

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS243

UDON

WHEREAS, Thani Holdings, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 5, 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. That proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. That 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. That all exhibits were received into evidence;
5. That 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. That 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. That 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.B of the El Paso County Land Development 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 Thani Holdings, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) 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 CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

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.

Whitney seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
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 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., THAT IS DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF STATE HIGHWAY #94 WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7 AND RUN THENCE NORTH $89^{\circ} 54' 47''$ WEST ON SAID HIGHWAY LINE 1200.0 FEET TO INTERSECT THE EASTERLY LINE OF A 60 FOOT RIGHT OF WAY DESCRIBED IN DEED RECORDED JULY 15, 1968 IN BOOK 2082 AT PAGE 708; THENCE DUE NORTH ON SAID EASTERLY LINE OF SAID RIGHT OF WAY 60.0 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE ON THE FOLLOWING COURSES; ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1046.10 FEET AND CENTRAL ANGLE OF $21^{\circ} 30'$ AN ARC DISTANCE OF 390.29 FEET TO A POINT THAT BEARS NORTH $10^{\circ} 45'$ EAST A CHORD DISTANCE OF 390.24 FEET; THENCE NORTH $21^{\circ} 30'$ EAST A DISTANCE OF 16.07 FEET TO INTERSECT THE SOUTHERLY LINE OF A RIGHT OF WAY EXTENDING EASTERLY AND NORTHERLY AND DESCRIBED IN DEED RECORDED JULY 15, 1965 IN BOOK 2082 AT PAGE 708, THE FOLLOWING COURSES BEING ALONG SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH $83^{\circ} 30'$ EAST ON SAID SOUTHERLY RIGHT OF WAY LINE 308.03 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 264.74 FEET AND CENTRAL ANGLE OF $83^{\circ} 20'$ TO A POINT THAT BEARS NORTH $54^{\circ} 50'$ EAST A CHORD DISTANCE OF 338.69 FEET; THENCE NORTH $13^{\circ} 10'$ EAST A DISTANCE OF 45.0 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET BEING THE EASTERLY LINE OF A CUL-DE-SAC AT THE NORTHERLY END OF SAID RIGHT OF WAY TO A POINT THAT BEARS NORTH $30^{\circ} 31' 13''$ EAST A CHORD DISTANCE OF 58.64 FEET, THENCE LEAVING SAID RIGHT OF WAY NORTH $84^{\circ} 44' 40''$ EAST ALONG THE SOUTH LINE OF TRACT DEEDED JULY 15, 1965 IN BOOK 2082 AT PAGE 708, A DISTANCE OF 500.54 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE DUE SOUTH ON SAID EAST LINE 760.50 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

