RZ-16-0007 QUAIL HILLS REZONE
MD-16-0008 QUAIL HILLS MINOR RESIDENTIAL DEVELOPMENT

A REQUEST TO REZONE AN 81.26 ACRE PROPERTY FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR) AND
A REQUEST TO CREATE A MINOR RESIDENTIAL DEVELOPMENT OF SEVEN LOTS ON 81.26 ACRES IN THE WEST ¼ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO.

APPLICANT: AMK Construction, LLC,
Maciej Kolasinksi (landowner)

REPRESENTATIVE: CJ Kirst, Tahoe Consulting LLC

SUMMARY OF REQUEST:
The applicant, AMK Construction, LLC, is requesting two actions, approval of a rezoning and a minor residential development (MRD) plat.

The rezoning request is a zone change from the Agriculture (A) zone district to the Agriculture Residential (AR) zone district. The rezoning request, if approved, would allow for the approval of the MRD request.

The MRD request proposes seven lots varying in size from 10.17 acres to 12.37 acres.
PERTINENT DATA

Site Description – 81.26 acre parcel of land located east of CR 5 and north of CR 154 (Gamble Oaks Drive). The site is located one-half mile south of CR 158 (Hilltop Road) along CR 5.

An existing electric transmission line crosses the site within a 75 feet wide easement owned by Intermountain Rural Electric Association (IREA).

Topography – The site is generally flat with some rolling terrain. A high point exists on the southeast corner of the property. Slopes are not extreme and none 20% or greater.

Floodplain – There are no designated flood hazard areas on the parcel. Approximately 600 feet to the north there is mapped FEMA floodplain for Henderson Gulch.

PERTINENT DATA

Existing Zoning – A (Agriculture) minimum lot size of 35 acres

Proposed Zoning – AR (Agriculture Residential) minimum lot size of 10 acres

Surrounding Land Use and Zoning


South: Use: Residential. Zoning: RA-2 and R-1. Part of the subdivision of Ponderosa Park Estates Unit 6 which contains residential lots 2 to 2.75 acres in size.


BACKGROUND

Pre-application meetings were held in 2015. The applicant held a Community Meeting for the proposal on December 3, 2015. 18 attendees are listed on the sign-in sheet for the meeting.

Formal submittal occurred in March and documents were sent on referral. The applicant submitted a total of three times addressing comments.

Public hearing dates were then set:

Planning Commission date: September 20, 2016

Board of County Commissioners date: October 12, 2016
REFERRAL COMMENTS

- Elbert County Assessor’s Office: No response.
- Elbert County Mapper: Comments on road name.
- Elbert County Building: No response.
- Elbert County Engineering: Reviewed and commented on all documents.
- Elbert County Public Works: No response.
- Elbert County Environmental Health: No response.
- Elbert County Treasurer: No response.
- Elizabeth Fire: Comments and suggested conditions of approval.
- Black Hills Energy: No comment.
- Kiowa Conservation District: No response.
- Elizabeth Schools: Comments on fees and cash-in-lieu.
- Elbert County Urban Library District: No response.
- Colorado Parks & Wildlife: No response.
- Colorado Div. of Water Resources: Responded with Comments

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ELBERT COUNTY ZONING REGULATIONS

• General Considerations for Every Application.

• All applications will be reviewed based on over-arching considerations as to suitability and supportability in the communities/areas where the application is proposed.

• 1) Is the application suitable for the community / area in which it is proposed? Issued to be considered:

  • Density
  • Lot size
  • Perimeter lots
  • Population
  • Water Use
  • Water/sewer
  • Open Space
  • Agricultural Land

• Density – The proposal for AR zoning allows for agricultural uses to remain alongside relatively lower-density residential uses. The density will be lower than some of the existing platted lots in the area. Larger agriculture lots still exist nearby. The development is lower density that other surrounding developments to the south and the southeast.

• Lot size – The minimum lot size allowed under the proposed AR zoning is 10 acres. This is larger than the average platted lots in the area.

• Perimeter Lots – All existing platted lots are across from existing roads.

• Population – The applicant is proposing seven lots. The population increase would be minimal compared to the existing development near to the property.
ELBERT COUNTY ZONING REGULATIONS

• **Water Use** – Quail Hills has decreed water rights via Colorado Water Court 2005CW261 to be withdrawn through seven (7) wells for in-house, irrigation and stock watering purposes.
  - The application was referred to the Colorado Division of Water Resources and comments were provided stating the water supply is adequate.

• **Sewer** – Sanitation services will be provided with ISDSs on individual lots. The minimum lot size of 10 acres allows for onsite wastewater treatment systems (septic system).

• **Open Space** – Quail Hills does not propose to dedicate open space but will pay cash-in-lieu using the County’s formula of $1,000/lot + (the appraised aggregate lot value in the platted state x 20% x 20%).

• **Agricultural Lands** – The proposed zoning is AR, the intent of which is to allow “areas of open space, noncommercial farming, ranching, agriculturally related uses and low-density residential subdivisions.”

ELBERT COUNTY ZONING REGULATIONS

• General Considerations for Every Application.

  • 2) **Does the community / area in which the application is proposed have the resources to support it?**

    • Schools
    • Roads
    • Law Enforcement
    • Animal Control
    • Fire Protection
    • Ambulance Services
    • Library Services
    • Social Services
ELBERT COUNTY ZONING REGULATIONS

- **Schools** – The property is within the Elizabeth School District. Fees will be paid.
- **Roads** – The site is bordered and accessed by two existing county roads (CR 5 and CR 154/Gamble Oaks Drive). These roads have the capacity to serve the property if rezoned. Each of these roads is classified as a “Local Road” on the Future Roadways System in the West Elbert County Transportation Master Plan (2008). As part of the MRD plat, a new road is proposed to be dedicated through the site.
- **Law Enforcement** – The property will be served by the Elbert County Sheriff’s Office.
- **Animal Control** – NA.
- **Fire Protection** – Elizabeth Fire Protection District
- **Ambulance Services** – NA.
- **Library Services** – NA.
- **Social Services** – NA.

ELBERT COUNTY ZONING REGULATIONS

GENERAL REZONING APPROVAL STANDARDS

1. *Whether the proposed rezoning complies with the requirements of the Elbert County Master Plan –*

- This site is located within the Rural Residential Area of the Master Plan.
  - Specifically in the High Density Category (1 unit/3 acres to 1 unit/10 acres).
  - AR Zoning would allow for 1 unit/10 acres (minimum)
  - Proposed 7 lots on 81 acres = 1 unit/11.5 acres
- The proposed zoning allows for larger lots than most of the surrounding existing lots. Quail Hills is located to the north and west of Gamble Oaks which contains (77) lots under 1- ac. each in size and to the south Ponderosa Park contains (53) single family lots from 1.5 to 2.0 acres.
2. Whether the proposed rezoning is compatible with surrounding land uses –
   • The proposed rezoning would allow for uses that are compatible with the surrounding area. The site is adjacent to land zoned A, RA-1, RA-2, R-1 and PUD. The existing homes are denser to the south and east. The Quail Hills property will allow for the largest residential lots in the area, with the exception of the un-platted, Agriculture zoned property.
   • Minimum lot area, for reference:
     • A 35 acres
     • RA-1 5 acres
     • RA-2 2.5 acres
     • R-1 1 acre
     • AR 10 acre

3. Whether the proposed rezoning would adversely impact the provision of public services.
   • There were no indications from utility providers that would indicate the inability to provide proper service.

4. Whether the proposed rezoning would adversely impact the environment.
   • There were no significant comments from referral agencies identifying any type of major environmental impact.
5. Whether the proposed rezoning would create traffic congestion or burden the existing road system —
   • There were no significant comments from referral agencies or the county’s review that indicate the additional traffic would create a burden to existing roads. The proposed development is estimated to add 72 trips per day to the road system. CR 5 and CR 154 are classified as Local Roads in the West Elbert County Transportation Master Plan.

6. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of Elbert County.
   • This proposal is occurring in an area that already has adequate access to public services. No issues were identified as being detrimental to the health, safety, and welfare of County residents.
MINOR RESIDENTIAL DEVELOPMENTS

- An application for a minor residential development to create seven lots was submitted and the application was reviewed against the proposed zone change to the Agriculture Residential (AR) zone district.

- A MRD is an exemption from the regular subdivision process, but shall comply with the standards for subdivisions. MRDs allow for the creation of between one and seven residential lots, parcels, or tracts, adjoining a public street or road.
MINOR RESIDENTIAL DEVELOPMENT

- Seven lots
  - Smallest 10.17 acres. Largest 12.37 acres/
- Right-of-way dedication
  - 60-feet new Sage Circle
  - 30-feet for CR 5
  - 30-feet for CR 154
- Cash-in-lieu of open space dedication
- MRD plat application meets all submittal requirements
  - Proof of water, ownership, land dedication.

SUMMARY

- Applications for both rezoning to AR and minor residential development plat meet the county’s review criteria.
- Both applications have been reviewed by internal county and external agencies.
RECOMMENDATION (REZONE)

Because this application appears to meet the criteria set forth in the Elbert County Zoning Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve **RZ-16-0007 QUAIL HILLS REZONE. A REQUEST TO REZONE AN 81.26 ACRE PROPERTY FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR) IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO** subject to the following conditions:

CONDITIONS OF APPROVAL (REZONE)

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Rezone Exhibit; and

2. The rezoning will not become effective until all fees are paid, conditions of approval are met, and the rezoning exhibit is recorded; and

3. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval; and

4. Adopt the Finding enumerated in the staff report.
RECOMMENDATION (MRD)

Because this application appears to meet the criteria set forth in the Elbert County Subdivision Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve **MD-16-0008 QUAIL HILLS MINOR RESIDENTIAL DEVELOPMENT**. A REQUEST TO CREATE A MINOR RESIDENTIAL DEVELOPMENT OF SEVEN LOTS ON 81.26 ACRES IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO subject to the following conditions:

CONDITIONS OF APPROVAL (MRD)

1. The applicant and the Elizabeth School District #C-1 will comply with Resolution 99-14 prior to the recordation of the plat. A letter from the District shall be provided to CDS prior to recordation.
The applicant shall comply with all requirements of the Elizabeth Fire Protection District, including:

a. All roads shall be constructed of an approved all-weather surface and shall meet County Road Standards prior to construction.

b. Sage Circle is an approved road name by the fire department.

c. The fire department shall approve final address numbers for lots 5, 6, and 7.

d. Lot 6 is a flag lot, so address markers shall be placed at the entrance of lot 6.

e. The proposed driveway locations for lots 5, 6, and 7 are approved. If the driveway access changes, please submit plans to the Fire Department for approval.

f. Developer shall provide an 8-1/2" by 11" map of the development to the Fire Department to ensure an immediate response.

g. A minor development plan review fee of $312.00 shall be paid prior release of Resolution 99-35.

h. The applicant has chosen to provide cash in lieu of in the amount of $1040/per new lot equaling $6,240.00 to assist in a similar firefighting project within the immediate area. This cash in lieu shall be paid prior to release of Resolution 99-35.

3. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Rezone Exhibit.

4. The applicant shall pay to Elbert County the Open space cash-in-lieu fees of $35,600, prior to recordation of the plat.

5. Elbert County and the Applicant will engage with Elbert County Public Works to negotiate and sign a Subdivision Improvements Agreement (SIA) prior to recordation of the plat.

6. The minor residential development plat will comply with the submittal requirements specified in the Subdivision Regulations, Section XV including requirements for digital submittal.
7. The applicant shall pay the impact fees, as established by County resolutions in effect at the time this minor residential improvement is approved.

8. The minor residential development will not become effective until all fees are paid, conditions of approval are met, and documents recorded.

9. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.

10. Adopt the Finding enumerated in the staff report.

QUESTIONS?

COMMENTS?