

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

JACK moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. P-22-013
STERLING RANCH SOUTHEAST REZONE

WHEREAS, Classic SRJ Land, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RR-0.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 20, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation, and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall 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 (2022):

1. 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;
2. 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;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Classic SRJ Land, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RR-0.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. The developer 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.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-0.5 (Residential Rural) zoning district as described in the legal description for this map amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a

period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map amendment (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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

MERRIAM seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	<u>aye</u> / no / abstain / absent
Jay Carlson	aye / <u>no</u> / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Brandy Merriam	<u>aye</u> / no / abstain / absent
Eric Moraes	aye / no / abstain / <u>absent</u>
Kara Offner	aye / no / <u>abstain</u> / absent
Joshua Patterson	aye / no / abstain / <u>absent</u>
Bryce Schuettpelz	aye / no / abstain / <u>absent</u>
Tim Trowbridge	aye / <u>no</u> / abstain / absent
Christopher Whitney	aye / <u>no</u> / abstain / absent

The Resolution was adopted by a vote of 5 to 3 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley
BRIAN RISLEY, Chair

DATED: April 20, 2023

EXHIBIT A

LEGAL DESCRIPTION: STERLING RANCH SOUTHEAST ZONING EXHIBIT

TWO (2) PARCELS OF LAND BEING A PORTION OF SECTIONS 33 AND 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY THE SOUTHWEST CORNER OF SAID SECTION 34, BY A 3-1/2" ILLEGIBLE CAP AND AT THE EAST END BY THE SOUTH QUARTER CORNER OF SAID SECTION 34 BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "UP&E 11624", IS ASSUMED TO BEAR S89°14'14"W, A DISTANCE OF 2722.56 FEET.

PARCEL 1

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO SAID POINT BEING ALSO THE SOUTHWEST QUARTER CORNER OF SECTION 34 SAID POINT BEING THE POINT OF BEGINNING;
THENCE ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 THE FOLLOWING TWO (2) COURSES:

1. S89°13'48"W, A DISTANCE OF 1401.41 FEET;

2. S89°04'30"W, A DISTANCE OF 1230.59 FEET;

THENCE N31°00'00"E, A DISTANCE OF 351.85 FEET;

THENCE N90°00'00"E, A DISTANCE OF 624.68 FEET;

THENCE N65°00'00"E, A DISTANCE OF 112.04 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S80°07'16"E, HAVING A DELTA OF 34°52'44", A RADIUS OF 60.00 FEET AND A DISTANCE OF 36.52 FEET TO A POINT ON CURVE;

THENCE S82°20'03"E, A DISTANCE OF 36.32 FEET;

THENCE N76°19'20"E, A DISTANCE OF 104.34 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 12°54'40", A RADIUS OF 500.00 FEET AND A DISTANCE OF 112.67 FEET TO A POINT OF TANGENT;

THENCE N89°14'00"E, A DISTANCE OF 1632.66 FEET;

THENCE S00°46'00"E, A DISTANCE OF 328.21 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;

THENCE S89°14'14"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 166.30 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 19.695 ACRES (857,893 SQUARE FEET).

PARCEL 2

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO SAID POINT BEING ALSO THE SOUTHWEST QUARTER CORNER OF SECTION 34;

THENCE S89°14'14"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 166.30 FEET TO THE POINT OF BEGINNING;

THENCE N00°46'00"W, A DISTANCE OF 328.21 FEET;

THENCE N89°14'00"E, A DISTANCE OF 2047.60 FEET;

THENCE $S00^{\circ}45'46''E$, A DISTANCE OF 328.35 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;
THENCE $S89^{\circ}14'14''W$, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2047.58 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 15.431 ACRES (672,183 SQUARE FEET).

CONTAINING A TOTAL CALCULATED AREA OF 35.126 ACRES (1,530,076 SQUARE FEET).

