

RESOLUTION NO. 21-361

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

**APPROVAL OF THE SHILOH PINES REZONE MAP AMENDMENT
(REZONING) (P-20-007)**

WHEREAS Thomas Puskas did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone 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 the RR-5 Residential Rural zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 2, 2021, 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 this Board on September 28, 2021; 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. The application was properly submitted for consideration by the Board of County Commissioners.
2. 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 of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

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4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Thomas Puskas 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 and RR-5 (Residential Rural) zoning district to A-35 (Agricultural) zoning district and;

BE IT FURTHER RESOLVED the following conditions and notations 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 (Rural Residential) and A-35 (Agricultural) zoning districts, as appropriate, 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 28th day of September, 2021 at Colorado Springs, Colorado.

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

ATTEST:

By:



By:

Alan T. Vandenberg
Chair

EXHIBIT A

**A Rezoning of Parcels in Sections 15 and 16,
T 11 S, R 67 W of the 6th P.M., El Paso County, Colorado.**

PROPERTY DESCRIPTION: Puskas Parcel

Book 6270 at Page 382

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P .M., County of El Paso, State of Colorado,

EXCEPTING therefrom the following portions thereof:

- A.) That portion of Section 15 conveyed to the people of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;
- B.) That portion conveyed to El Paso County for road purposes by Quitclaim Deed recorded June 22, 1902 in Book 331 at Page 163;
- C.) That portion lying within the North 10 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to J. L. Freeman by Warranty Deed recorded November 15, 1923 in Book 706 at Page 505;
- D.) That portion conveyed to Norman C. Foote and Alice B. Foote by Warranty Deed recorded June 25, 1971 in Book 2417 at Page 843; E.) That portion conveyed to Panther Properties, Inc. by Warranty Deed recorded June 19, 1979 in Book 3190 at Page 39;
- F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.

Containing 74.46 Acres, more or less.

Address is 3125 Monument Lake Rd., Monument, Co., 80132

Schedule #71000-00-413

PROPERTY DESCRIPTION: Peterson Parcel

Reception No. 212101237

Lot 27, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado. Address is 17390 Shiloh Pines Drive, Monument, Co., 80132

Schedule #71161-01-001

PROPERTY DESCRIPTION: Hershey Parcel

Reception No. 212018872

Lot 28, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado. Address is 17410 Shiloh Pines Drive, Monument, Co., 80132 Schedule #71161-01-002

PROPERTY DESCRIPTION: Rezone to RR 2.5

PARCEL A

A Parcel of land located within that tract deeded to Thomas Puskas and recorded September 29, 1993 in Book 6270 at Page 382 of the El Paso County, Colorado records that is more particularly described as follows:

Beginning at the southwest corner of said tract and considering the west line thereof to bear North 00° 20' 04" East with all bearings contained herein relative thereto;
Thence North 00° 20' 04" East along the west line of said tract a distance of 268.00 feet;
Thence departing said west tract line, North 65° 23' 47" East a distance of 252.87 feet;
Thence North 89° 10' 49" East a distance of 80.57 feet;
Thence South 53° 43' 37" East a distance of 305.58 feet;
Thence South 00° 20' 04" West a distance of 185.67 feet, more or less, to a point on the south line of said tract;
Thence South 89° 10' 51" West along the south line of said tract a distance of 557.37 feet, more or less, to the Point of Beginning. Containing 3.94 acres, more or less.

PROPERTY DESCRIPTION: Rezone to A-35

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado, EXCEPTING therefrom the following portions thereof:

- A.) That portion of Section 15 conveyed to the people of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;
- B.) That portion conveyed to El Paso County for road purposes by Quitclaim Deed recorded June 22, 1902 in Book 331 at Page 163;
- C.) That portion lying within the North 10 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to J. L. Freeman by Warranty Deed recorded November 15, 1923 in Book 706 at Page 505;
- D.) That portion conveyed to Norman C. Foote and Alice B. Foote by Warranty Deed recorded June 25, 1971 in Book 2417 at Page 843;
- E.) That portion conveyed to Panther Properties, Inc. by Warranty Deed recorded June 19, 1979 in Book 3190 at Page 39;

F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.

G.) Parcel A described hereon.

Containing 70.52 acres, more or less.

OWNERS:

Lot 27, Block 1, Shiloh Pines Subdivision, Schedule #71161-01-001

Brian S. Peterson , Tibby K. Peterson

17390 Shiloh Pines Drive

Monument, Co. 80132

Lot 28, Block 1, Shiloh Pines Subdivision, Schedule #71161-01-002

John M. Hershey, Melissa M. Hershey

17410 Shiloh Pines Drive

Monument, Co. 80132

Metes & Bounds Tract in Sections 15 & 16, T11S, R67W, 6th P.M. Schedule #71000-00-413

Thomas J. Puskas

3125 Monument Lake Road

P.O. Box 1112

Monument, Co. 80132

APPLICANTS:

Brian S. Peterson , Tibby K. Peterson

17390 Shiloh Pines Drive

Monument, Co. 80132

Thomas J. Puskas

3125 Monument Lake Road

P.O. Box 1112

Monument, Co. 80132

John M. Hershey, Melissa M. Hershey

17410 Shiloh Pines Drive

Monument, Co. 80132

PREPARED BY:

Jerome W. Hannigan Colorado PLS 25629