:
El Paso County Attorney's Office
Airport Advisory Commission
Comprehensive Planning Section

PLANNING DIVISION COMMENTS

- 1) The OA-CGM (Airport – Commercial, General, Military) District is established to avoid threats to the health, safety, welfare and property, both public and private, from noise, flight characteristics and crash hazards associated with Commercial, General and Military Aviation.

The Airport Zone (OA-CGM) is defined in the Land Use Code as a zone superimposed on existing basic zones which provides restrictions to ensure that areas established are compatible with preservation of airport operations.

The OA-CGM is comprised of three sub-zones, the Noise sub-zone, the Height sub-zone and the Critical sub-zone. In some areas, all three sub-zones may be present, in others, only one may be present. It appears that in this area, the OA-CGM includes only the Noise sub-zone. The maximum extent south of the other sub-zones is 10,000 feet from a line 200 feet from the end of the runway. In this case, the other sub-zones end just north of this property.

- 2) The OA-CGM is currently being considered for revision, but no draft has yet been prepared. Most of the terminology has changed, as have the areas (sub-zones) of concern. In particular, the noise contours that determined the Noise sub-zone have changed several times since the OA-CGM was adopted. At the present time, the critical noise contour line, the 65 Ldn (day-night average sound level), has moved north of Powers Blvd.

The current information that would be used for a revised OA-CGM would place most of this property in the new category APZ II. That category will allow single-family detached housing, but no multi-family or attached housing. It allows most retail and services, and many manufacturing uses. In general it does not allow uses that concentrate people in one place. (e.g. restaurants, hospitals, churches, schools.)

- 3) The property is currently zoned A-1, OA-CGM. If the OA-CGM is removed, a number of the uses in the A-1 district would not be compatible with the proposed new zone. These would include a Group Home, Child Care Facility and Religious Institution. Some of the proposed uses in the Waterview Sketch Plan would also be incompatible with the new airport zone. The sketch plan shows multi-family and commercial/retail in this area.

Staff is concerned that removal of the airport zone at this time will leave a time gap, wherein incompatible uses could be allowed by right. Staff does not oppose zoning that would allow uses compatible with the proposed revision to the airport zone, including the intended single-family residential. A way to accomplish this would be to have the applicant submit a PUD request for this area, with development regulations compatible with the proposed new airport zone. This current request, for removal of the OA-CGM would be continued until the PUD is submitted. The current restriction on single-family, the OA-CGM, could be removed and the new PUD adopted concurrently without endangering the airport approach space.

- 4) 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.

ENCLOSURES

Vicinity Map
Letter of Intent
Zone Map
Proposed Airport Sub-Area Use List

El Paso County Parcel Information

Parcel Number: 5500000231

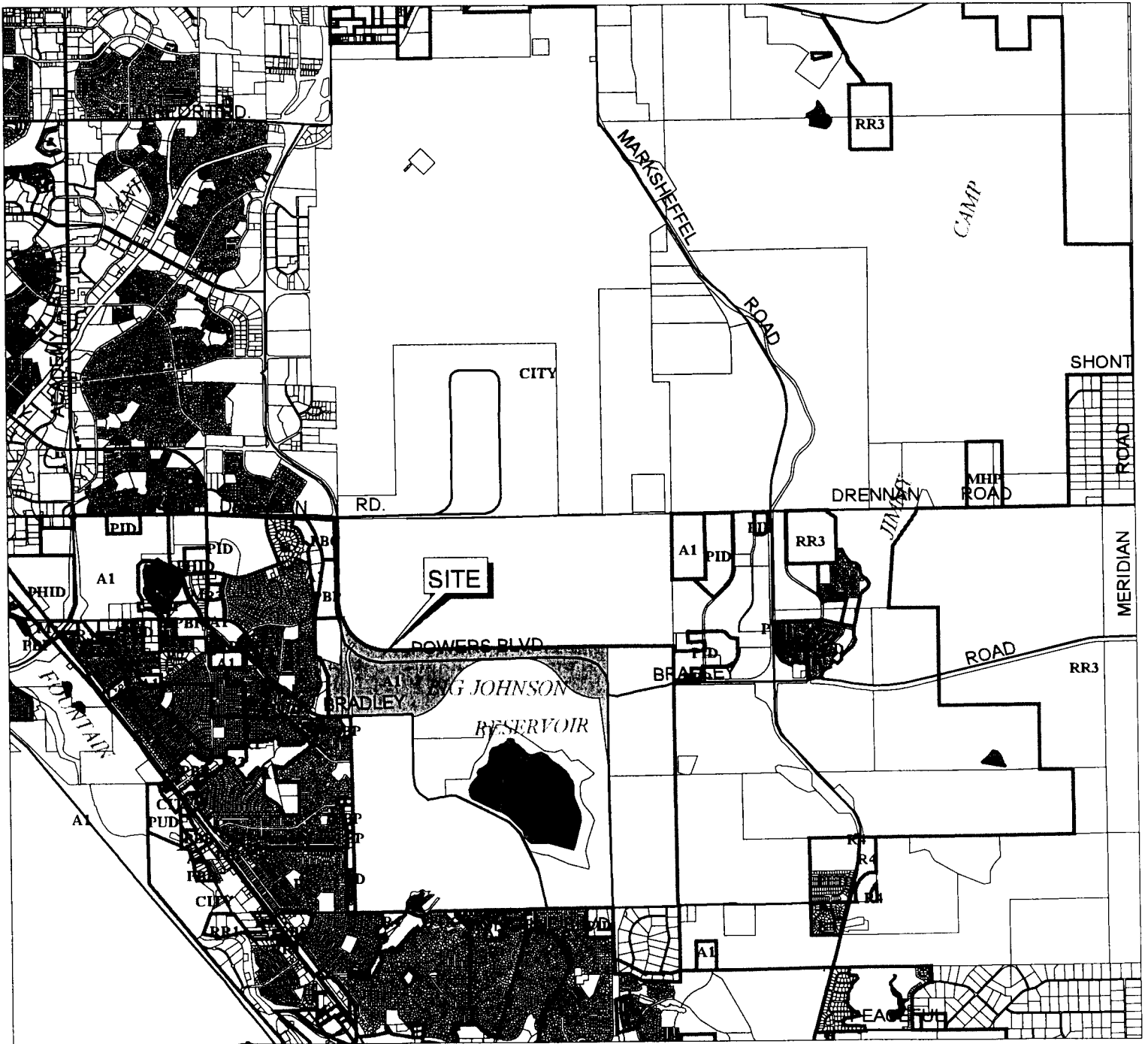
Parcel Address: 0 7 & 8-15-65

Parcel Owner: CYGNET LAND LLC

File Name: P-04-008

Zone Map No.: 552.07; 552.08

Owner Mailing Address: 24 N TEJON ST FL 2, COLORADO SPRINGS, CO 80903



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

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April 26, 2004

- 523 - GIS
EL PASO COUNTY
COLORADO

Letter of Intent

Waterview Subdivision

April 19, 2004

Owner: Cygnet Land, LLC
118 N. Tejon Street, Suite 403
Colorado Springs, CO 80903
(719) 442-0003

Consultant: URS
9960 Federal Drive, Suite 300
Colorado Springs, CO 80921
(719) 531-0001

Site Information:

The proposed Waterview development is located south of the city of Colorado Springs directly south of the Colorado Springs Airport, around the Big Johnson Reservoir. The development lies in Sections 6, 7, and 8 of Township 15 South, Range 65 West and part of Section 12, Township 15 South, Range 66 West of the 6th principal meridian. More specifically, it is located south and east of Powers Boulevard and north of the Big Johnson Reservoir. The property consists of approximately ~~740~~ ^{221.24} acres and is presently zoned A-1 (Agricultural).

The site is located in close proximity to the Colorado Springs Airport and is located within the existing limits of the Plan Development area surrounding the airport (Airport Overlay Zone).

Request and Reason:

The site is proposed to be rezoned to PUD (Planned Unit Development) in the near future. A portion of the PUD will include residential areas. El Paso County does not allow residential use inside an Airport Overlay zone. Based upon the current noise contours provided by the Colorado Springs Airport, the existing Airport Overlay zone can be removed from the Waterview property.

The request is to remove the existing Airport Overlay zone from the Waterview property. This will allow residential development on the Waterview property in the future. This letter serves as a Letter of Intent to receive approval for the removal of the existing Airport Overlay.

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Existing and Proposed Facilities:

The site is presently vacant. It is served by Powers Boulevard to the north and east, Grinnel Street to the west and Fontaine Boulevard to the south. A 210' R.O.W. corridor will be dedicated for Bradley Road through the site.

Proposed utilities in the development include the following:

- Sewer collection facilities (municipal systems)
- Water Service
- Roadway improvements (Residential)
- Detention pond facilities (if needed)
- Electric Service
- Natural Gas Service
- Telephone Service

Impact Identification:

No preexisting wildlife habitats and migration routes have been identified on the property. The 65 DNL is shown on the Master Plan any structure within the 65 DNL line will be constructed to the appropriate Airport requirements. There are no sources of air or water pollution in the area.

Waiver Requests:

None

Sincerely,

Doug Chaffin, P.E.
Project Manager, URS

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SLUCM	Land Use		Safety Sub-Area				Part 150 Sub-Area		Traffic Pattern Sub-Area
	Name		Clear Zone & RPZ	APZ 1 & Structure Zone	APZ 2	65-70 DNL	70 DNL & greater		
1	Residential								
11	Household Units								
11.11	Single units; detached		N	N	Y (1)	N	N	Y	
11.12	Single units; semi-detached		N	N	N	N	N	Y	
11.13	Single units; attached row		N	N	N	N	N	Y	
11.21	Two units; side-by-side		N	N	N	N	N	Y	
11.22	Two units; one above the other		N	N	N	N	N	Y	
11.31	Apartments; walk up		N	N	N	N	N	Y	
11.32	Apartments; elevator		N	N	N	N	N	Y	
12	Group quarters		N	N	N	N	N	Y	
13	Residential hotels		N	N	N	N	N	Y	
14	Mobile home parks or courts		N	N	N	N	N	Y	
15	Transient lodgings		N	N	N	N	N	Y	
19	Other residential		N	N	N (1)	N	N	Y	
2	Manufacturing								
21	Food and kindred products; manufacturing		N	N (2)	Y	Y	Y (12)	Y	
22	Textile mill products; manufacturing		N	N (2)	Y	Y	Y (12)	Y	
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing		N	N	N (2)	Y	Y (12)	Y	
24	Lumber and wood products (except furniture); manufacturing		N	Y (2)	Y	Y	Y (12)	Y	
25	Furniture and fixtures; manufacturing		N	Y (2)	Y	Y	Y (12)	Y	
26	Paper and allied products; manufacturing		N	Y (2)	Y	Y	Y (12)	Y	
27	Printing, publishing, and allied industries		N	Y (2)	Y	Y	Y (12)	Y	
28	Chemicals and allied products; manufacturing		N	N	N (2)	Y	Y (12)	Y	
29	Petroleum refining and related industries		N	N	N	Y	Y (12)	Y	
3	Manufacturing, continued								
31	Rubber and miscellaneous plastic products; manufacturing		N	N (2)	N (2)	Y	Y (12)	Y	
32	Stone, clay, and glass products; manufacturing		N	N (2)	Y	Y	Y (12)	Y	
33	Primary metal industries		N	N (2)	Y	Y	Y (12)	Y	
34	Fabricated metal products; manufacturing		N	N (2)	Y	Y	Y (12)	Y	
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; manufacturing		N	N	N (2)	Y	A	Y	
39	Miscellaneous manufacturing		N	Y (2)	Y (2)	Y	Y (12)	Y	
4	Transportation, communication, and utilities								
41	Railroad, rapid rail transit, and street railway transportation		N (3)	Y (4)	Y	Y	Y (12)	Y	
42	Motor vehicle transportation		N (3)	Y	Y	Y	Y (12)	Y	
43	Aircraft transportation		N (3)	Y (4)	Y	Y	Y (12)	Y	
44	Marine craft transportation		N (3)	Y (4)	Y	Y	Y (12)	Y	
45	Highway and street right-of-way		N (3)	Y	Y	Y	Y (12)	Y	
46	Automobile parking		N (3)	Y (4)	Y	Y	Y (12)	Y	
47	Communication		N (3)	Y (4)	Y	Y	A (15)	Y	
48	Utilities		N (3)	Y (4)	Y	Y	Y	Y	

SLUCM	Land Use		Safety Sub-Area				Part 150 Sub-Area		Traffic Pattern Sub-Area
	Name		Clear Zone & RPZ	APZ 1 & Sideline Zone	APZ 2	65-70 DNL	70 DNL & greater		
49	Other transportation, communication, and utilities		N (3)	Y (4)	Y	Y	A (15)	Y	
5	Trade								
51	Wholesale trade		N	Y (2)	Y	Y	Y (12)	Y	
52	Retail trade - building materials, hardware, and farm equipment		N	Y (2)	Y	Y	Y (12)	Y	
53	Retail trade - general merchandise		N	N (2)	Y (2)	Y	A	Y	
54	Retail trade - food		N	N (2)	Y (2)	Y	A	Y	
55	Retail trade - automotive, marine craft, aircraft, and accessories		N	Y (2)	Y	Y	A	Y	
56	Retail trade - apparel and accessories		N	N (2)	Y (2)	Y	A	Y	
57	Retail trade - furniture, home furnishings, and equipment		N	N (2)	Y (2)	Y	A	Y	
58	Retail trade - eating and drinking establishments		N	N	N (2)	Y	A	Y	
59	Other retail trade		N	N (2)	Y (2)	Y	A	Y	
6	Services								
61	Finance, insurance, and real estate services		N	N	Y (6)	Y	A	Y	
62	Personal services		N	N	Y (6)	Y	A	Y	
62.4	Cemeteries		N	Y (7)	Y (7)	Y	A	Y	
63	Business services		N	Y (8)	Y (8)	Y	A	Y	
64	Repair services		N	Y (2)	Y	Y	Y (12)	Y	
65	Professional services		N	N	Y (6)	Y	A	Y	
65.13	Hospitals, nursing homes		N	N	N	N	N	N	
65.19	Other medical and health services		N	N	N	Y	A	Y	
66	Contract construction services		N	Y (6)	Y	Y	A	Y	
67	Government services		N	N	Y (6)	Y*	A*	Y	
68	Educational services (including schools, libraries, and large daycare centers)		N	N	N	N	N	N	
69.1	Religious activities (including churches)		N	N	N	N	N	N	
69.2	Welfare and charitable activities		N	N	Y	Y	N	Y	
69.9	Other miscellaneous services		N	N (2)	Y (2)	Y	A	Y	
7	Cultural, entertainment, and recreational								
71	Cultural activities		N	N	N (2)	A*	B*	Y	
71.2	Nature exhibitions and zoos		N	Y (2)	Y	Y*	N	Y	
72	Public assembly		N	N	N	Y	N	N	
72.1	Entertainment assembly (including amphitheaters and theaters)		N	N	N	A*	N	N	
72.2	Sports assembly (including stadiums, arenas, field houses, race tracks, and outdoor spectator sports)		N	N	N	Y (17)	Y (17)	N	
73	Amusements		N	N	Y (8)	Y	Y	Y	
74	Recreational Activities (including sports activities, playgrounds, athletic areas, swimming areas, marinas, golf courses, riding stables, and water recreation)		N	Y (8, 9, 10)	Y	Y*	A*	Y	
75	Resorts and group camps		N	N	N	Y*	Y*	Y	
76	Parks		N	Y (8)	Y (8)	Y*	Y*	Y	
79	Other cultural, entertainment, and recreation		N	Y (9)	Y (9)	Y*	Y*	Y	
8	Resource production and extraction								

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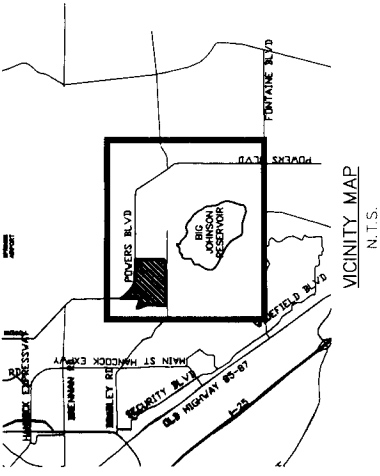
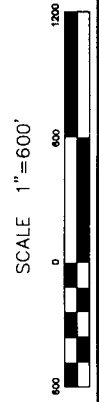
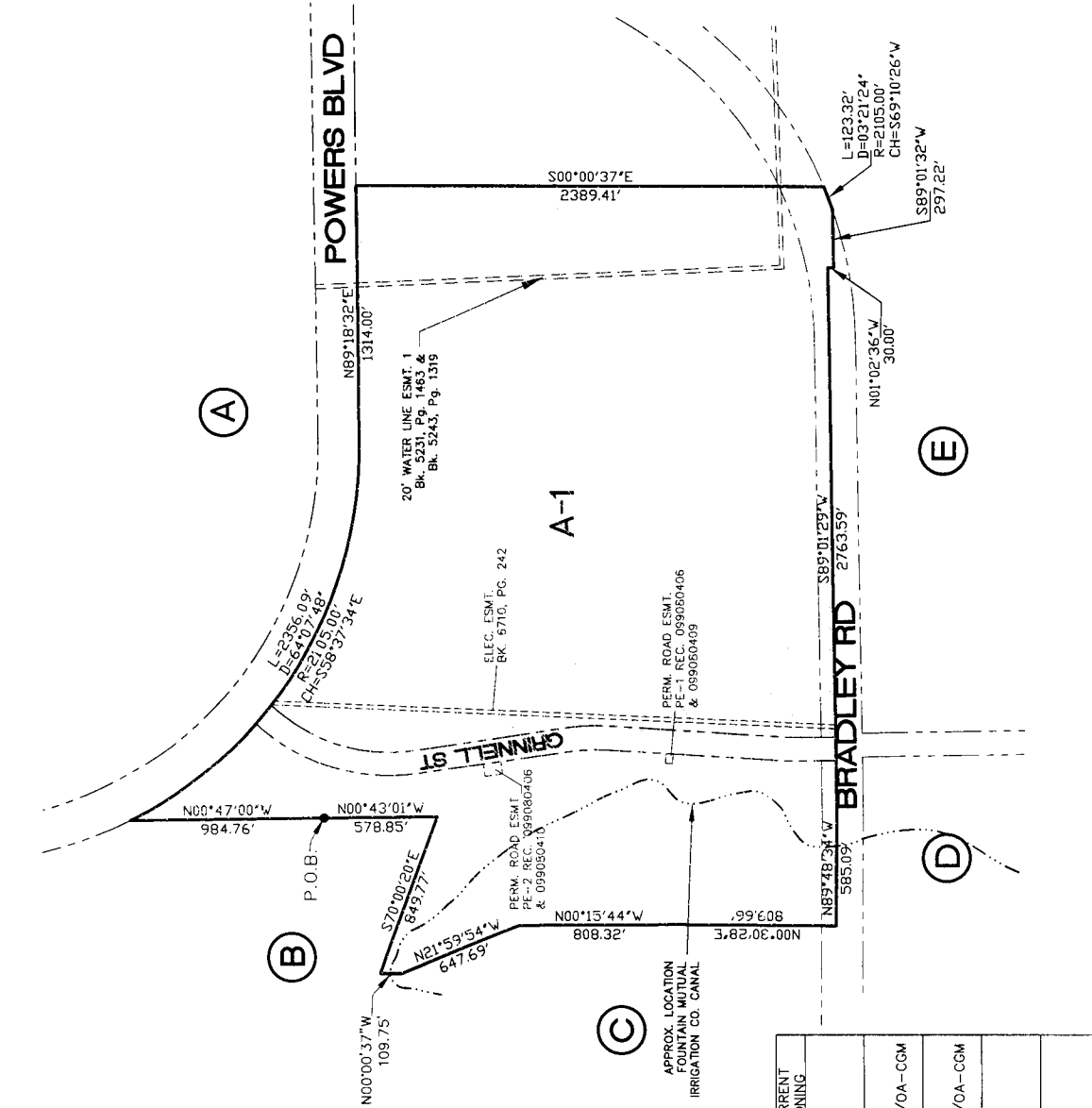
Land Use		Safety Sub-Area			Part 150 Sub-Area		Traffic Pattern Sub-Area
SLUCM	Name	Clear Zone & RPZ	APZ 1 & Sideline Zone	APZ 2	65-70 DNL	70 DNL & greater	
81	Agriculture (except livestock)	Y	Y	Y	Y (18)	Y (19)	Y
81.5 to 81.7	Livestock farming (including dairy, other livestock, and poultry)	N	Y	Y	Y (18)	Y (19)	Y
82	Agricultural related activities	N	Y (5)	Y	Y (18)	Y (19)	Y
83	Forestry activities and related services	N (5)	Y	Y	Y (18)	Y (19)	Y
84	Fishing activities and related services	N (5)	Y (5)	Y	Y	Y	Y
85	Mining activities and related services	N	Y (5)	Y	Y	Y	Y
89	Other resource production and extraction	N	Y (5)	Y	Y	Y	Y

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SLUCM	Land Use		Safety Sub-Area		Part 150 Sub-Area		Traffic Pattern Sub-Area
	Name	Clear Zone & RPZ	APZ 1 & Sideline Zone	APZ 2	65-70 DNL	70 DNL & greater	
Notes							
SLUMC	Standard Land Use Coding Manual						
Y	Yes - land use and related structures compatible without restriction						
N	No - land use and related structures are not compatible and are prohibited						
NLR	Noise Level Reduction - noise level reduction, outdoor to indoor, to be achieved through incorporation of noise attenuation into the design and construction of the structure						
Y (x)	Yes with restrictions - land use and related structures generally compatible; see notes 1 through 21						
N (x)	No with exceptions - see notes 1 through 21						
A, B, or C	Land use and related structures generally compatible; measures to achieve NLR for 66-70, 71-75, or 76-80 DNL must be incorporated into design and construction of structure.						
A*, B*, or C*	Land use generally compatible with NLR; however, measures to achieve an overall noise level reduction do not necessarily solve noise difficulties and additional evaluation is warranted.						
*	The designation of these uses as "compatible" in this zone reflects general cost and feasibility factors as well as past community experiences and policy objectives. Localities, when evaluating the application of these guidelines to specific situations, may have different concerns or goals to consider.						
1	Suggested maximum density of 1 to 2 dwelling units per acre, possibly increased under a Planned Unit Development (PUD) where maximum lot coverage is less than 20 percent.						
2	Within each land use category, uses exist where further definition may be needed due to the variation of densities in people and structures.						
3	The placing of structures, buildings, or above-ground utility lines in the Clear Zone is subject to severe restrictions. In a majority of the Clear Zones, these items are prohibited.						
4	No passenger terminals and no major above-ground transmission lines in APZ 1.						
5	Factors to be considered: labor intensity, structural coverage, explosive characteristics, and air pollution.						
6	Low-intensity office uses only. Meeting places, auditoriums, and other gathering places are not recommended.						
7	Excludes chapels						
8	Facilities must be low intensity.						
9	Clubhouse not recommended.						
10	Small areas for people to gather are not recommended.						
11a	development options should be determined and an evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited in these zones should be conducted prior to approvals.						
11b	Where the community determines that residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) for DNL 66-70 and DNL 71-75 should be incorporated into building codes and be considered in individual approvals.						
11c	outdoor exposure, particularly from level sources. Measures that reduce noise at a sitieshould be used whenever practical in preference to measures which only protect interior spaces.						
12	Measures to achieve the NLR for 66-70 DNL must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.						
15	If noise sensitive use, indicated NLR; if not, use is compatible						
16	No buildings.						
17	Land use is compatible, provided that special sound reinforcement systems are installed.						
18	Residential buildings require the NLR for 66-70 DNL.						
19	Residential buildings require the NLR for 71-75 DNL.						

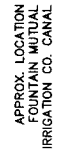
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Airport Overlay Rezoning



PETITIONER
 OWNER: CYGNET LAND, LLC
 CONTACT: TED BLUME
 ADDRESS: 420 N. TEJON, FL 2
 COLORADO SPRINGS, CO 80903
 PHONE NUMBER: 442-0003

PREPARED BY
 OWNER: URS, CORPORATION
 CONTACT: DOUG CHAFFIN
 ADDRESS: 9960 FEDERAL DRIVE, SUITE 300
 COLORADO SPRINGS, CO 80921



Parcel No.	OWNER	ASSESSORS PARCEL NO.	CURRENT ZONING
A	CITY OF COLORADO SPRINGS AIRPORT	55000-00-168	APD
B	HASSELL MICHAEL S.	65014-00-009	A-1/OA-CGM
C	BOARD OF COUNTY COMMISSIONERS	65121-00-015	R-1/OA-CGM
D	FWR LAND INVESTMENTS, LLC	65124-00-006	PBP
E	FOUNTAIN VALLEY SCHOOL	55000-00-164	A-1