

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
JIM BENSBERG (VICE-CHAIR)

DOUGLAS BRUCE
SALLIE CLARK
WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

TO: El Paso County Planning Commission
Steve Sery, Chair

FROM: Mike Garrott, Project Management Group Manager, Ext. #6447 *mg*
Kari Parsons, Planner I
Meggan Yoest, Long Range Planner II
Jeff Rice PE, Engineer II
Mike Hrebenar, Customer Service/Planning Division Manager *WHR*

RE: CC-07-001 / Knollwood Village Filing #2
Tax Schedule # 711320-00-03

OWNER:

KV Development Company, Inc.
17430 Lamplight Drive
Monument, Colorado 80132

REPRESENTATIVE:

Dave Jones
LRA Inc.
4455 Fountain Ave.
Cascade, Colorado 80809

Commissioner District: 1

Planning Commission Hearing Date;	7/17/2007
Board of County Commissioners Hearing Date:	TBD

EXECUTIVE SUMMARY

Request rezoning of 0.899 acres from RR-5 (Residential Rural) District to the CC (Commercial Community) District. The property is located east of Knollwood Drive and north of State Highway 105. Staff recommends approval of the rezone request, with the conditions and notations.



A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: rezone 0.899 acres from RR-5 (Residential Rural) District to the CC (Commercial Community) District.

Authorization for Board of County Commissioners to Sign: N/A

C. STAFF RECOMMENDATION

Staff recommends approval of the rezone with the 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service.
2. That a Declaration of Covenants, Conditions and Restrictions, to run with the land, be recorded with this property, containing conditions 1 thru 6 as provided in the attached letter from Philip J. Anderson, dated November 30, 2000.
4. Prior to scheduling the final plat for consideration by the Board of Commissioners, a copy of the above-mentioned covenants shall be provided to the Development Services Department.
5. No use shall be established on site nor building permits be authorized until the property is platted in accordance with El Paso County Subdivision Regulations
6. There shall be no vehicular access to HWY 105.

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 to be withdrawn and will have to be resubmitted in their entirety.

D. APPLICABLE RESOLUTIONS

Approval Page 21

Disapproval Page 22

E. LOCATION

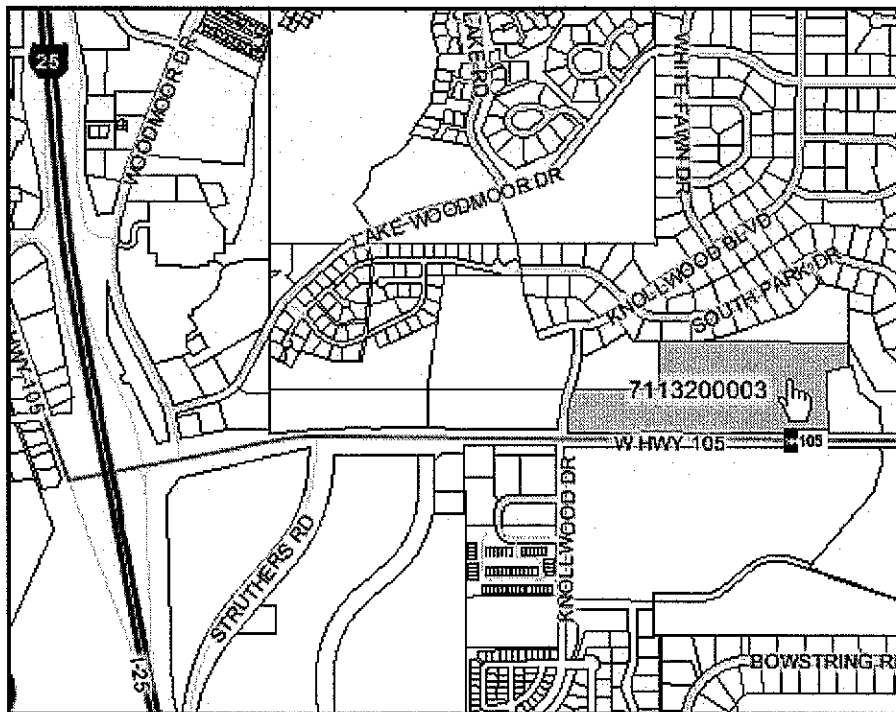
Abutting zoning and land use:

North: RR-5/single family homes

South: Proposed commercial Development

East: RS-20000/Church

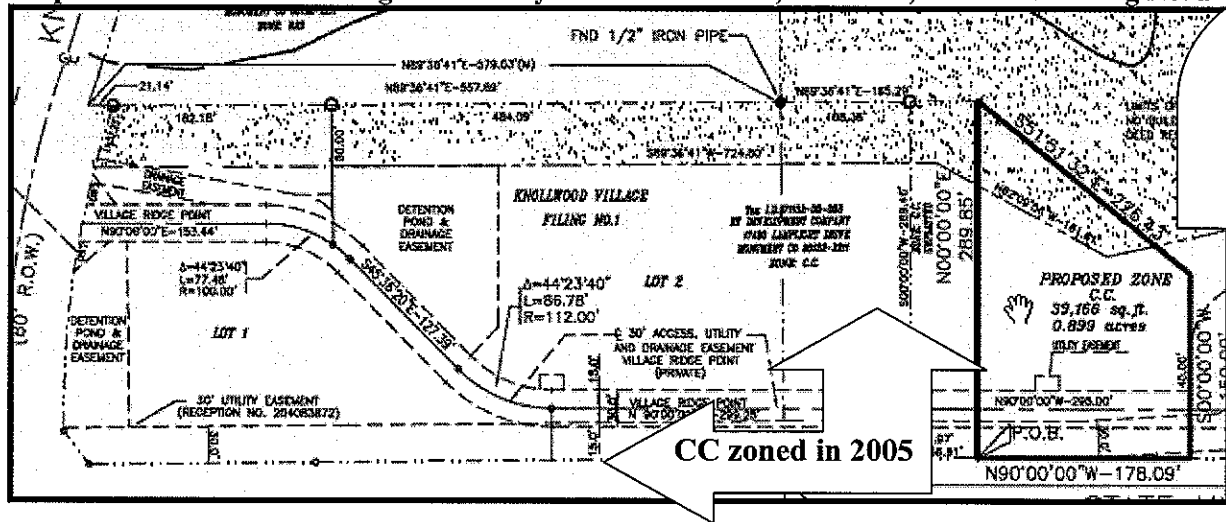
West: RR-5/vacant



F. BACKGROUND

The site is located on the corner of HWY 105 and Knollwood Drive. In the original zone change from a residential use to a commercial use, an agreement was made by the original owners' representative, Attorney, P.J. Anderson and the Woodmoor Homeowner's Association. This agreement included several restrictive requirements in the covenants pertaining to hours of operation, specific allowed commercial and retail uses. For example, no fast food restaurants are permitted within the subdivision. The 25.939 acre subdivision was split zoned 4.625 acres of Community Commercial and 21.316 acres of Rural Residential-5, December 18, 2005. The same covenants restricting uses and hours of operation will apply to this zone change. This proposed zone change will add 0.899 acres of Community Commercial zone to the overall Knollwood Village Subdivision. The remaining RR-5 tract of land will be left undeveloped until re-platted and possibly rezoned. The subdivision is platted as Knollwood Village Filing 1 (MS-06-006). It was approved by the Board of County Commissioners March 15, 2007 (Resolution 07-87). This application is being processed concurrently with a Vacation and Re-plat Knollwood Village Filing 2 (VR-07-006) which creates a third commercial lot.

Proposed CC Site and Existing Community Commercial zone, lots 1 & 2, Knollwood Filing No. 1



G. STATUS OF MAJOR ISSUES – Not applicable

H. APPROVAL CRITERIA

1. LAND DEVELOPMENT CODE COMPLIANCE

This application meets the review standard procedures for rezoning in Chapter 4 of the Land Development Code, which is consistency with adopted County comprehensive master plans (see Section 3 regarding Policy Plan compliance).

2. ZONING COMPLIANCE

The application proposes rezoning the existing RR-3 to CC (Community Commercial) as outlined in Section 3.2.5, of the Land Development Code. Zoning compliance will be further determined when a development plan is submitted and reviewed under the allowable uses as described in Chapter 5, Table 5-1 of the Land Development Code

3. POLICY PLAN COMPLIANCE

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

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

6.1.7 - Encourage infill development which complements existing uses, is consistent with Small Area Plans and other adopted Plans.

6.2.1 - Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

6.2.11 - Encourage compatible physical character, density and scale in existing neighborhoods.

The rezone request is contiguous and compatible with the adjacent zoned CC (previously PBP) zoning. This adjacent zoning in the Knollwood Village development included conditions of approval limiting uses and hours of operation at this site. This rezone request is recommended to have similar conditions as the adjacent zoning. This will help mitigate any negative impacts to surrounding residential uses and insure that the continuing commercial development will be compatible and in character with the area.

4. SMALL AREA PLAN COMPLIANCE

This property is in the *2000 Tri-Lakes Comprehensive Plan*, specifically located in Planning Unit 7, Woodmoor. The Planning Unit, as it relates to this request, states:

- The predominant development emphasis should be on residential uses that are provided with central water and sewer, and adequate services. The existing residential patterns should be preserved, reinforced, and continued. New residential development should be consistent with, compatible with, or larger than existing lot sizes. Higher densities should be considered only in association with a density bonus for open space or other amenities such as a school-site, and only located in transition zones adjacent to or in areas designated as mixed use. (Refer to sections on Clustering and Open Space and Land Use within this Plan).*

- *Development along I-25 should be consistent with the recommendations as stated in the I-25 Corridor Overlay. Uses appropriate for this area might include officepark, medical facilities, and suitable and compatibly commercial. Appropriate buffers should be required and properly maintained between non-residential and residential uses. Development in the I-25 Overlay corridor should be consistent with the goals and objective of the I-25 Overlay and coordinated between the County, the Town of Monument, developers, and adjacent subdivisions.*
- *Mixed-use development should be considered in designated areas along SH 105, Woodmoor Drive and Lake Woodmoor Drive. Building styles should be consistent and/or compatible with WIA architectural design standards. All commercial development should serve a local need and have limited hours of operation.*

Included in the *Tri-Lakes Plan* is a Concept Plan Map. Map 7.1 shows this property in the I-25 Overlay Scenic Protection Area and in an area acceptable for “Mixed Use and/or Non-residential development”.

The zoning of the adjacent property included in the Knollwood Village Development to Planned Business Park (PBP) (now Community Commercial, CC) was approved in December, 2000. That zoning had certain conditions pertaining to the recording of covenants limiting hours and uses, and that development should be in conformance with the *Tri-Lakes Comprehensive Plan*. These conditions and covenants were originally agreed to by the Woodmoor Homeowners Association in order to mitigate potential negative impacts to the adjacent residential uses. Staff has recommended similar conditions of approval for this request as more of this property is zoned to commercial. The applicant is aware of and in agreement with the conditions of the zoning and will record the required covenants. This rezone request is consistent with the previously approved adjacent commercial zoning, and consistent with the recommendations from the *Tri-Lakes Plan* that “Mixed Use and/or Non-Residential uses” are appropriate along Highway 105 if developed in accordance with the I-25 Overlay from said plan.

I. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

In the Geological Hazard study prepared for Knollwood Village, by Entech Engineering, there are four areas of concern, requiring mitigation. Below are highlights from their findings.

- 1). *Mitigation of expansive soils will require special foundation design.*
- 2). *Floodplain exists on property. (This area to be preserved as open space).*

3.) *Potentially seasonal high water table. Areas will be filled and foundation levels will be raised above the groundwater level. Frost heave potential a hazard in some areas on site. Recommended a minimum of 2.5 feet foundation depth.*

4.) *“Unstable slopes along floodway. A minimum setback of 30 feet is recommended from the crest of these slopes.”*

2. WILDLIFE

The County's adopted El Paso County Wildlife Habitat Descriptors (1996) depict the area as having the potential for generally lower wildlife impacts. Although the Wildlife Habitat Descriptors shows low wildlife impact, there is significant Prebles Meadow Jumping Mouse habitat on site along the Dirty Woman Creek. The applicant has been working with the US Fish and Wildlife Service due to this habitat. The applicant has been advised to stay 150' from 100 year floodplain as to not disturb the Prebles Meadow Jumping Mouse habitat.

3. FLOODPLAIN

The site is not within a FEMA floodplain, but the floodplain of Dirty Woman Creek is located approximately 80 feet north of the site, as designated on the FEMA Floodplain Insurance Rate Maps (FIRM) for El Paso County. The major channel of Dirty Woman Creek flows from east to west north of the site. There is a no-build area included along the north side of the proposed Lot 1.

4. DRAINAGE AND EROSION

The site is located in the Dirty Woman Creek drainage basin (FOMO5200), which eventually drains to Monument Creek. The drainage basin has been studied and associated drainage and bridge fees apply in the amount of \$15,000 and \$700 per impervious acre, respectively. The total drainage and bridge fees for this subdivision will be \$13,050.00 and \$609.00, respectively.

A Drainage Letter Report was received with the submittal. Engineering staff concur with the report's conclusion that this development's runoff will not adversely affect downstream or surrounding properties. Developed stormwater will be routed to and detained in a proposed detention/water quality pond in Lot 2 of Filing 1, to be constructed with whichever lot is developed first, and released at less than historic levels.

Grading and Erosion Control plans will be required with the Site Development Plan. These plans call for best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public drainage system before, during, and after construction. The applicant will need to obtain County permits for any proposed grading activity, along with any State-required permits, during the Site Development Plan approval process.

5. TRANSPORTATION

The site has frontage along State Highway 105 and access to Knollwood Drive via a private access road serving the Knollwood Village subdivisions. The existing streets will be adequate for the proposed traffic.

There is no right-of-way dedication required with this project.

J. SERVICES

1. WATER

Sufficiency: N/A

Quality: N/A

Quantity: N/A

Dependability: N/A

2. SANITATION

The Woodmoor Water and Sanitation District will provide water and wastewater services.

3. EMERGENCY SERVICES

The applicant submitted a commitment to serve letter from the Tri-Lakes Monument Fire Rescue Authority. The District will provide Fire services and emergency services to this development.

4. UTILITIES

Mountain View Electric has requested standard easements which the applicant has provide on final plat.

K. PUBLIC COMMENT AND NOTICE

The Development Services Department notified 11 adjoining property owners on July 2, 2007. No responses have been received.

L. ATTACHMENTS

Vicinity Map

Letter of Intent

Reduction of plan

Letter from P.J. Anderson dated November 30, 2000

El Paso County Parcel Information

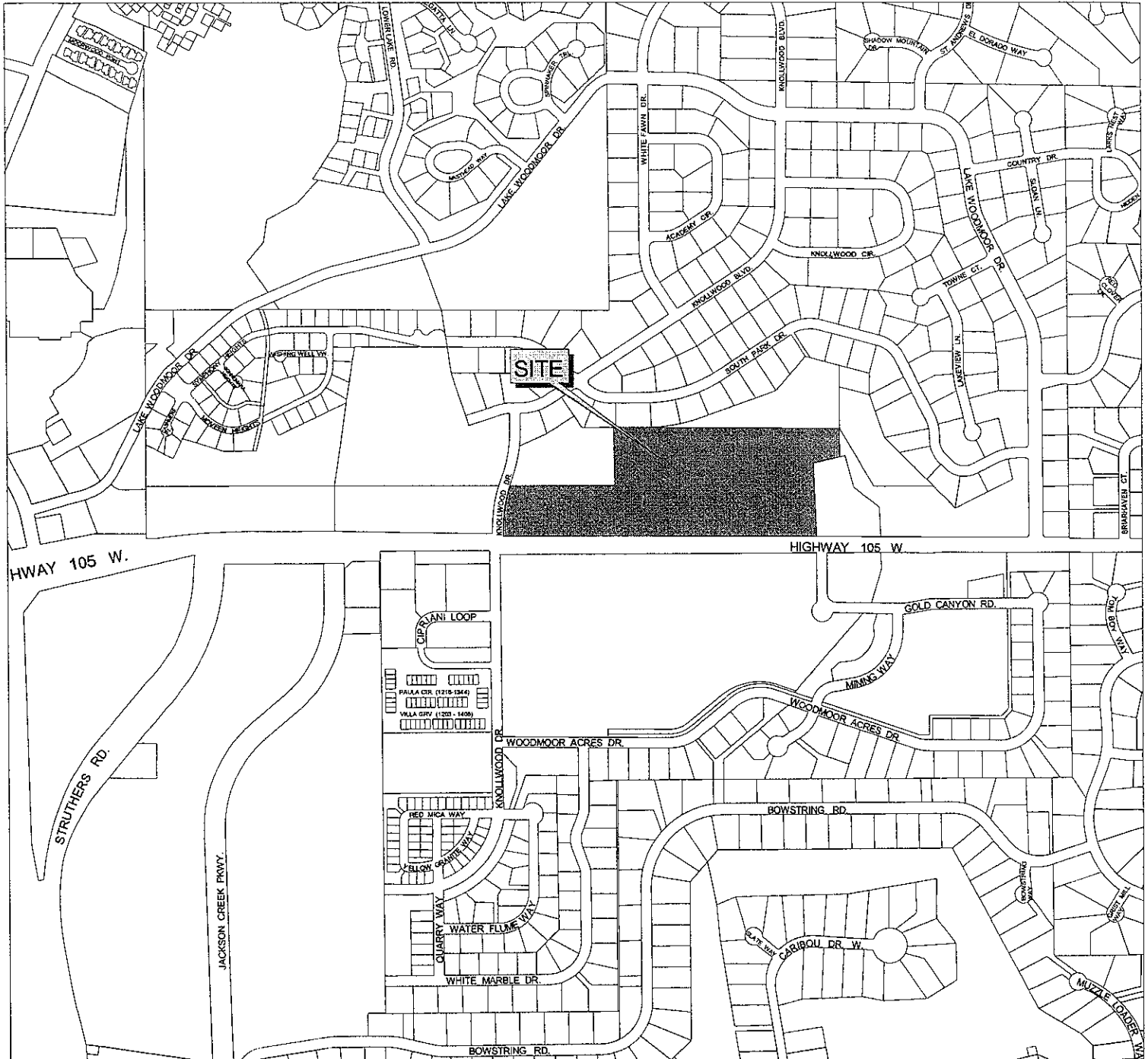
Parcel Number: 7113200003

File Name: ~~CO~~07001 & VR07006

Parcel Address: 0 13-11-67

Parcel Owner: KV DEVELOPMENT CO

Owner Mailing Address: 17430 LAMPLIGHT DR, MONUMENT, CO 80132



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 4, 2007



LETTER OF INTENT

April 2, 2007
Amended May 14, 2007

EL PASO COUNTY DEPT. OF DEVELOPMENT SERVICES
2880 International Circle
Colorado Springs, CO 80910

RE: REZONE LOT 1, KNOLLWOOD VILLAGE FILING 2 FROM RR5 TO CC

PARCEL NUMBER: 71132 00 003

OWNER & DEVELOPER

KV DEVELOPMENT COMPANY, INC
William Herebic, President
17430 Lamplight Dr.
Monument, CO 80132-2211

PROJECT CONSULTANTS

LAND RESOURCE ASSOCIATES (land planning)

Attn: David Jones (719) 684-2298 Fax (719) 684-8413
4455 Fountain Ave., Cascade, CO 80809

LSC TRANSPORTATION CONSULTANTS, INC., (transportation planning)

Attn: Jeffrey C. Hodson, P.E. (719) 633-2868
516 N. Tejon Street, Colorado Springs, CO 80903

PINNACLE LAND SURVEYING COMPANY

Attn: John Towner, (719) 634-0751
925 W. Cucharras St., Colorado Springs, CO 80905

JPS ENGINEERING

Attn: John Schwab (719) 477-9429
19 E. Willamette, Colorado Springs, CO 80903

SITE INFORMATION

The proposed lot known as Lot 1, Knollwood Village Subdivision Filing No. 2, a re-plat of Tract A, Knollwood Village Subdivision Filing 1 is located within the S1/2 of the

SW1/4 of the NW1/4 of Section 13, T11S, R67W, of the 6th PM. More specifically, the property is located nearby the northeast corner of the intersection of Knollwood Drive and State Highway 105. The lot, containing 1.278 acres, is presently zoned RR-5 (0.8990 acres) and CC Commercial Community (0.3790 acres).

DEVELOPMENT REQUEST

The applicant is requesting a rezoning from RR-5 to CC Commercial Community for that portion of Lot 1, Knollwood Village Filing 2 which is currently zoned RR-5.

JUSTIFICATION FOR REQUEST

This lot is located within the Tri-Lakes Comprehensive Plan, Sub-area #7, Woodmoor. The concept plan map 7.1 shows this area as Mixed Use or non-residential. The proposed CC Commercial Community zoning would be in conformance with the Tri-Lakes Comprehensive Plan. The justification for the zone change request is to implement a County adopted master plan.

EXISTING AND PROPOSED IMPROVEMENTS

Current improvements on the property include water lines, sewer lines, natural gas lines, electric transmission lines, and telephone lines. Proposed improvements to the Planned Business Park portion of the property include the improvements to Highway 105, improvements to the intersection of Highway 105 and Knollwood Drive and improvements to Knollwood Drive.

The property is located within the service areas of the Mountain View Electric Association and Aquila Natural Gas. Water and sewer service will be provided by the Woodmoor Water and Sanitation District No. 1.

SUPPLEMENTAL INFORMATION

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a completion bond, letter of credit, or joint certificate of deposit acceptable to the El Paso County Board of County Commissioners.

WAIVERS

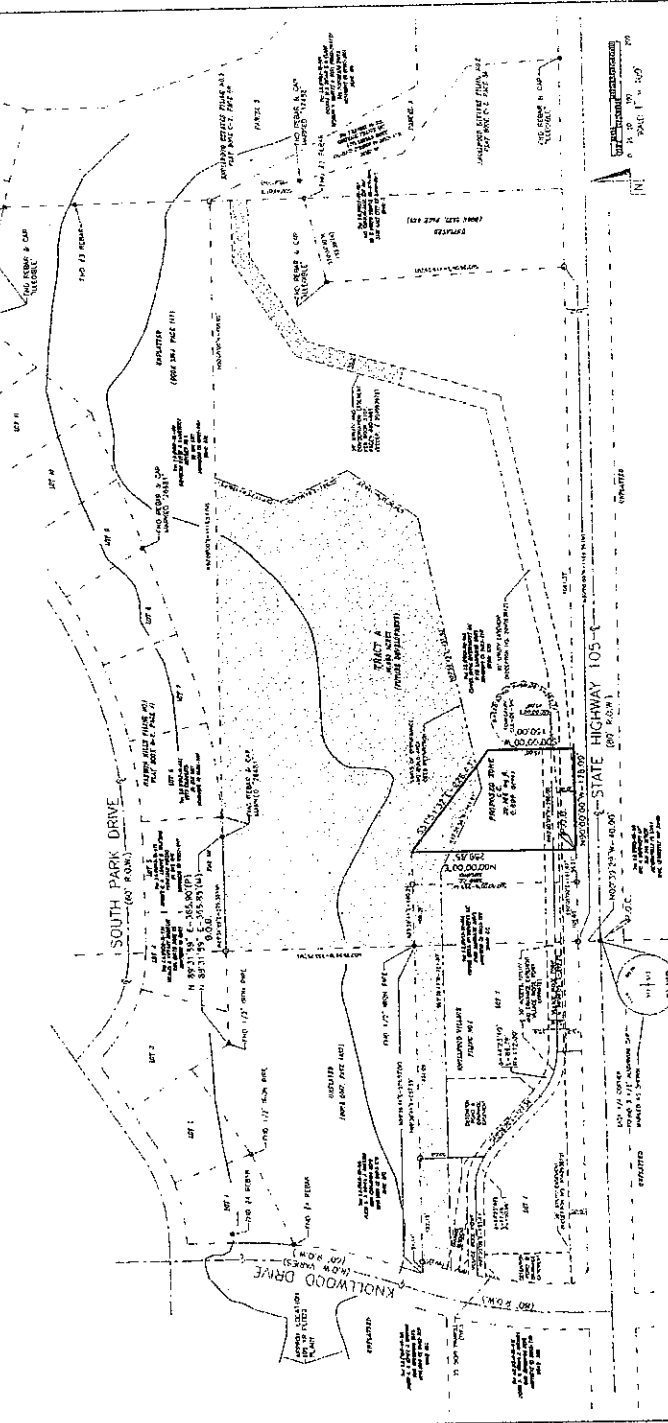
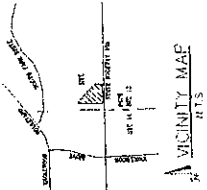
There are no waivers to the El Paso County Land Development Code or the Engineering Criteria Manual associated with this application.

REZONE MAP KNOLLWOOD VILLAGE FILING NO.2

A REPLAT OF TRACT A, KNOLLWOOD VILLAGE FILING NO.1
Located in the Northwest One-quarter (NW1/4) of Section 13
Township 11 South, Range 67 West (R67W) of the 6th P.M.
County of El Paso, State of Colorado

(REZONE REQUEST: FROM RRS TO CC)

VERSION: 2
DATE: 5/16/07



NOTES:
1. A copy of this plat is filed with the County Clerk, State of Colorado, Denver, Colorado. The plat is subject to the provisions of the Colorado Plat Act, C.R.S. 124-101, et seq.
2. This plat is subject to the provisions of the Colorado Plat Act, C.R.S. 124-101, et seq.
3. This plat is subject to the provisions of the Colorado Plat Act, C.R.S. 124-101, et seq.

KNOW ALL MEN BY THESE PRESENTS:
That Cramer Real Estate, LLC, being the owner of the described land, in and to the order of heretofore filed, do hereby certify that the boundaries and area shown on this plat are true and correct and have been ascertained by survey.
In witness whereof, the undersigned has hereunto set her hand and seal of office on this 15th day of May, 2007, at the County of El Paso, State of Colorado.

BASIS OF REZONING STATEMENT:
This rezoning is based on the rezoning request filed by Cramer Real Estate, LLC, on 4/15/07, and the rezoning request filed by Cramer Real Estate, LLC, on 5/16/07.

OWNER: Cramer Real Estate, LLC
4440 S. CROWLEY ST. #100
DENVER, CO 80231

APPLICANT: Burt Jones
Cramer Real Estate, LLC
4440 S. CROWLEY ST. #100
DENVER, CO 80231

PREPARED BY: Pinnacle Land Surveying Co., Inc.
1000 N. BROADWAY #300
DENVER, CO 80202

LEGEND:
--- Existing lot
--- Proposed lot
--- Boundary line
--- Easement
--- Encroachment
--- Survey line
--- Other

PINNACLE LAND SURVEYING COMPANY, INC.
925 W. CHICARRAS ST., C.S., CO 80634-0751

NOTICE: ACCORDING TO THE PROVISIONS OF THE COLORADO SURVEYING ACT, THIS SURVEY IS NOT VALID UNLESS THE SURVEYOR'S SIGNATURE AND SEAL ARE AFFIXED TO THIS SURVEY WITHIN THREE YEARS OF THE DATE OF THE SURVEY. IF THE SURVEYOR'S SIGNATURE AND SEAL ARE NOT AFFIXED WITHIN THREE YEARS OF THE DATE OF THE SURVEY, THIS SURVEY IS VOID AND THE REZONING REQUEST THEREON IS VOID.

REZONE MAP - KNOLLWOOD VILLAGE FILING NO.2
DRAWN BY: J. JONES
DATE: 5/16/07
SHEET 1 OF 1

PHILIP J. ANDERSON
545 East Pikes Peak Avenue
Suite 207
Colorado Springs, Colorado 80903

RECEIVED

DEC 04 2000

Planning Dept.

(719)633-4873
FAX (719)633-2926
CELL (719)331-2732
p.j.anderson@worldnet.att.net

November 30, 2000

Barry Holmes, AICP
Senior Planner
El Paso County Planning Department
27 East Vermijo Street
Colorado Springs, Colorado 80903

Re: Knollwood Center Rezoning Request

Dear Mr. Holmes,

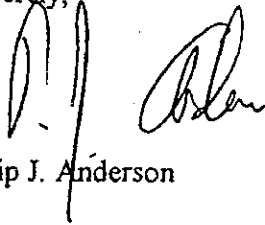
As you are aware, my client Carl Turse and I have been working for many months with the Board of Directors of the Woodmoor Improvement Association ("WIA") in an attempt to resolve neighborhood compatibility issues and concerns connected with the proposed retail shopping center planned for the northeast corner of Knollwood and SH 105. I am pleased to report that I believe we have reached an agreement on all issues. One of the procedural matters, however, is the question of the enforcement of the terms of the agreement. Although Mr. Turse and the WIA have mutually approved a Declaration of Covenants, Conditions and Restrictions to run with land, we would like to request additional assistance from the County as to several items. We would ask that the following restrictions become express, written conditions of the approval of the change of zoning. Based upon the letters of opposition contained in the file, statements made at the Planning Commission hearing and other input from the Woodmoor neighborhood, we would consider these conditions to be reasonably conceived and in accordance with Colorado case law with regard to the imposition of conditions on zoning amendments.

1. "No commercial operations shall begin before 6 a.m. nor continue later than 9 p.m."
2. "There shall be no automotive repair and services facilities nor any enterprise involving the retail sale of gasoline, oils, or automotive lubricants."
3. "The maximum height of structures and buildings shall be thirty (30) feet."
4. "To provide for visual screening of the Property from existing residential properties located to the north in Woodmoor, a ten (10) foot wide area along the northerly boundary of the Property shall be landscaped with one tree planted every fifteen feet. At least one-third (1/3) of the trees will be evergreen. Evergreen trees will be at least six (6) feet in height and deciduous shade trees will be of at least one and one (1 1/2) inch caliper measured six feet above the ground."
5. "There shall be no fast-food restaurants, which for the purpose of this restriction, shall mean food service establishments whose primary business is specializing in the rapid preparation and service of food (as hamburgers, fried chicken or tacos) and which typically contain a drive-through lane for the pick-up of food by customers while remaining in their automobiles; the terms shall not include sub shops, delicatessens, ice

- cream stores, or coffee shops.”
6. “There shall be no taverns or bars, which for the purpose of this restriction, shall mean an establishment whose primary business is serving alcoholic beverages for consumption on the premises.”
 7. “The Declaration of Covenants, Conditions and Restrictions, agreed upon by the Petitioner and the Woodmoor Improvement Association and entered into the record of the Board’s hearing, be recorded prior to or simultaneously with the first final plat of the Knollwood Center development.”

As usual, thank-you for your assistance. While I realize that the above could be considered an imposition on the future time of the Planning Department and/or the County Attorney’s Office, it has not been unusual in the past for the Board of County Commissioners, after lengthy hearings, to place numerous restrictions on a zone change. The difference here is that the applicant and the neighborhood association have worked ahead of time to resolve the issues, which, hopefully, will make the Board’s job easier on December 14th.

Sincerely,



Philip J. Anderson

cc: Carl Turse
WIA (Beth Courrau)

Kari Parsons

From: David Jones [chipita1@comcast.net]
Sent: Thursday, June 28, 2007 10:52 AM
To: Kari Parsons
Cc: 'Bill&Ashley HEREBIC'
Subject: RE: Knollwood Village Staff Reports

Kari,

Bill and I are both OK with your proposed conditions of approval.

Dave Jones

From: Kari Parsons [mailto:kari@elpasoco.com]
Sent: Thursday, June 28, 2007 10:26 AM
To: CHIPITA1@ADELPHIA.NET; herebic5@msn.com
Cc: Mike Garrott
Subject: Knollwood Village Staff Reports

Dave and Bill,

Please re-verify (as discussed in the EA-06-2230 that you and the owner are still ok, with the original conditions that were placed on the Knollwood Village, December 2000 rezone from RR5 to CC. Below is the language for the Vacate & Re-plat and the zone change.

**VR 07-006 Knollwood-Vacation & Re-plat
CONDITIONS OF APPROVAL**

1. Declaration of Covenants, Conditions and Restrictions for Knollwood Village Filing 2, to run with the land, containing conditions 1 thru 6, as provided in the attached letter from Philip J. Anderson dated November 30, 2000, shall be recorded with El Paso County Clerk and Recorder prior to the recording of the Final Plat.

**CC07-001Knollwood- Rezone
CONDITIONS OF APPROVAL**

2. That a Declaration of Covenants, Conditions and Restrictions, to run

with the land, be recorded with this property, containing conditions 1 thru 6 as provided in the attached letter from Philip J. Anderson,

dated November 30, 2000.

06/28/2007

4. That prior to a final plat of this property being scheduled for the Board of Commissioners, that a copy of the above-mentioned covenants

shall be provided to the Planning Department.

Thank You,

Kari Parsons
Planner I
El Paso County Development Services
2880 International Circle, Colorado Springs, CO. 80910
(719) 520-6306