

# EL PASO



# COUNTY

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
Jim Egbert, Chair

**FROM:** Nina Ruiz, PM/Planner II  
Jeff Rice, PE Engineer III  
Craig Dossey, Executive Director

**RE:** Project File #: I-17-002  
Project Name: Rice Ranch Rezone  
Parcel Nos.: 65250-00-009, 65250-00-011, 65250-00-021

OWNER:	REPRESENTATIVE:
Rice Ranch, LLC PO Box 26571 Colorado Springs, CO 80936	Willard Rice PO Box 26571 Colorado Springs, CO 80936

**Commissioner District:** 4

Planning Commission Hearing Date:	1/16/2018
Board of County Commissioners Hearing Date:	2/13/2018

## EXECUTIVE SUMMARY

A request by Rice Ranch, LLC, for approval of a map amendment (rezoning) from the A-5 (Agricultural) and M (Industrial - obsolete) zoning districts to the I-3 (Heavy Industrial) zoning district. There are three parcels included in this request. One parcel is zoned A-5 (Agricultural) and is 36.87 acres (parcel no. 6625000009). The remaining two parcels are zoned M (Industrial - obsolete) and are 5 acres (parcel no. 6525000021) and 0.33 acres (parcel no. 6525000009). The three parcels, totaling 42.2 acres, are located west of South Highway 85, east of Interstate 25, and south of Highway 16 and are within Section 25, Township 15 South, Range 66 West of the 6<sup>th</sup> P.M. The property is not located within a comprehensive planning area.

There are several uses on the subject parcels: outside storage; contractor's equipment yard; and heavy equipment rental, sales, or storage with an associated office and caretaker's quarters. The office and caretakers quarters are located within the M zoning

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

district on the two parcels totaling 5.33 acres while the remaining uses are spread over the combined 5.33 acre M zoned parcels and the 36.87 acre A-5 zoned parcel. The A-5 (Agricultural) zoning district does not allow any of the existing uses. The M (Industrial) obsolete zoning district allows for all the existing uses onsite. The M (Industrial) zoning district is obsolete and Section 4.1.4 of the El Paso County Land Development Code 2017 states, "Land owners are encouraged to rezone land from an Obsolete Zoning district classification." All existing uses are listed as allowed uses under the I-3 (Heavy Industrial) zoning district, which is the zoning district that is proposed with this map amendment (rezoning) request.

A complaint was received from the City of Fountain on March 22, 2017, regarding discharge of industrial products into the stormwater inlets. Following an inspection by Code Enforcement and the El Paso County Stormwater Coordinator, it was determined that no stormwater violation existed but that there was a violation for the outside storage of Scotts Miracle-Gro bagged products. A Notice of Violation was sent to the property owner on September 25, 2017. The applicant is proposing to rezone the property to the I-3 (Heavy Industrial) zoning district. Approval of the map amendment (rezoning) application and submittal and approval of a site development plan are required to legalize the uses.

#### **A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION**

**Request:** A request for map amendment (rezone) approval from the A-5 (Agricultural) and M (Industrial - obsolete) to the I-3 (Heavy Industrial) zoning district.

**Waiver(s)/Modification(s):** There are no waivers or modifications associated with the request.

**Authorization to Sign:** There are no associated documents requiring a signature by the Board of County Commissioners President.

#### **B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

**C. APPROVAL CRITERIA**

In approving a Map Amendment (rezoning), the following findings shall be made:

- 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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- 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.

**D. LOCATION**

North	CC (Commercial Community)/A-5 (Agricultural)	Scotts Miracle-Gro/Vacant
South	City of Fountain Regional Commercial District	Campground/Vacant
East	I-3 (Industrial)/City of Fountain Small Office/Warehouse District	Vacant/Open Space
West	City of Fountain Regional Commercial District	Vacant

**E. BACKGROUND**

There are three parcels included in this request. One parcel is zoned A-5 (Agricultural) and is 36.87 acres (parcel no. 6625000009). The remaining two parcels are zoned M (Industrial - obsolete) and are 5 acres (parcel no. 6525000021) and 0.33 acres (parcel no. 6525000009). The three metes and bounds parcels, totaling 42.2 acres, were created prior to adoption of the subdivision regulations by the El Paso County Board of County Commissioners on July 17, 1972. The three parcels were zoned A-2 (Agricultural) on May 11, 1942, when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-2 zoning district was renamed as the A-5 (Agricultural) zoning district. In 1973, parcels 6525000021 and 6525000009 were rezoned to the M (Industrial - obsolete) zoning district.

There are several uses on the subject parcels: outside storage; contractor’s equipment yard; and heavy equipment rental, sales, or storage with an associated office and caretaker’s quarters. The office and caretakers quarters are located on the two M zoned parcels while the remaining uses are spread over all three parcels. The A-5 (Agricultural) zoning district does not allow these uses. The M (Industrial - obsolete) zoning district allows for all the existing uses onsite. However, the M (Industrial) zoning

district is obsolete. Section 4.1.4 of the El Paso County Land Development Code (2017) recognizes the need to facilitate map amendments (rezonings) of properties zoned pursuant to an obsolete zoning district to a zoning that is not obsolete by stating, "Land owners are encouraged to rezone land from an Obsolete Zoning district classification." All of the existing uses on all three parcels are listed as allowed uses under the I-3 (Heavy Industrial) zoning district.

Fountain Creek Regional Park is located to the south and the Fountain Creek Regional Trail directly to the west of the site. The trail weaves through the existing industrial development located within both unincorporated El Paso County as well as within the City of Fountain that makes up much of the Interstate 25 frontage. Most of the parcels adjacent to the trail, both within unincorporated El Paso County and the City of Fountain, are zoned to allow for industrial uses.

A complaint was received from the City of Fountain on March 22, 2017, regarding discharge of industrial products into the stormwater inlets. Following an inspection by Code Enforcement and the El Paso County Stormwater Coordinator, it was determined that no stormwater violation existed but that there was a violation for the outside storage of Scotts Miracle-Gro bagged products. An Early Assistance meeting application was received on May 18, 2017. A Notice of Violation was sent to the property owner on September 25, 2017. The application to rezone the parcels to the I-3 (Heavy Industrial) zoning district was received on October 18, 2017. The applicant is proposing to rezone the property to the I-3 (Heavy Industrial) zoning district. Approval of the map amendment (rezoning) application as well as submittal and approval of a site development plan are required to legalize the uses. The City of Fountain was sent a referral and responded stating they have no additional comment.

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

The subject parcels are zoned A-5 (Agricultural) and M (Industrial - obsolete) . The M zoning district is obsolete and the Land Development Code encourages rezoning obsolete zoning districts. Three major highways (South Highway 85, Highway 16, and Interstate 25) and a railroad are located within one quarter (1/4) of a mile of the subject parcels.

The nearest residential development is 0.3 miles northwest across Highways 16 and 85. The properties are also directly adjacent to industrial development, including the Widefield Water and Sanitation wastewater treatment facility and the Scotts Miracle-Gro operation. The adjacent vacant parcels to the south, east and west are zoned I-3

(Heavy Industrial) and City of Fountain Regional Commercial/Small Office/Warehouse zoning. The existing uses on the subject parcels are identified as allowed and conditional uses (similar to a special use) in the City of Fountain Regional Commercial/Small Office/Warehouse zoning district. The City of Fountain was sent a referral and responded stating they have no additional comment. The proposed I-3 (Heavy Industrial) zoning district is compatible with the surrounding zoning districts and land uses in all directions.

## **2. Zoning Compliance**

The applicant is requesting to rezone the subject parcels, totaling 42.2 acres, to the I-3 (Heavy Industrial) zoning district. The I-3 zoning district is intended to accommodate manufacturing and industrial uses. The density and dimensional standards for the I-3 zoning district are as follows:

- Minimum zoning district area – 40 acres
- Minimum lot size – 1 acre
- Setbacks – front 30 feet, sides 30 feet, and rear 30 feet. Building setback of 175 feet from any property boundary adjacent to a residential zoning district.
- Maximum lot coverage – 25 percent
- Maximum building height – 40 feet

The three parcels, totaling 42.2 acres, are in compliance with the minimum zoning district area and lot size for the proposed I-3 zoning district. Submittal and approval of a site development plan will be needed demonstrating compliance with the dimensional standards as well as the development standards included in Chapter 6 of the Land Development Code (2017).

## **3. Policy Plan Analysis**

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***Goal 5.1 - Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.***

**Policy 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.*

**Policy 6.2.8** - *Clearly defined boundaries should be established for large institutional, industrial, and commercial areas and used in order to protect the integrity of established and developing neighborhoods.*

There are several uses on the subject parcels: outside storage (Scotts Miracle-Gro); contractor's equipment yard; and heavy equipment rental, sales, or storage, with an associated office and caretakers quarters. Three major highways (South Highway 85, Highway 16, and Interstate 25) are within one quarter of a mile of the subject parcels. The nearest residential development is 0.33 miles (1745 feet) northwest and is located on the other side of Highways 16 and 85 and the railroad right-of-way. The highways and railroad right-of-way collectively function as a dividing line and buffer between the industrial and residential uses in the area.

The properties are also directly adjacent to existing industrial development, including the Widefield Water and Sanitation District's wastewater treatment facility and Scotts Miracle-Gro. The adjacent vacant parcels are zoned I-3 (Industrial) and City of Fountain Regional Commercial/Small Office/Warehouse zoning. The existing uses onsite are included as allowed and conditional uses (similar to special use) within the City of Fountain Regional Commercial/Small Office/Warehouse zoning. The City of Fountain was sent a referral and responded stating they have no additional comment. The proposed I-3 (Heavy Industrial) zoning district is compatible with the surrounding zoning districts and existing development and is functionally and aesthetically integrated within the context of adjoining properties.

#### **4. Small Area Plan Analysis**

The subject parcels are not within a comprehensive planning area (a.k.a. small area plan).

#### **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Community Services Department, Environmental Division, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments. The U.S. Fish and Wildlife Service provided a clearance letter regarding the Preble's Jumping Mouse.

The Master Plan for Mineral Extraction (1996) identifies potential upland 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**

The parcels are currently located within a FEMA floodplain. The Regional Floodplain Administrator was sent a referral, but had no formal comment or objection because FEMA is in the process of updating the floodplain maps (discussed below in Floodplain section G.3), which is anticipated to remove the floodplain designation from this site.

### **2. Wildlife**

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

### **3. Floodplain**

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0951F and 08041C0953F, portions of these parcels are within the current FEMA 100-year floodplain/Special Flood Hazard Area (SFHA) of Fountain Creek, which flows south near the west edge of the property. The Regional Floodplain Administrator anticipates that the parcels will be mapped out of the SFHA when the new digital FIRMs (DFIRMS) become effective with FEMA's mapping updates, which are currently in progress. The Regional Floodplain Administrator has discussed the storage uses with the applicant and has no objections to the uses.

### **4. Drainage and Erosion**

The parcels are located within the East Big Johnson drainage basin which is not a studied basin. A drainage letter report will be required with the subsequent site development plan application associated with this rezone. The report will be required to evaluate the drainage impacts caused by the development and to address any necessary runoff peak flow mitigation and stormwater quality.

A grading and erosion control plan may be required with the site development plan application, depending on the extent of the existing/proposed site uses and grading that has taken place without El Paso County approval. This plan will identify temporary and permanent best management practices (BMPs) to prevent sediment

and debris from affecting adjoining properties, the public stormwater system, and Fountain Creek.

## **5. Transportation**

The properties are accessed from Willow Springs Road, also known as Rice Lane, which intersects with U.S. Highway 85 about 1,200 feet east of the subject property. Willow Springs Road is in the City of Fountain and is owned and maintained by the City of Fountain. South U.S. Highway 85 is owned and maintained by the Colorado Department of Transportation (CDOT).

## **H. SERVICES**

### **1. Water**

Findings with regards to water sufficiency are not required with map amendment (rezoning) requests.

### **2. Sanitation**

The parcels are served by an onsite waste water treatment system (OWTS). El Paso County Public Health reviewed the proposed rezoning request and does not have any outstanding issues.

### **3. Emergency Services**

The parcels were annexed into the boundaries of the Security Fire Protection District on October 16, 2017.

### **4. Utilities**

Black Hills Energy will provide natural gas service and the City of Fountain will provide electrical service to the subject properties.

### **5. Metropolitan Districts**

The parcels are not located within a metropolitan district.

### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication is not required for a rezone application. There are no planned parks or trails on the subject parcels.

### **7. Schools**

Land dedication and fees in lieu of school land dedication is not required for a rezone application.

## **I. APPLICABLE RESOLUTIONS**

Approval            Page 27

Disapproval        Page 28

## **J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

## **K. 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, staff recommends the following conditions and notations.

### **CONDITIONS**

1. The applicant shall apply for and receive approval of site development plan, including a traffic impact study and drainage letter report, within 120 days of the date of approval. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain site development plan approval.
2. The applicant 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.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
4. Road impact fees shall be paid at the time of approval of each site development plan for uses that will cumulatively generate 100 more daily vehicle trips than the previous property zoning would be anticipated to generate. This analysis shall be provided in a traffic impact study, required with the site development plan for this initial rezoning and each future change in use that will generate additional traffic.

5. The applicant shall comply with any and all requirements of the City of Fountain in regard to the use of Willow Springs Road, and CDOT in regard to accessing South U.S. Highway 85.

#### **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 six (6) adjoining property owners on December 27, 2017, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map

# El Paso County Parcel Information

File Name: I-17-002

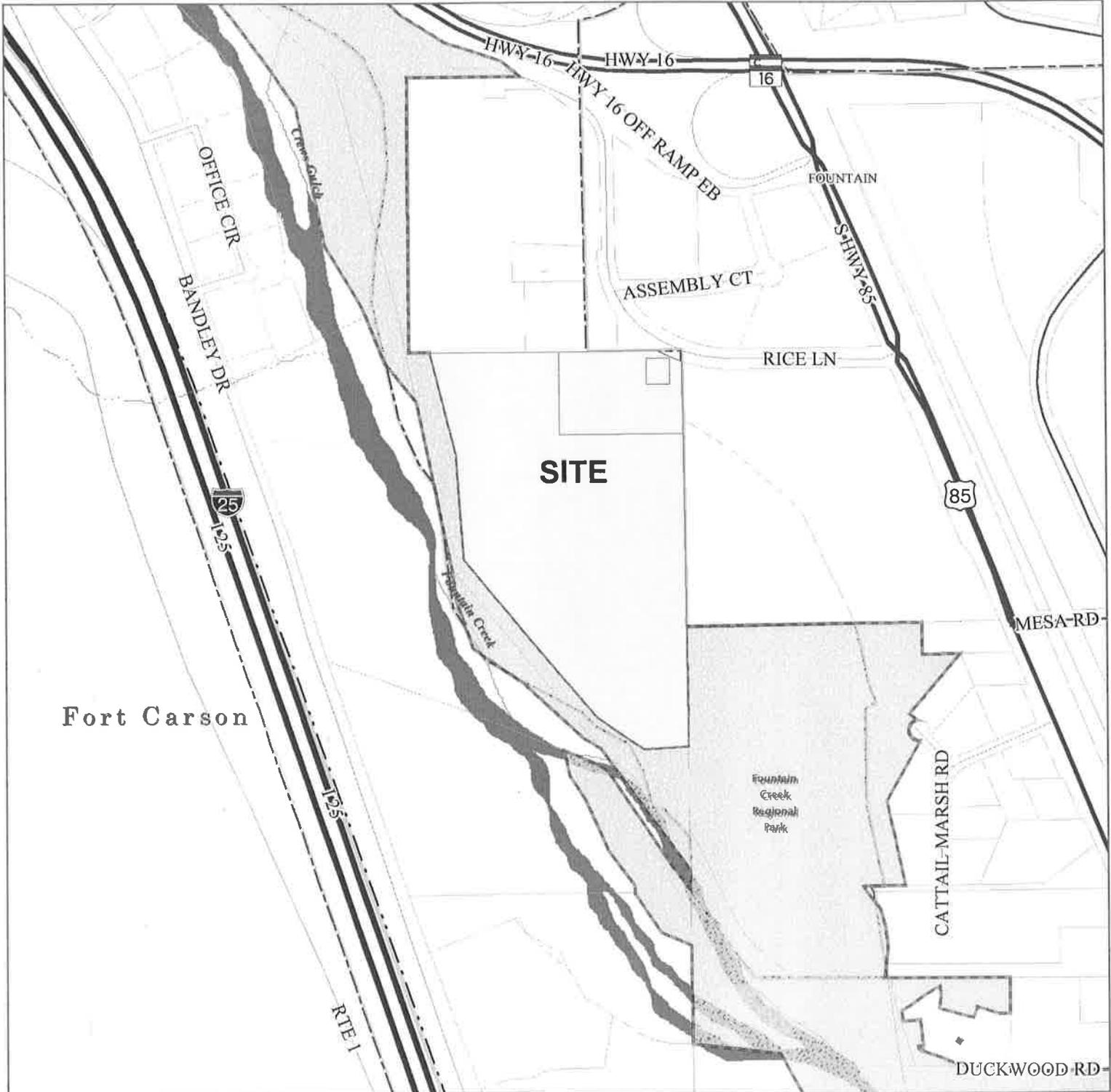
Zone Map No.: -

PARCEL	NAME
6525000021	RICE RANCH LLC
6525000011	RICE RANCH LLC
6525000009	RICE RANCH LLC

ADDRESS	CITY	STATE
8150 RICE LN	FOUNTAIN	CO
8150 RICE LN	FOUNTAIN	CO
PO BOX 26571	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80817	2606
80817	2606
80936	

Date: December 27, 2017



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



COPYRIGHT 2017 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

Letter of Intent for Rezone Application  
Rice Ranch LLC,- Rezone to I3

Owner: Rice Ranch LLC

Site Address: 8150 Rice Lane, Fountain, CO 80817

Mailing Address: PO Box 26571, Colorado Springs, CO 80936

Consultant: Ridgeline Land Surveying, LLC

31 E. Platte Ave., Suite 206

Colorado Springs, CO 80903

Jim Lenz - 719-238-2917

County Parcel Schedule Numbers: 6525000009, 6525000011, and 6525000021

Site Information:

Rice Ranch, LLC consists of approximately 42.2 Acres, which we are applying to be rezoned from M zone and A5 Agricultural to I3 Heavy Industrial. Existing and proposed Facilities.

Existing layout will not be changed other than to get in compliance with current uses. The site currently has 1 home structure, 1 mother in-law quarters being used as storage, storage buildings, and 1 office structure, equipment yard building used for mechanic and maintenance of heavy equipment.

Site Utilities:

The site utilities consist of two water wells, a septic system, electric provided by City of Fountain, and gas provided by Black Hills Energy. (See Attached)

Fire/Medical Protection:

The parcels were accepted to be covered by the Security Fire District Fire Protection, filed and recorded with the District court as of October 16, 2017. A Memorandum of Understanding (MOU) with the El Paso County Sheriff Office and Operation of Emergency Management regarding services to these parcels is in place.

The parcel locations are listed below:

PARCEL A: THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 IN TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID SECTION 25 A DISTANCE OF 400 FEET; THENCE ANGLE RIGHT 90 DEGREES WESTERLY 586.60 FEET; THENCE ANGLE RIGHT 90 DEGREES NORTHERLY 397.6 FEET, MORE OR LESS, TO INTERSECT THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ANGLE RIGHT EASTERLY ON SAID NORTH LINE TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THAT PORTION THEREOF CONVEYED TO THE DEPARTMENT OF

TRANSPORTATION, STATE OF COLORADO BY WARRANTY DEED RECORDED  
SEPTEMBER 22, 2008 UNDER RECEPTION NO. 208104064

PARCEL B: THE PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, LYING NORTH AND EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 90 DEGREES EAST ALONG SAID NORTHERLY LINE, 115.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14 DEGREES 20 MINUTES EAST, 555.00 FEET; THENCE SOUTH 04 DEGREES 12 MINUTES 36 SECONDS EAST, 520.00 FEET; THENCE SOUTH 38 DEGREES 52 MINUTES 18 SECONDS EAST, 1025.00 FEET; THENCE SOUTH 54 DEGREES 49 MINUTES 45 SECONDS EAST, 280.00 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 09 SECONDS EAST, 212.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 25, EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED NOVEMBER 23, 1962 IN BOOK 1935 AT PAGE 505.

Request and Reason:

Rice Ranch LLC, is requesting to change our parcel uses from M Zone and A-5 Agricultural to I-3 Industrial Zone. This request is being made to bring Rice Ranch LLC in compliance with its current uses on the property. A rezone to the I-3 (Heavy Industrial Zone) allow for the outside storage and heavy equipment storage uses that are already onsite. This is unlikely to develop as residential or agricultural due to it being located in a high industrial area and also is within a floodplain. It is not intended at this time to change the boundaries in those wetland areas, only to provide a safe environment and adjustments as necessary to facilitate and maintain these areas.

Criteria for Approval Items:

- The Small Area Plans do not apply. The application is however in general conformance with the El Paso County Policy Plan Chapter 1.B Section, 7.0 Special and Unique Land Uses, 7.1 Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses. The value to greater community is that the industrial uses supply employment for area residents and generate revenue into the local community. The construction company is instrumental in development of local subdivisions and businesses in El Paso County. The soil storage supplies jobs to local retail, truckers, and operators. The wildlife habitats that are to remain undisturbed are utilized by the El Paso County Parks via outlook areas over Rice Ponds. These areas provide community recreation and nature/wildlife education. The 7.54 acres (Parcel 6525000014) to the West of the requested rezone area was donated by Rice Ranch (Willard & Marie Rice) in 1982 to the El Paso County Open Space. \* See Exhibit A attached.
- The rezone is in compliance with all statutory provisions. See submitted map for details.
- The proposed land use or zone district is compatible with the existing and permitted land uses. As noted in the submitted map and the following can be found:

The East side land uses of proposed rezone are as follows:

- Parcel 5530000065 (30.82 Acres) is zoned in El Paso County and is zoned I-3 and owned by El Paso County

- Parcel 5530000078 (11.69 Acres) is in of City Fountain Zoning District and is zoned small office and warehouse district and is owned by El Paso Board of County Commissioners.
- Parcel 5530000083 (23.08 Acres) is in the Fountain Zoning District and is zoned small office and warehouse district and is owned by Parkview, LLC.

The Northeast side land uses of proposed rezone are as follows:

- Parcel 5530003012 (2.61 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by Block 260 Ltd.
- Parcel 5530003002 (4.91 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by Bonanza Soil Products.
- Parcel 5530003010 (2.37 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by JN Real Estate LLC.
- Parcel 5530003011 (2.9 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by Block 260 Ltd.
- Parcel 5530003013 (5.04 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by First Fleet , Inc.

All above Northeast parcels are part of the Widefield Industrial Park

The North side land uses of the proposed rezone are as follows:

- Parcel 5530003009 (2.28 Acres) is in the City of Fountain Zoning District and is zoned small office warehouse and is owned by the Widefield Water and Sanitation.
- Parcel 6525000007 (2.27 Acres) is zoned in El Paso County and is zoned CC and is owned by Vertical Bridge Towers.
- Parcel 6525000004 (20.81 Acres) is zoned in El Paso County and is zoned A5 Agricultural and is owned by Widefield Water and Sanitation.

The Southwest side land use of the proposed rezone are as follows:

- Parcel 6525000014 (7.54 Acres) is zoned in El Paso County and is zoned as open space. The parcel is owned by El Paso County. This parcel was donated by the Rice Ranch (Willard & Marie Rice) in 1982 to the Parks. See Attached Exhibit A.

As noted in the parcel information above, we meet the existing and permitted land use and zone district criteria.

- This site is suitable for intended use and can meet the standards defined in chapter 5 of the Land Development Code for the intended zone district. We can meet the 40 Acres required for I-3 rezone , as noted in Table 5-5 Density and Dimensional Standards for Commercial and Industrial and Obsolete district, due to the acreage of similar uses noted in the above adjacent parcels. There is 54.88 Acres in the City of Fountain Parcels listed as small office warehouse district and 30.82 in the I-3 zoning for El Paso County. These acreages along with our proposed 42.2 Acres exceeds the 40 Acre requirement for I-3 Industrial zone.
- We would like to effectively plan for special and unique land uses as noted in the El Paso County Policy Plans, Section 7.0 Special and Unique Land Uses, Policy 7.1.1, which notes:

Accommodate unique combinations of land uses (such as employment and residential uses) on the same property if it can be demonstrated that aggregate impacts will be limited, adequate facilities and services will be available and the use will be compatible with the character of the surrounding area. The home located on the said property at 8150 Rice Lane is currently being used as a caretaker residence and we propose this use continue. This residence has adequate facilities as provided (See Well Permits, Septic and Utility documentation). The impacts will be limited, since the occupancy will only be provided for caretaker use and will allow for security/maintenance of the premises.

Existing and proposed Facilities:

The site currently has 1 home structure, 1 mother in-law quarters (currently being used as storage), storage buildings, and 1 office structure, equipment yard building used for mechanic and maintenance of heavy equipment. One road exists into the property. The traffic impact study will not be needed, since no changes to current use is proposed.

Waiver Requests: **None**

Landscaping: Existing landscaping coverage meets El Paso County codes

Access Locations: No new access proposed. See existing

Wetlands: Wetland areas to remain unaffected.

Jandra D. Cooley(RICE RANCH LLC)  
Manager

[jcooley535@aol.com](mailto:jcooley535@aol.com)

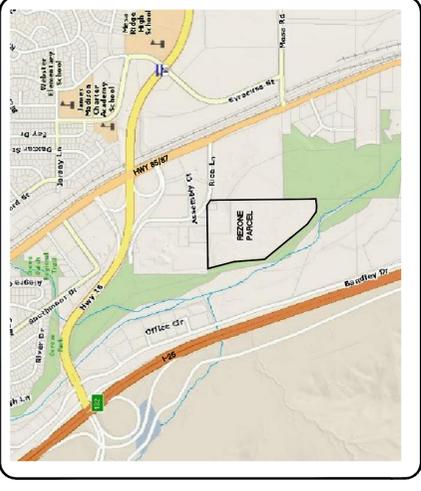
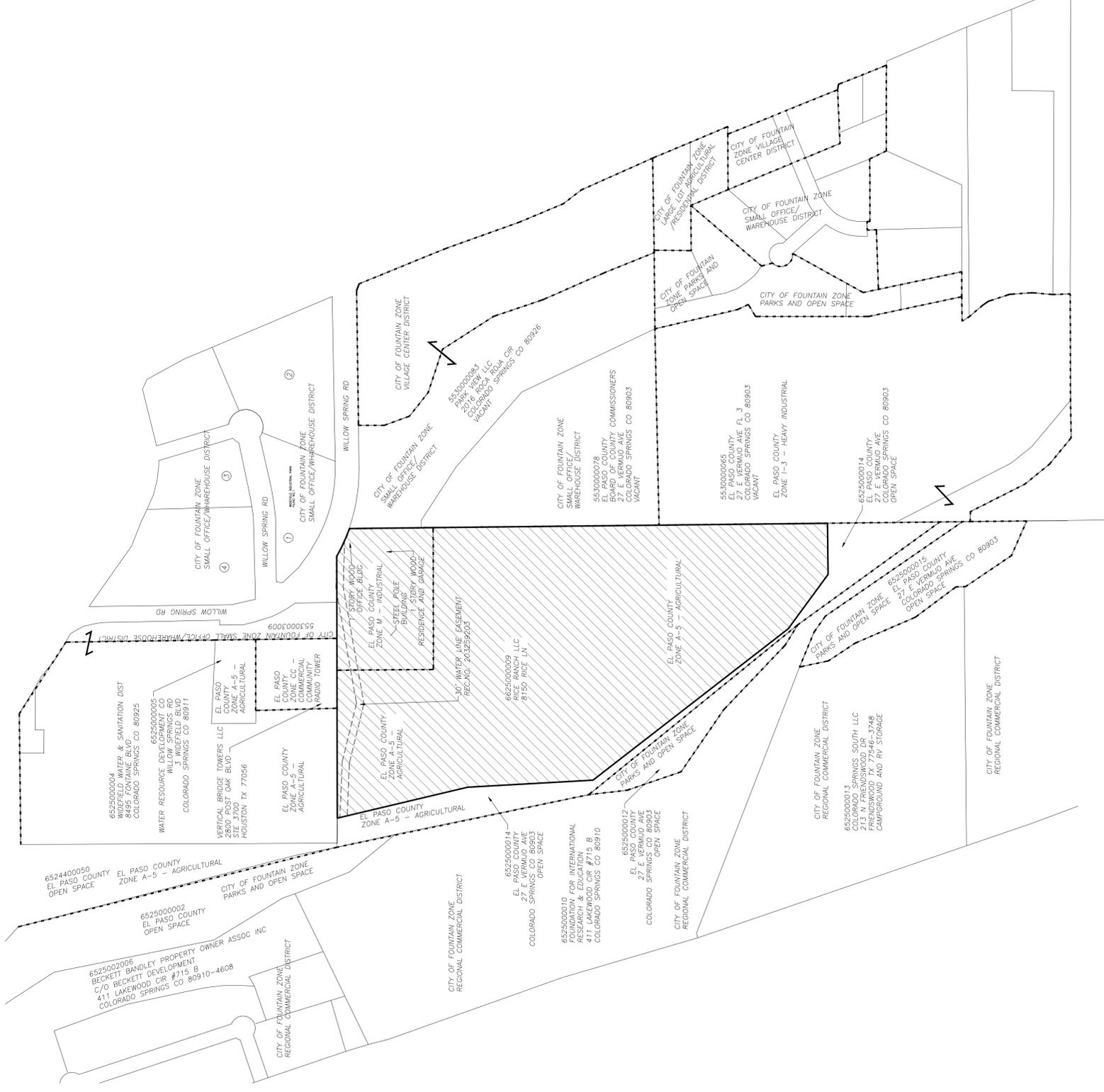
# REZONE MAP

PART OF THE SE 1/4, OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4, SECTION 25, IN TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY COLORADO.

SHEET 1 OF 1

## PARCEL DATA

- ① 5530003012  
BLOCK 260 LTD  
DOM TRUST, #1  
31 WIDEFIELD BLVD.  
COLORADO SPRINGS CO. 80911-2126  
OUTDOOR MATERIAL STORAGE
- ② 5530003007  
SOIL PRODUCTS, INC.  
C/O HYDRONEY CORP.-COLORADO  
4111 SCOTTSLAWN RD.  
MARYSVILLE OH 43040  
SOIL PRODUCTS PACKAGING PLANT
- ③ 5530003011  
BLOCK 260 LTD  
DOM TRUST, #1  
31 WIDEFIELD BLVD.  
COLORADO SPRINGS CO. 80911-2126  
OUTDOOR MATERIAL STORAGE
- ④ 5530003013  
TRISTREET, INC PARK DR  
208 W. FLEETWOOD DR  
MURFREESBORO, TN 37129-1556  
SEMI TRUCK AND TRAILER PARKING



## VICINITY MAP

n.t.s.

## LEGAL DESCRIPTION

PARCEL A: THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 IN TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID SECTION 25 A DISTANCE OF 400 FEET; THENCE ANGLE RIGHT 90 DEGREES NORTHERLY 397.6 FEET, MORE OR LESS, TO INTERSECT THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ANGLE RIGHT EASTERLY ON SAID NORTH LINE TO THE POINT OF BEGINNING, THENCE ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, THENCE SOUTHERLY TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, EASEMENT HEREBY CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO BY WARRANTY DEED RECORDED SEPTEMBER 22, 2008 UNDER RECEPTION NO. 208104064.

PARCEL B: THE PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, LYING NORTH AND EAST OF THE FOLLOWING DESCRIBED LINE; COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER; THENCE SOUTHERLY 113.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14 DEGREES 20 MINUTES EAST, 555.00 FEET; THENCE SOUTH 04 DEGREES 12 MINUTES 36 SECONDS EAST, 520.00 FEET; THENCE SOUTH 38 DEGREES 52 MINUTES 18 SECONDS EAST, 1025.00 FEET; THENCE SOUTH 54 DEGREES 49 MINUTES 45 SECONDS EAST, 280.00 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 09 SECONDS EAST, 212.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 25, EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED NOVEMBER 23, 1962 IN BOOK 1935 AT PAGE 503.

## NOTES

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RIDGELINE LAND SURVEYING LLC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, FOR ALL INFORMATION REGARDING EASEMENTS AND TITLE OF RECORD, RIDGELINE LAND SURVEYING LLC RELIED UPON A COMMITMENT FOR TITLE INSURANCE NO. RND50654-35, PREPARED BY LAND TITLE GUARANTEE COMPANY, DATED 8-24-2017.

## OWNER

RICE RANCH LLC  
8150 RICE LN  
FOUNTAIN, CO 80817

## MAP CREATION

SEPTEMBER 2017



31 E. PLATTE AVE, SUITE 206  
COLORADO SPRINGS, CO 80903  
TEL: 719.238.2917