

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Mr. Schvettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P239

SMOKESTACK AT STERLING RANCH NORTH RR-2.5 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-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on February 15, 2024; 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 of the El Paso County Land Development Code ("Code") (as amended):

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-2.5 (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-2.5 (Residential Rural) zoning district, RR-0.5 (Residential Rural) zoning district, and RS-5000 (Residential Suburban) zoning district as described in the legal descriptions for each 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.

Mr. Smith seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	aye / no / non-voting / recused / <u>absent</u>
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 1 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 15th day of February 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

EXHIBIT A
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING LOCATED IN A PORTION OF SECTION 27, 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 EASTERLY BOUNDARY OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015, RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE SOUTH END WHICH IS THE SOUTHWEST 1/16 CORNER OF SAID SECTION 27, BY A 3" ALUMINUM SURVEYORS CAP STAMPED "PLS 10376" AND AT THE NORTHERLY END BY A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "CCES LLC PLS 30118", IS ASSUMED TO BEAR N00°54'30"W, A DISTANCE OF 2478.00 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2; THENCE N00°54'30"W, A DISTANCE OF 837.61 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N00°54'30"W, A DISTANCE OF 610.02 FEET TO THE NORTH LINE OF SAID SECTION 27;

THENCE ON THE NORTH LINE OF SAID SECTION 27 THE FOLLOWING TWO (2) COURSES:

1. N88°38'53"E, A DISTANCE OF 1,330.89 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 27;
2. N89°05'33"E, A DISTANCE OF 665.29 FEET TO THE NORTHWESTERLY CORNER OF INDIAN WELLS SUBDIVISION, FILING NO. 1, RECORDED IN PLAT BOOK J-3 AT PAGE 83;

THENCE S01°01'59"E, ON THE WESTERLY BOUNDARY OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1, A DISTANCE OF 1,092.56 FEET;
THENCE N71°06'46"W, A DISTANCE OF 502.14 FEET; THENCE N11°15'36"W, A DISTANCE OF 234.39 FEET;
THENCE S89°50'45"W, A DISTANCE OF 716.65 FEET;
THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 15°51'04", A RADIUS OF 500.00 FEET, AND A DISTANCE OF 138.33 FEET;
THENCE N74°18'11"W, A DISTANCE OF 157.76 FEET;
THENCE S88°38'53"W, A DISTANCE OF 479.88 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 33.97097 ACRES (1,479,775 SQUARE FEET).