

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

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**Board of County Commissioners**

Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

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## SUMMARY MEMORANDUM

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 4/11/2024  
**RE:** 6225 Vessey Rd - Rezone

### Project Description

A request by Pawel Posorski for approval of a Map Amendment (Rezoning) of 6.02 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural).

### Notation

Please see the Planning Commission Minutes from March 21, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Ms. Fuller moved / Ms. Brittain Jack seconded to recommend approval of item P241 utilizing the resolution attached to the staff report with two (2) conditions and two (2) notations. The motion was **approved (8-1)**. The item was heard as a consent item at the Planning Commission hearing. There was no public opposition.

### Discussion

Mr. Whitney had questions about the non-conformity of lots in the surrounding area due to various lots being zoned RR-5 but being smaller than the 5-acre minimum. Additionally, Mr. Whitney mentioned that the zoning to RR-2.5 is not consistent with the surrounding area and that is why he is not voting in favor of this project.

### Attachments

1. Planning Commission Minutes from 3/21/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, March 21, 2024  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JEFFREY MARKEWICH, ERIC MORAES, KARA OFFNER, AND TIM TROWBRIDGE.

**STAFF PRESENT:** JUSTIN KILGORE, ASHLYN MATHY, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** STEVE SEDER, STEVE BAGGS, AND KEITH KLAEHN.

#### **1. REPORT ITEMS**

**Mr. Kilgore** advised the board that the PC Hearing scheduled for Thursday, April 4, 2024, has been cancelled for a lack of projects ready for consideration.

#### **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)**

#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held March 7, 2024.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).**

**MAP AMENDMENT (REZONING)  
6225 VESSEY RD - REZONE**

A request by Pawel Posorski for approval of a Map Amendment (Rezoning) of 6.02 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 6225 Vessey Road, approximately half a mile east of the intersection of Vessey Road and Neva Lane. (Parcel No. 5206000107) (Commissioner District No. 1)

**NO PUBLIC COMMENT**

**DISCUSSION**

**Mr. Whitney** mentioned that all immediately adjacent properties are zoned RR-5, but the staff report states the subject property is surrounded by smaller lots, some 2.5 acres, etc. He asked for clarification regarding the surrounding lot sizes not being compliant with the zoning (RR-5).

**Ms. Mathy** explained that zoning districts like RR-5 were sometimes put in place early on (1950s - 1960s) where lots already existed and did not meet the new zoning requirements. They may have already gone through the BOA process or still need to go through that process. She stated the situation was common in the subject area. She added that RR-2.5 does occur east of the subject property, and to the west, there is a PUD which includes 2.5-acre lots.

**Mr. Bailey** reiterated that "legal non-conforming lots" are common in the subject area.

**PC ACTION: MS. FULLER MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P241 FOR A MAP AMENDMENT (REZONING), 6225 VESSEY RD - REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-1).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, AND SMITH.

**IN OPPOSITION:** WHITNEY.

**COMMENTS:** **Mr. Whitney** explained that while he understands the circumstance of legal non-conforming lots, building upon the situation doesn't seem like the right thing to do. He doesn't like the implication that RR-2.5 and RR-5 are interchangeable. **Ms. Fuller** asked if Mr. Whitney viewed this proposal as leapfrog development or spot zoning? **Mr. Whitney** clarified that he believes zoning should mean something. If there were no difference between RR-2.5 and RR-5, then they should have been called something different. **Mr. Bailey** wondered if zoning the area RR-5, when several 2.5-acre lots already existed, was the correct thing to do. **Mr. Whitney** stated that ultimately, he believes the zoning designation should mean something and it shouldn't be too easy to disregard.

**4. CALLED-UP CONSENT ITEMS (NONE)**

**5. REGULAR ITEM**

**VACATION AND REPLAT  
SEDER SUBDIVISION - VACATE AND REPLAT**

A request by Steve Seder for approval of a 9.37-acre Vacation and Replat creating two industrial lots. The property is zoned M (Industrial) and is located at 2725 Akers Drive approximately one tenth of a mile south of the intersection of Electric Drive and Akers Road. (Parcel No. 5332002015) (Commissioner District No. 2)

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Whitney** asked for more information regarding the property's enclave designation.

**Ms. Mathy** clarified that the enclave key area is used if a property is surrounded by or is adjacent to an incorporated area. The subject property is immediately adjacent to Colorado Springs.

**Mr. Whitney** mentioned that the clean-up seems to depend on the division and sale discussed.

**Ms. Mathy** explained that there is an associated Code Enforcement case. A large amount of roofing materials need to be removed from the property. For the owner to finance that process and meet all deadlines set by the State and County, they are proposing to sell part of the property.

**Mr. Whitney** asked if there was anything preventing the owner from selling part of the property and then taking a vacation.

**Ms. Mathy** answered that conditions of approval were added to ensure materials are removed in a timely matter. The State has stipulated it must be done within 90 days from the sale of the lot.

**Ms. Seago** added that nothing prevents the owner from taking a vacation, but the Code Enforcement case will continue.

**Ms. Merriam** mentioned that CDOT may be widening Marksheffel Road.

**Ms. Mathy** confirmed and referred to the revised Plat. Adequate space for right-of-way designation has been ensured where the property abuts Marksheffel Road.

**Ms. Merriam** asked if access to the property was changing with the Replat. She asked if there would be sufficient access for the clean-up.

**Ms. Mathy** confirmed. She referenced the revised Plat again. A company will be contracted to assist in the safe removal of debris.

**Ms. Merriam** asked where the debris was located on the property.

**Ms. Mathy** stated the materials that need to be removed are on the back side of the property.

**Ms. Merriam** asked if large trucks would be able to access the materials.

**Ms. Mathy** explained that the width of access on the flag lot is verified to meet standards. Trucks will be able to access the lot. The industrial zoning type was taken into consideration.

**Ms. Merriam** asked if the City of Colorado Springs had provided any review comments. (They did not.) She then asked how underground debris would be handled if or when ownership changes.

**Ms. Mathy** replied that she is unaware of any buried debris.

**Ms. Seago** stated that subsurface contamination is not addressed by County Code Enforcement. It may be an issue handled by CDPHE, which is already involved with the property.

**Mr. Kilgore** addressed earlier comments. The subject property *is* within a large enclave; the Cimmaron Hills area. He added that the property is located off Akers Drive, which gets significant industrial traffic. The staff presentation concluded. The applicant's presentation began.

**Ms. Brittain Jack** asked for verification that the zoning district for the property will remain M (Industrial). She asked if further action would be required for the existing building to remain in use.

**Ms. Mathy** answered that any new structures on the lot would need to be reviewed by PCD (as either Site Plan or Site Development Plan). The zoning district will not change.

**Mr. Byers** asked about the possibility of the subdivided lot not selling.

**Ms. Steve Seder**, the applicant, replied that he did not foresee that happening. The lot was already listed for sale. Multiple offers have been received. Finalization of a sale cannot be done until the subdivision process has been completed.

**Mr. Byers** asked if a purchase/sale agreement was in place. (There was not.) He then asked if the existing water maintenance pond functions. He asked if the pond will be shared after the subdivision and have a shared maintenance agreement.

**Mr. Steve Baggs**, with Baseline Engineering Corp., confirmed the pond functions and would be shared with a maintenance agreement following subdivision. It currently serves the entire area. As future plans are submitted to the County, the drainage report would be verified.

**Mr. Byers** asked if the 90-day timeline was achievable. He further asked if asbestos was present. As materials are removed from the property, will air quality be ensured?

**Mr. Seder** confirmed that no asbestos is present. Extensive testing was done on the material. He is not concerned about the material blowing away because it is a heavy weight. Regarding the timeframe of 90 days, 52,000 tons of material have already been removed. After spending \$1.3 million, they ran out of money to complete the job. When considering the rate at which they were able to remove material previously, he is confident 90 days will be sufficient after the sale. CDPHE will complete a final inspection.

**Ms. Fuller** asked about the history of the business.

**Mr. Seder** spoke about their asphalt recycling business endeavor. He mentioned two businesses that purchased recycled material in the past, but they were bought by a company that did not

want to use recycled shingle. One patent he owns is for a paving brick made of recycled shingle. Another patent is for an asphalt mulch. He stated landscaping contractors didn't want to use the mulch because it was too efficient (they wouldn't need to return for maintenance/continued business). He then spoke about their future plans for the site. They intend to sell the portion of the lot with the existing structure, and then once the remaining material is removed, turn the back portion of the lot into RV storage to serve the surrounding community.

**Mr. Whitney** asked where the material was taken after removal.

**Mr. Seder** answered that it goes to a landfill.

**Ms. Fuller** reiterated there is nothing hazardous in the material. She mentioned there were extra dump fees because of the weight. She asked if there was existing financing on the property.

**Mr. Seder** replied that there is an existing, small mortgage on the property. After the sale, there will be enough money to complete the removal process and pay off the existing loan.

**Mr. Bailey** added that there are significant drainage and bridge fees associated with the project.

**Mr. Seder** agreed. The sale of the lot will cover those expenses as well.

**Mr. Carlson** clarified that the front part of the property (with the existing building) currently serves the applicant's roofing business and is the portion that will be sold. (Mr. Seder confirmed.) He further clarified that the applicant would keep the back part of the property. (Mr. Seder confirmed.)

## **NO PUBLIC COMMENTS**

## **DISCUSSION**

**Ms. Fuller** complimented the Seder's for their efforts regarding their business. She believes the proposal meets all criteria and will be in favor of the application.

**PC ACTION: MR. CARLSON MOVED / MR. SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER VR2319 FOR A VACATION AND REPLAT, SEDER SUBDIVISION - VACATE AND REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

## **6. NON-ACTION ITEM**

- A.** A presentation by the Defense Mission Task Force (DMTF) regarding Base Protection Opportunities provided by Keith Klaehn, Chairman of the DMTF.

**MEETING ADJOURNED** at 10:52 A.M.

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

FULLER moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P241  
6225 VESSEY RD - REZONE

WHEREAS, Pawel Posorski 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, 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 March 21, 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.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 Pawel Posorski 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 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 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.

BRITAIN-JACK 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	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
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	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	aye / <u>no</u> / non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 21st day of March 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair

EXHIBIT A

A tract of land in the Northwest Quarter of Section 6, Township 12 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is N 00° 07'30" E 3979.50 feet and S 88° 52'30" E 1981.48 feet from the Southwest Corner of said Section 6; thence

N 88°55'06" E 466.84 feet; thence

S 00° 27'57" E 160.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 88° 55'06" E 165.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 00° 01'52" W 315.08 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 86° 26'11" W 292.91 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 84° 24'14" W 245.64 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 77°52'51" W 99.26 feet to a found 3/4" iron pipe; thence

N 00° 02'37" E 10.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 00° 01'06" E 175.09 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 00° 14'10" E 145.17 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #30106; thence

N 00°07'33" E 159.48 feet to the point of beginning, containing 6.2 acres.

Subject to easements and restrictions of record.

# EL PASO COUNTY



COMMISSIONERS:  
 CAMI BREMER (CHAIR)  
 CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
 STAN VANDERWERF  
 LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
 Thomas Bailey, Chair

**FROM:** Ashlyn Mathy, Planner II  
 Lupe Packman, E.I.  
 Meggan Herington, AICP, Executive Director

**RE:** Project File Number: P241  
 Project Name: 6225 Vessey Rd - Rezone  
 Parcel Number: 5206000107

OWNER:	REPRESENTATIVE:
Pawel Posorski Pawel Posorski posorski@sbcglobal.net (630) 302-7308	Pawel Posorski Pawel Posorski posorski@sbcglobal.net (630) 302-7308

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>3/21/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>4/11/2024</b>

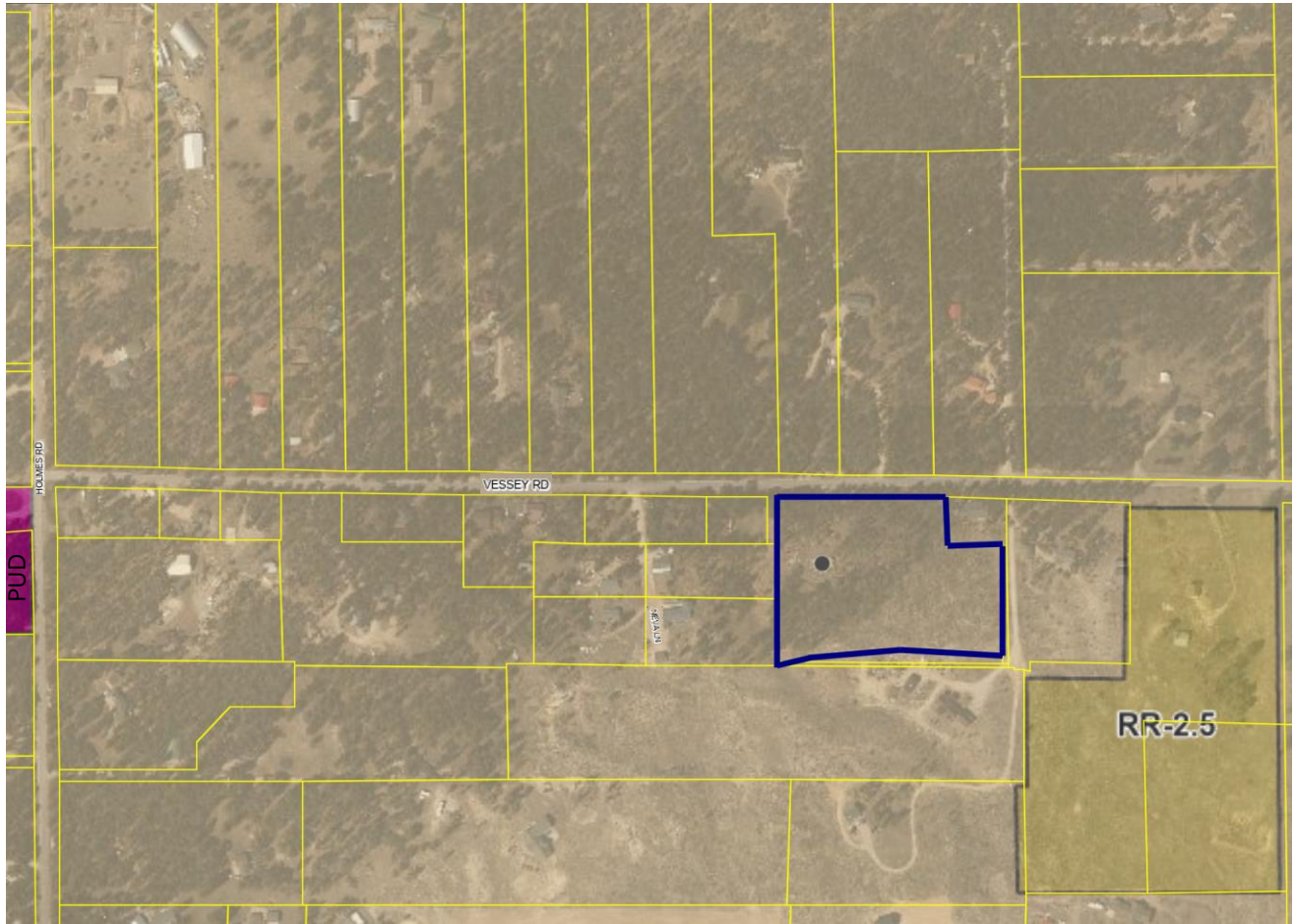
### EXECUTIVE SUMMARY

A request by Pawel Posorski for approval of a Map Amendment (Rezoning) of 6.02 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 6225 Vessey Road, roughly half-a-mile east of the intersection of Vessey Road and Neva Lane. The subject property also has a Final Plat application submitted to create two (2) lots from this one parcel.

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Zoning Map (Subject Property)

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



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PLNWEB@ELPASOCO.COM

**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):**

There are no waivers associated with this request.

**Authorization to Sign:** There are no documents associated with this application that require signing.

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (As Amended):

- 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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- 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.

**C. LOCATION**

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Single Family Residential

**D. BACKGROUND**

The subject property was initially zoned on September 20, 1965, when zoning was first initiated in this part of the County. An Early Assistance meeting was held on June 20, 2023, for rezone and subdivision of the subject property. The Final Plat application is currently in review and has not been scheduled for a public hearing. The Final Plat application proposes two (2) lots that will meet the minimum lot size requirement of 2.5 acres.



**E. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone 6.02 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: RR-5 (Residential Rural)	Proposed Zoning District: RR-2.5 (Residential Rural)
Maximum Density	none	none
Minimum Lot Size	5 acres	2.5 acres
Minimum Width at Front Setback	200 ft	200 ft
Front Setback	25 ft	25 ft*
Rear Setback	25 ft	25 ft*
Side Setback	25 ft	15 ft*
Maximum Lot Coverage	25%	none
Maximum Height	30 ft	30 ft

\* Agricultural stands shall be setback a minimum of 35 feet from all property lines.

**F. MASTER PLAN COMPLIANCE**

**1. Your El Paso County Master Plan**

**a. Placetype Character:** Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

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*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*

**Recommended Land Uses:**

*Primary*

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

*Supporting*

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

**Analysis:**

The proposal rezones approximately 6.02-acres of underdeveloped land from the RR-5 zoning district to the RR-2.5 zoning district, which would support single-family detached residential with 2.5-acre lots or larger as a primary use.

The subject property is surrounded by smaller lots, some 2.5-acres in size, which would keep the RR-2.5 zoning district compatible with the existing rural feel in the area. The properties closest to the subject area have parcels that range from as small as 0.49 – 3.52 acres in size.

Roughly just over a quarter of a mile to the west of the subject property was an area that was rezoned to PUD in 2001, as part of the Cathedral Pines Subdivision. The PUD has a minimum lot size of 2.5 acres.

**b. Area of Change Designation:** Minimal Change: Undeveloped

*The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development*



may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

**Analysis:**

The minimal change: undeveloped area of change states that these areas will experience some redevelopment but will be limited in scale. The applicant is proposing to rezone the subject property to RR-2.5 (Residential Rural) in order to create two lots for single-family development. This rezone, in addition to a newly created lot, will not significantly alter the character of the surrounding area and will not negatively change any natural environments.

**c. Key Area Influences: Forested Area**

*This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.*

*Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



**Analysis:**

The proposal is being viewed on an individual basis while ensuring that the forested area is protected. New developments are welcomed in this key area however maintaining proper mitigation of hazards such as fires is important. For this proposal we have requested proper documentation to go over fire hazards and a mitigation plan.

**d. Other Implications (Priority Development, Housing, etc.)**

The subject property is not within a development area.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected



demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

A finding of water sufficiency is not required with a Map Amendment.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Parks Department were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no significant resources in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards are associated with this project.

### **2. Floodplain**

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0315G, dated December 7, 2018.

### **3. Drainage and Erosion**

The property is in the Kettle Creek Drainage Basin (FOMO3000) which is a part of the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with Map Amendment (Rezoning) request.

### **4. Transportation**

A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips. Lots 1 and 2 will get access from Vessey Road, which is owned and maintained by the County.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.



The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended).

## **H. SERVICES**

### **1. Water**

A finding of water sufficiency is not required with a Map Amendment. Water is provided by a well site.

### **2. Sanitation**

Wastewater is provided by an onsite wastewater system.

### **3. Emergency Services**

The property is within the Black Forest Fire Protection District.

### **4. Utilities**

Mountain View Electric Association  
Black Hills Energy-Aquila

### **5. Metropolitan Districts**

There are no metropolitan districts associated with this project.

### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

### **7. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no major issues associated with this project.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



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## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (As Amended), staff recommends 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 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.



## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 19 adjoining property owners on March 5, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Map Series

Letter of Intent

Rezone Map

Draft Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300

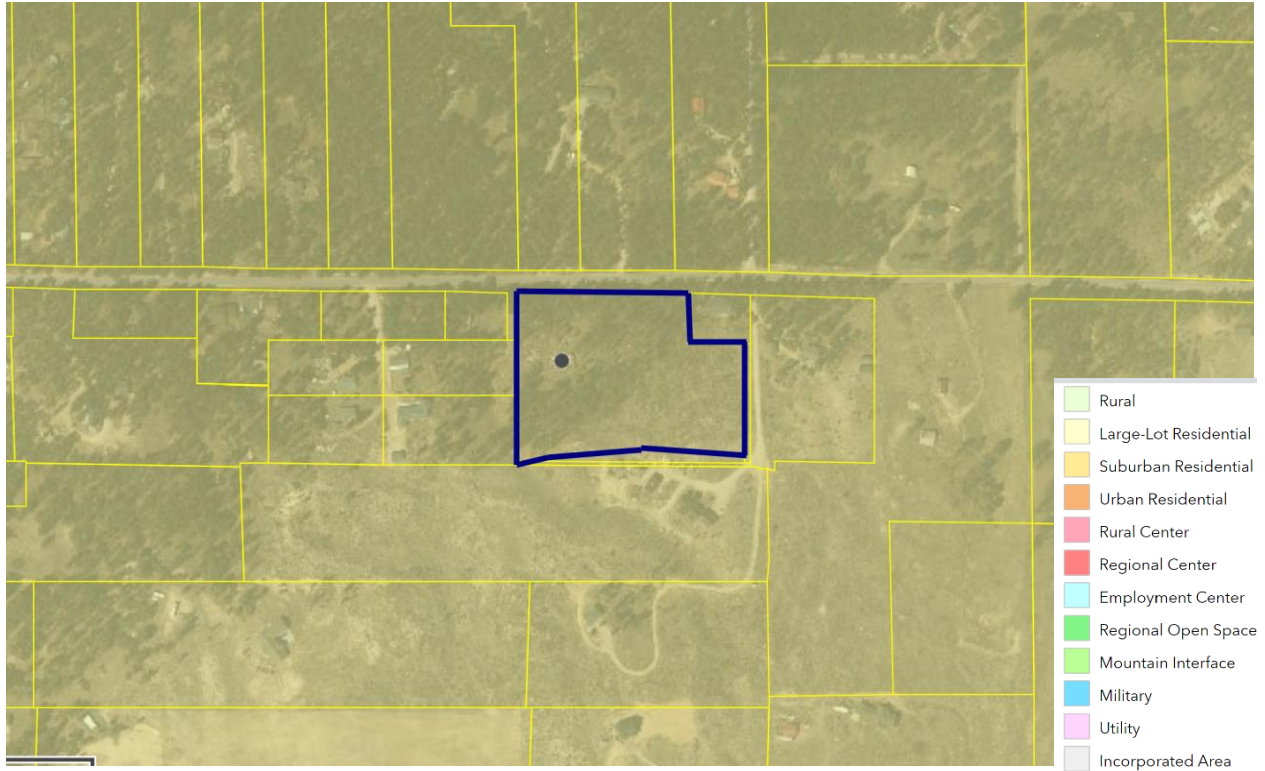


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PLNWEB@ELPASOCO.COM

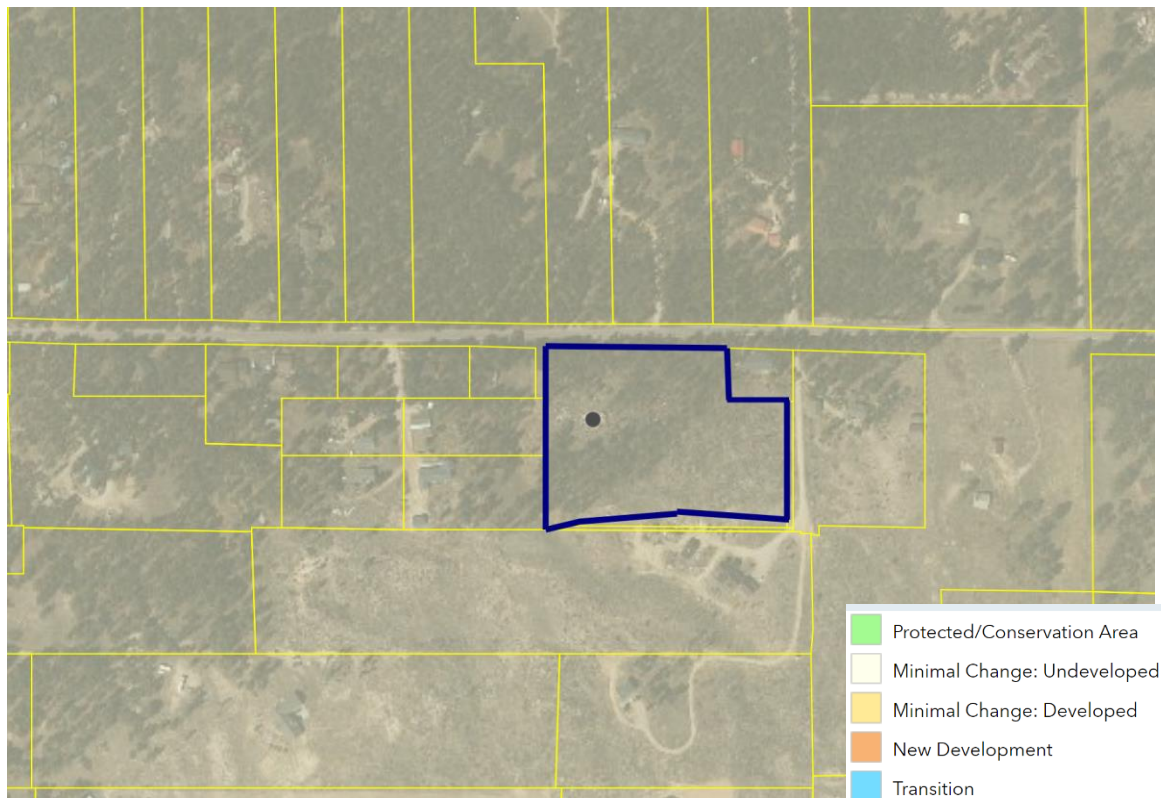
**Map Series**

**P241**

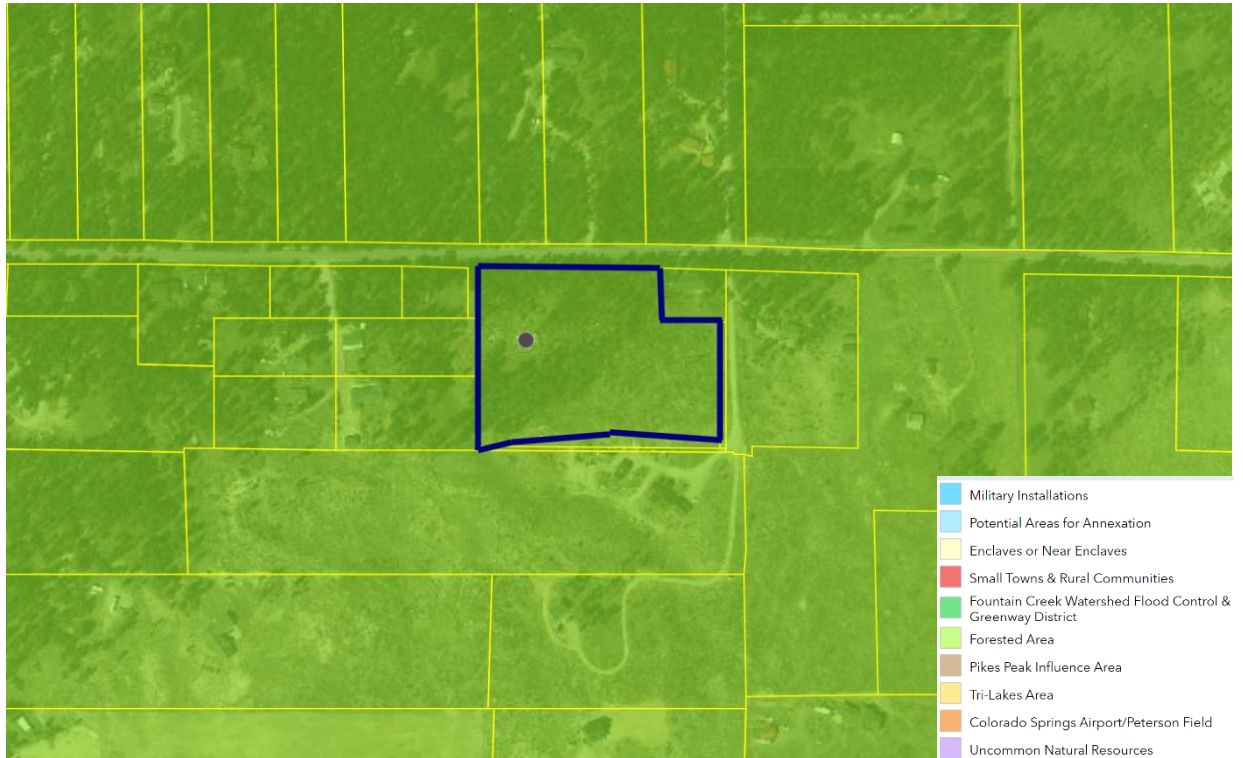
Placetype: Large-Lot Residential



Areas of Change: Minimal Change: Undeveloped



Key Areas: Forested Area







January 29, 2023

Ashlyn Mathy, Planner  
El Paso County Planning & Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Re: Ivilo Heights Rezone Letter of Intent

Dear Ms. Mathy:

The property owner would like to request approval of a rezoning for 6225 Vessey Road, Colorado Springs, CO 80908. The parcel number is 5206000107. A separate minor subdivision application has been submitted requesting the property to be subdivided into 2 single-family residential lots of the following sizes: Lot 1: 2.88 acres and Lot 2: 2.95 acres. The site is 5.83 acres and is currently zoned RR-5 with no current overlay zones and would like to be rezoned to RR-2.5 with no overlay zones with the approval of the rezoning. The proposed rezoning meets the following criteria for approval of a rezone, as outlined in the El Paso County Land Development Code.

- The zoning request complies with each of the Criteria of Approval in Chapter 5.
  - This area is shown as Large-Lot Residential Placetype in the El Paso County Master Plan adopted in 2021. Large-Lot Residential Placetype is defined in the Master Plan as single-family detached typically 2.5-acres or larger. The subdivision is proposing lots greater than 2.5-acres. The proposed subdivision is located in the Forested Key Area and an area of minimal change in the Areas of Change section. Development in the Forested Key Area and Area of Minimal Change allows for development of undeveloped land with minimal change to the prioritized rural and natural environments. The proposed subdivision meets this by proposing large-lot residential and maintaining large areas of undisturbed property to maintain the rural and natural environment. The proposed development fits within the 2040 Major Transportation Corridor Plan. Vessey Road is shown as being upgraded to a collector road by 2040. Sufficient right-of-way has been provided along the north property line of the proposed subdivision to accommodate the future improvements of Vessey Road. The proposed subdivision also fits within the Water Master Plan. The proposed subdivision will be served by individual wells. This is an acceptable method of providing water to a subdivision per the Water Master Plan.
  - The rezoning is in compliance with all applicable statutory provisions.
  - The proposed land use or zone district is compatible with the existing and

- permitted land uses and zone districts in all directions
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5, for the intended zone district.
  - Goal 8 of the 2022 El Paso County Parks Master Plan advocates to create a continuous, connected system of regional trails. The proposed project falls along the Palmer Divide Regional Trail, a proposed Primary Regional Trail in the Master Plan. Once completed, this trail will connect Black Forest Regional Trail with the Rock Island Trail connecting Black Forest Regional Park, the Pinerias Open Space, Homestead Ranch Regional Park and the Ramah State Wildlife Area. To comply with this proposed masterplan, the project will provide a 25-foot wide public easement along the south side of the dedicated right-of-way for Vessey Road for the construction of the Palmer Divide Regional Trail. The project will also be paying fees to help fund future development.
  - The water rights and augmentation plan in place for the existing parcel are adequate to meet the needs of the two (2) proposed lots for the subdivision on a 300-year basis. According to Water Court Decree Case Number 2022CW3087, the property has water rights adjudicated in the Dawson Aquifer, the Denver Aquifer, the Arapahoe Aquifer, and the Laramie-Fox Hills Aquifer. The proposed water source for the development would be the Dawson Aquifer, for which the replacement plan contained in Water Court Decree Case Number 22CW3087 was prepared for allowing the property to set aside sufficient amounts from the Laramie-Fox Hills and Arapahoe groundwater to replace post-pumping depletions. Results from the water quality test have been submitted with the minor subdivision application. These items satisfy the requirements outlined in the El Paso County Water Master Plan.
  - The proposed request is in compliance with the applicable requirements of the Land Development Code.
  - The proposed request complies with the definition of the proposed use. The proposed use is RR-2.5, Residential Rural District. This zoning district is a 2.5-acre district intended to accommodate low-density, rural, single family residential development. There are no use specific standards being requested at this time.
  - Service commitment letters have been provided by Black Forest Fire, Black Hills Energy, and Mountain View Electric Association fulfilling the necessary services to be provided. The project is located on Vessey Road, so no new transportation systems are required by the project. A 25-ft. easement is being provided for the future construction of Palmer Divide Regional Trail providing recreational opportunities.
  - There are no potentially sensitive natural or physical features within the area included within the request
  - The applicant will mail certified bulk notification letters to all adjacent property owners, within 500 feet of the subject property, within 7 days of the application being accepted by the County.
  - The proposed rezoning will generate approximately 9 trips in the A.M. peak hour, 3 trips in the P.M. peak hour and 28 daily trips. Per the El Paso Engineering Criteria Manual, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10.

Questions regarding the proposed rezone can be directed to the following individuals:

**Consultant**

Brett Louk, P.E.  
SMH Consultants  
620 N. Tejon Street, Suite 201  
Colorado Springs, CO 80903  
719-465-2145  
[blouk@smhconsultants.com](mailto:blouk@smhconsultants.com)

**Owner**

6225 Vessey LLC  
Pawel Porsorski  
3515 N. Chestnut Street, Suite 100  
Colorado Springs, CO 80907  
630-302-7308  
[porsorski@sbcglobal.net](mailto:porsorski@sbcglobal.net)

The property owner would greatly appreciate your consideration of this request.

Sincerely,



Brett Louk, PE  
SMH Consultants

**TO WIT (DEED DESCRIPTION):**  
That portion of the Northwest quarter of Section 6 in Township 12 South, Range 65 West of the 6th P.M., described as follows:

Commencing at a point on the West line of said Section 6 that is 3979.50 feet North on said West line from the Southwest corner of said Section 6; thence South 88°52'30" East 1951.48 feet to the point of beginning of the tract to be described hereafter; thence continue South 88°52'30" East 1491.48 feet, being on the center line of said Section 6, to a point 160 feet from the West line of said Section 6; thence North 00°07'30" East 320.00 feet to the West line of said Northwest quarter; thence North 88°52'30" West 634 feet to a point on the East line of the tract described in deed to Verda Marine Hanson, recorded in Book 1752 at Page 76 of the records of El Paso County, Colorado, under Reception No. 117650; thence 10 feet North on said East line from the Southeast corner thereof; thence North 00°07'30" West 320 feet; thence North 88°52'30" West 28 feet; thence North 00°07'30" East 160 feet to the point of beginning, except the Northwesterly 30 feet and the Easterly 15 feet thereof, in El Paso County, Colorado, with all its appurtenances and warrant the like to be the same.

County of El Paso and State of Colorado.

**TO WIT (SURVEYED DESCRIPTION):**

A tract of land in the Northwest Quarter of Section 6, Township 12 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is N 00°07'30" E 3979.50 feet and S 88°52'30" E 1951.48 feet from the N 88°52'30" E 468.84 feet; thence  
 S 00°27'57" E 160.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 N 88°55'06" E 165.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 S 00°01'52" W 315.08 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 N 86°26'11" W 292.91 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 S 84°24'14" W 245.64 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 S 77°52'51" W 99.28 feet to a found 1/2" iron pipe; thence  
 N 00°02'31" E 10.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 N 00°01'06" E 175.09 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence  
 N 00°14'10" E 145.17 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #30106; thence  
 N 00°07'33" E 159.49 feet to the point of beginning, containing 0.2 acres.

Subject to easements and restrictions of record.

**CERTIFICATION:**

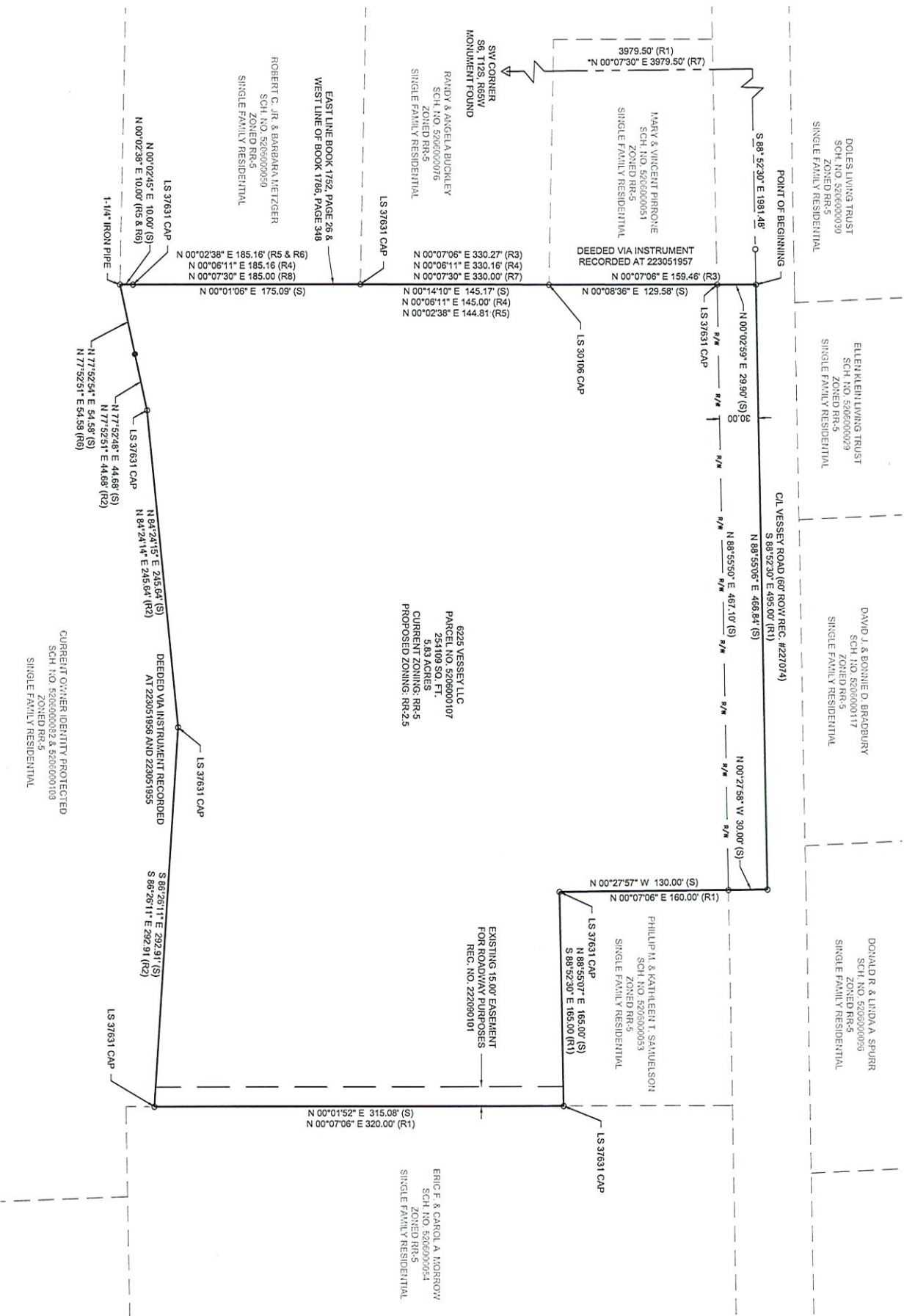
I, Tim Stearn, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that the land as shown on this drawing was surveyed by me or under my direct supervision on December 9, 2023.

SMH Consultants  
 By: Tim Stearn  
 Tim Stearn, P.L.S.  
 President



REZONE MAP  
**WILLO HEIGHTS SUBDIVISION**

PART OF THE NORTHWEST 1/4, SECTION 6, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



**LINE TYPE LEGEND**

- ADJACENT PROPERTY LINE
- PROPERTY LINE
- SECTION LINE
- - - RIGHT OF WAY

**LEGEND**

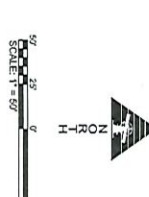
- Monument Found (1/2" Rebar)
- Origin unknown unless otherwise noted
- 1/2" x 24" Rebar w/ PLS3914 Cap Set
- △ Section Corner, NOTE: All section corner monument origins are unknown unless otherwise noted.
- Assumed Building
- (S) Surveyed Direction
- (R1) Recorded Direction, Special Warranty Deed dated June 22, 2022 under Rec. #222050101
- (R2) Recorded Direction, QAL Check Deed dated June 20, 2023 under Rec. #222051096
- (R3) Recorded Direction, QAL Check Deed dated June 20, 2023 under Rec. #222051096
- (R4) Recorded Direction - Land Survey Paid by Owner
- (R5) Recorded Direction - Land Survey Paid by Mary Land
- (R6) Recorded Direction - Land Survey Paid by Mary Land
- (R7) Recorded Direction - Warranty Deed dated June 29, 1993 under Rec. #1762 Page 16
- (R8) Recorded Direction - Warranty Deed dated June 29, 1993 under Rec. #222051955
- (R9) Recorded Direction, QAL Check Deed dated June 3, 1993 under Rec. #222051955

**NOTE:**  
 Prior to this rezoning application, the property owner agreed to, and filed, quit claim deeds with the adjacent property owners to clean up property line overlaps and legal description start points. The boundary shown on this drawing reflects the changes to the property boundary due to these quit claim deeds.

**OWNER & PETITIONER:**  
 ERIC F. & CAROL A. MORROW  
 PAVEL ROSOPSKI  
 3419 N. CHESTNUT ST., STE. 100  
 COLORADO SPRINGS, CO 80907  
 633-532-2538

**SURVEYOR:**  
 TIM STEARN, VICE-PRESIDENT  
 SMH CONSULTANTS, P.A.  
 603 NORTH TEON STREET, SUITE 201  
 COLORADO SPRINGS, CO 80903  
 719-452-2155

**ENGINEER:**  
 BENTON L. MCNEIL, P.E.  
 603 NORTH TEON STREET, SUITE 201  
 COLORADO SPRINGS, CO 80903  
 719-452-2155



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 Overland Park, KS P. (913) 944-5015 • Colorado Springs, CO P. (719) 469-2145  
 Driven By JADA! Project #2209-0355 DD #IDS86 PCD FILE #R241

**JANUARY 2024**

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONING)

6225 VESSEY RD – REZONE (P241)

WHEREAS Pawel Posorski 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 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 March 21, 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 April 11, 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.
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 amendment to 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 Pawel Posorski 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 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 (Residential Rural) 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 11th day of April 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

A tract of land in the Northwest Quarter of Section 6, Township 12 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is N 00° 07' 30" E 3979.50 feet and S 88° 52' 30" E 1981.48 feet from the Southwest Corner of said Section 6; thence

N 88° 55' 06" E 466.84 feet; thence

S 00° 27' 57" E 160.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 88° 55' 06" E 165.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 00° 01' 52" W 315.08 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 86° 26' 11" W 292.91 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 84° 24' 14" W 245.64 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

S 77° 52' 51" W 99.26 feet to a found 3/4" iron pipe; thence

N 00° 02' 37" E 10.00 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 00° 01' 06" E 175.09 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence

N 00° 14' 10" E 145.17 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #30106; thence

N 00° 07' 33" E 159.48 feet to the point of beginning, containing 6.2 acres.

Subject to easements and restrictions of record.