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El Paso County, CO



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RESOLUTION NO. 22-353

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

**APPROVAL OF THE COUNTY INITIATED REZONE FROM PUD TO RR-5
MAP AMENDMENT (REZONE) (P-22-017)**

WHEREAS El Paso County Planning and Community Development 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 PUD (Planned Unit Development) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 15, 2022, 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 October 4, 2022; 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.
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 El Paso County Planning and Community Development 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 PUD (Planned Unit Development) zoning district to the RR-5 (Residential Rural) zoning district ;

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

CONDITIONS

1. Developers of the property 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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual unless a subsequent rezone to another zoning district is approved.

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 4th day of October, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: 

County Clerk & Recorder



By: 

Chair

EXHIBIT A

1. 5312100011 – 1.41 acres

Old Meridian Road
FKJ Properties LLC
5165 GRANBY CIR
COLORADO SPRINGS CO, 80919

Legal Description: TRACT IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 13S, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MERIDIAN ROAD AND THE WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD, THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF OLD MERIDIAN ROAD 300.00 FEET MORE OR LESS FOR POINT OF BEGINNING, THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY 197.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF MCLAUGHLIN ROAD, TH SOUTHWEST 42 DEGREES 12 MINUTES 00 SECONDS 155.00 FEET MORE OR LESS, THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT 190.00 FEET MORE OR LESS, THENCE SOUTHWEST 42 DEGREES 12 MINUTES 00 SECONDS 235.00 FEET MORE OR LESS, THENCE NORTHWEST 00 DEGREES 01 MINUTES 49 SECONDS 147.00 FEET MORE OR LESS, THENCE NORTHEAST 42 DEGREES 05 MINUTES 33 SECONDS 446.00 FEET MORE OR LESS TO POINT OF BEGINNING EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219135121.

2. 5312100013 – 8.68 acres

Cygenet Land LLC
Meridian Road
630 Southpointe Ct.
Colorado Springs CO, 80906

Legal Description: TRACT IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST LYING WESTERLY OF DENVER, TOPEKA, AND FORT WORTH RAILROAD AND FALCON PLAT 563, NORTHERLY OF CHICAGO ROCK ISLAND AND PACIFIC RAILROAD, EASTERLY OF MERIDIAN ROAD, SOUTHERLY OF ROLLING THUNDER WAY AND MERIDIAN ROAD, EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 220215112, AND EXCEPT THAT PART CONVEYED TO THE COUNTY FOR RIGHT OF WAY PURPOSES BY DOCUMENT RECORDED AT RECEPTION NUMBER 21192714.

3. 5312110004 – 43,500 sf

Laron A. Bartlett
7060 N. Meridian Road
Peyton CO, 80831

Legal Description: LOTS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND 22 IN BLOCK 15 IN FALCON

4. 5312110007 – 15,075 sf

McLaughlin Road
Brian Ullom
3910 Cooke Drive

Colorado Springs, CO 80911

Legal Description: LOTS 6, 7, 8, 9, AND 10 IN BLOCK 15 IN FALCON

5. 5312112006 – 1.47 acres

7060 Old Meridian Road.

Sedlak Family Trust

7060 Old Meridian Road

Peyton CO, 80831

Legal Description: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16 IN BLOCK 21 IN FALCON EXCEPT THAT PART CONVEYED TO RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219163835.

6. 5312400013 – 2.2 acres

E Highway 24

Falcon Highlands Metro District

111 S. Tejon St.

Suite 705

Colorado Springs, CO 80903

Legal Description: TRACT IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 08 DEGREES, 31 MINUTES, 04 SECONDS 2642.69 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL DESCRIBED BY A DOCUMENT RECORDED AT RECEPTION NUMBER 201178610 AND THE POINT OF BEGINNING, TH SOUTHEAST 39 DEGREES 58 MINUTES 11 SECONDS ALONG THE WESTERLY LINE OF SAID PARCEL 70.82 FEET, THENCE SOUTHWEST 04 DEGREES 25 MINUTES 05 SECONDS 40.80 FEET, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 41 SECONDS 1933.60 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, TH NORTHWEST 89 DEGREES 26 MINUTES 17 SECONDS 154.11 FEET, THENCE NORTHEAST 50 DEGREES, 04 MINUTES, 46 SECONDS 2079.27 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENT RECORDED AT RECEPTION NUMBER 219123556, AND EXPECT THAT PART LYING NORTHEASTERLY OF MERIDIAN ROAD.

7. 5312400016 – 14,863 sf

Meridian Road

Falcon Highlands Metro District

111 S. Tejon St.

Suite 705

Colorado Springs, CO 80903

Legal Description: TRACT OF LAND IN SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHWEST 18 DEGREES 39 MINUTES, 43 SECONDS 3363.36 FEET, THENCE SOUTHWEST 50 DEGREES 04 MINUTES 00 SECONDS 160.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTHWEST 50 DEGREES, 04 MINUTES, 00 SECONDS 160.91 FEET, THENCE NORTHWEST 00 DEGREES, 01 MINUTES 34 SECONDS 195.55 FEET, THENCE NORTHEAST 50 DEGREES 04 MINUTES 00 SECONDS 39.28 FEET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 07 MINUTES 23 SECONDS, AND AN ARC DISTANCE OF 106.50 FEET

WHICH CHORD BEARS SOUTHEAST 37 DEGREES 52 MINUTES 43 SECONDS, THEN SOUTHEAST 39 DEGREES 56 MINUTES 24 SECONDS 43.66 FEET TO THE POINT OF BEGINNING.

8. 5312407001 – 5.42 acres
7020 Old Meridian Road
Farmers State Bank of Calhan
1500 8th Street
Calhan, CO 80808

Legal Description: LOT 1 FALCON FIRE PROTECTION DISTRICT STATION NO 3 EXEMPTION PLAT

9. 5312110010
7110 Old Meridian Road
Bare Enterprises LTD
8150 Blue Bill Drive
Peyton CO, 80831

Legal Description: ABANDONED RAILROAD RIGHT OF WAY RUNNING THROUGH LOTS 1, 2, 3, 4, AND 5 TOGETHER WITH LOTS 1, 2, 3, 4, AND 5 IN BLOCK 15 IN FALCON EXCEPT THAT PART CONVEYED TO THE RIGHT OF WAY BY DOCUMENTS RECORDED AT RECEPTION NUMBERS 219166384 AND 219166385.