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RESOLUTION NO. 24-115

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF A MAP AMENDMENT (REZONING)
STERLING RANCH NORTH RR-2.5 REZONE (P239)

WHEREAS Classic SRJ Land, LLC, did file an application with the El Paso County Planning and Community Development Department for a Map Amendment (Rezoning) of the El Paso County Zoning Map for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated 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 the El Paso County Planning Commission on February 15, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on March 14, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

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6. That the proposed land use will be compatible with existing and permitted land uses in the area.
7. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to 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, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this Map Amendment (Rezoning) of the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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 Board of County Commissioners hereby approves the petition of Classic SRJ Land, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district;

BE IT FURTHER RESOLVED the following conditions and notation shall be placed upon this approval:

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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 14th day of March 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Carri Brennan
Chair

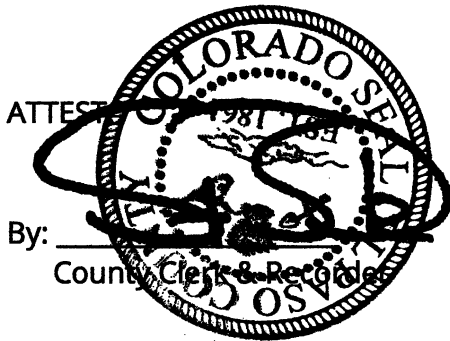


EXHIBIT A

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 $N00^{\circ}54'30''W$, A DISTANCE OF 2478.00 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID RETREAT AT TIMBERRIDGE FILING

NO. 2; THENCE $N00^{\circ}54'30''W$, A DISTANCE OF 837.61 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING $N00^{\circ}54'30''W$, 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. $N88^{\circ}38'53''E$, A DISTANCE OF 1,330.89 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 27;
2. $N89^{\circ}05'33''E$, 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 $S01^{\circ}01'59''E$, ON THE WESTERLY BOUNDARY OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1, A DISTANCE OF 1,092.56 FEET;

THENCE $N71^{\circ}06'46''W$, A DISTANCE OF 502.14 FEET; THENCE $N11^{\circ}15'36''W$, A DISTANCE OF 234.39 FEET; THENCE $S89^{\circ}50'45''W$, A DISTANCE OF 716.65 FEET;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF $15^{\circ}51'04''$, A RADIUS OF 500.00 FEET, AND A DISTANCE OF 138.33 FEET;

THENCE $N74^{\circ}18'11''W$, A DISTANCE OF 157.76 FEET;

THENCE $S88^{\circ}38'53''W$, A DISTANCE OF 479.88 FEET TO THE POINT OF BEGINNING.

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