

COMMISSIONERS:
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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

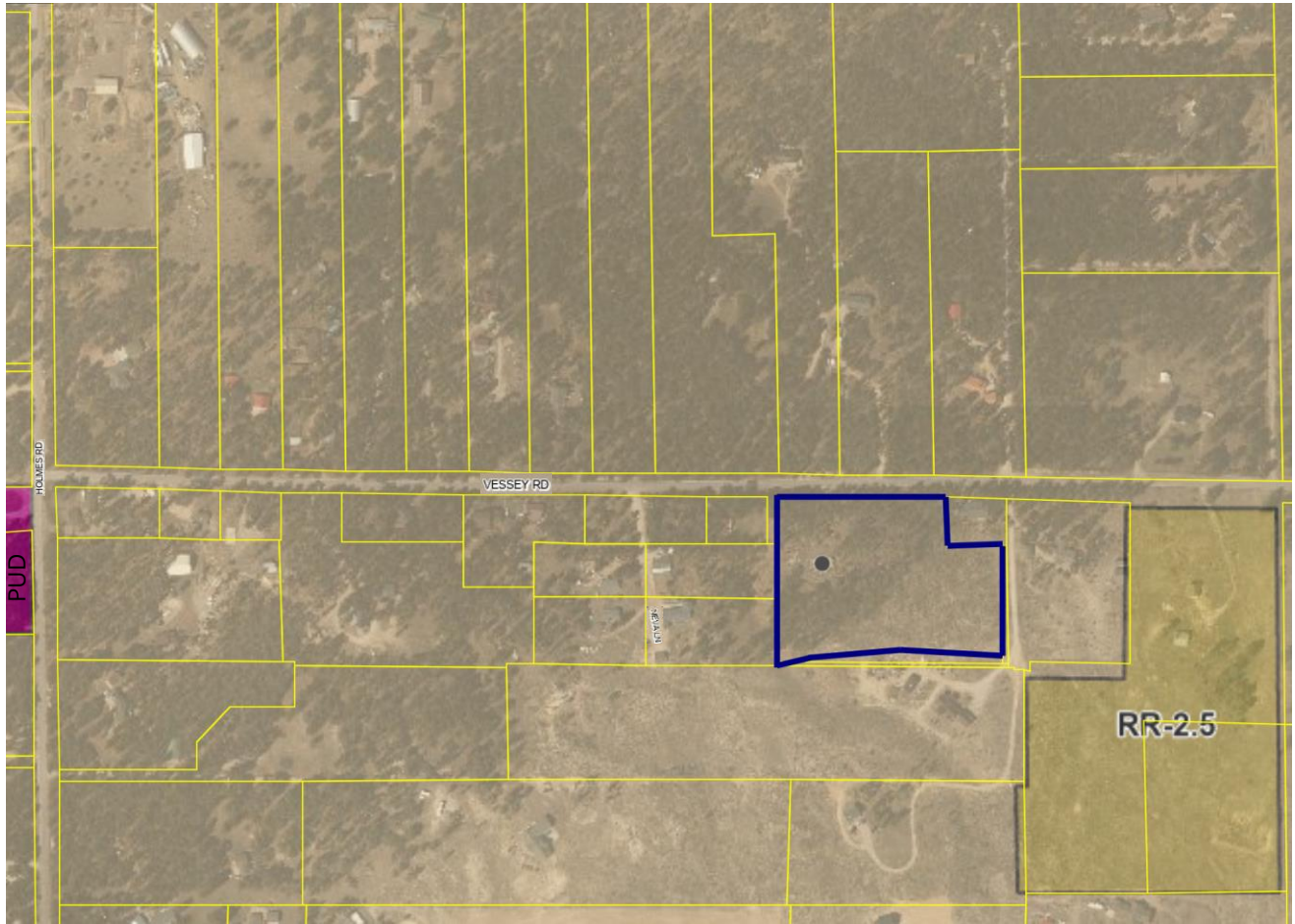
OWNER:	REPRESENTATIVE:
Pawel Posorski Pawel Posorski posorski@sbcglobal.net (630) 302-7308	Pawel Posorski Pawel Posorski posorski@sbcglobal.net (630) 302-7308

Commissioner District: 1

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

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.



Zoning Map (Subject Property)

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
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.



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.



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.

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OFFICE: (719) 520 – 6300



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PLNWEB@ELPASOCO.COM

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

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OFFICE: (719) 520 – 6300

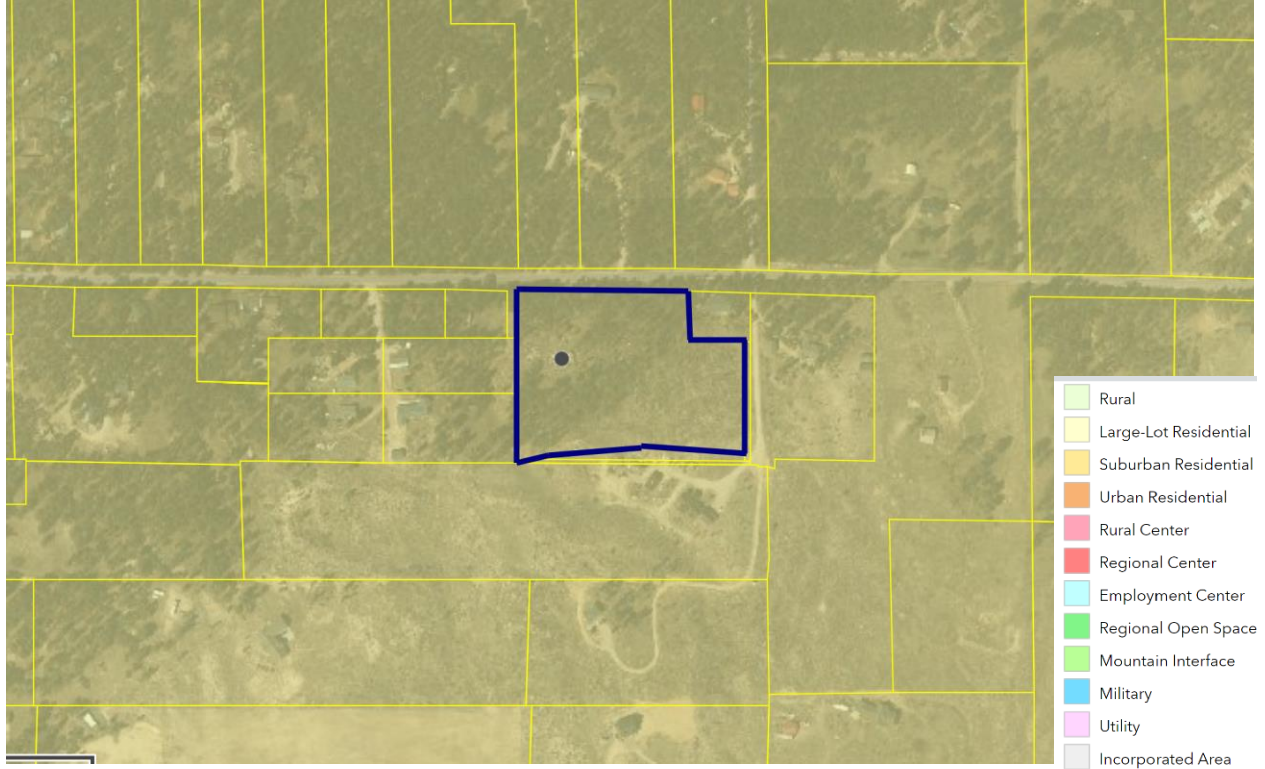


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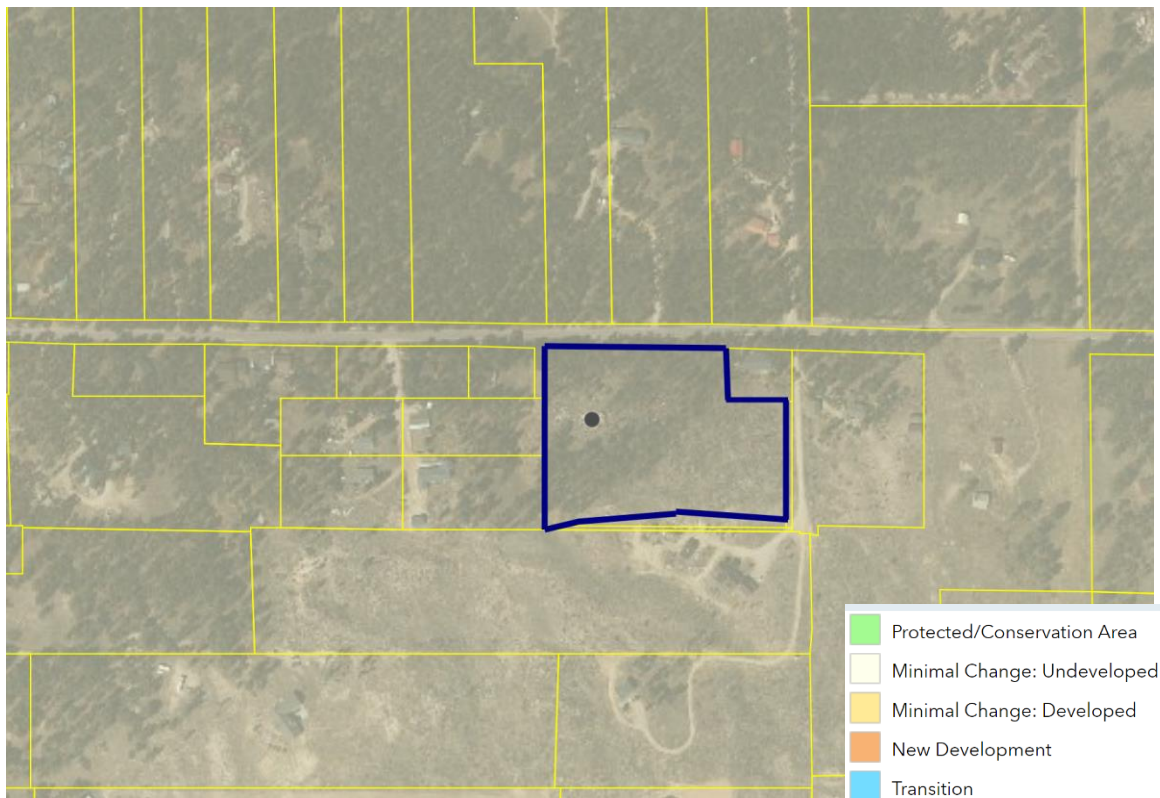
Map Series

P241

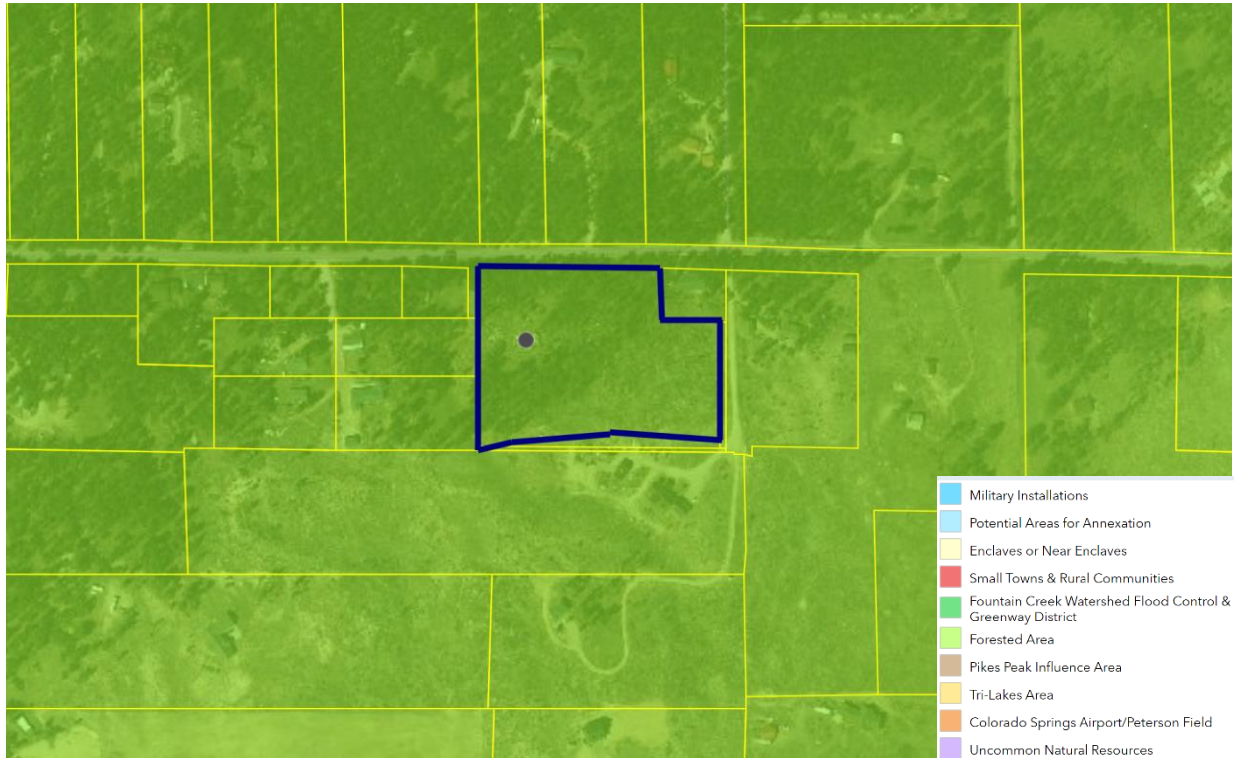
Placetype: Large-Lot Residential



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 Pineries 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

Owner

6225 Vessey LLC
Pawel Porsorski
3515 N. Chestnut Street, Suite 100
Colorado Springs, CO 80907
630-302-7308
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 495.00 feet, being on the center line of said Section 6; thence South 160 feet parallel to the West line from 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°7'30" West 320 feet; thence North 88°52'30" West 28 feet; thence North 00°7'30" East 160 feet to the point of beginning, except the appendances and warrant the 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 6th 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 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 99.28 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.

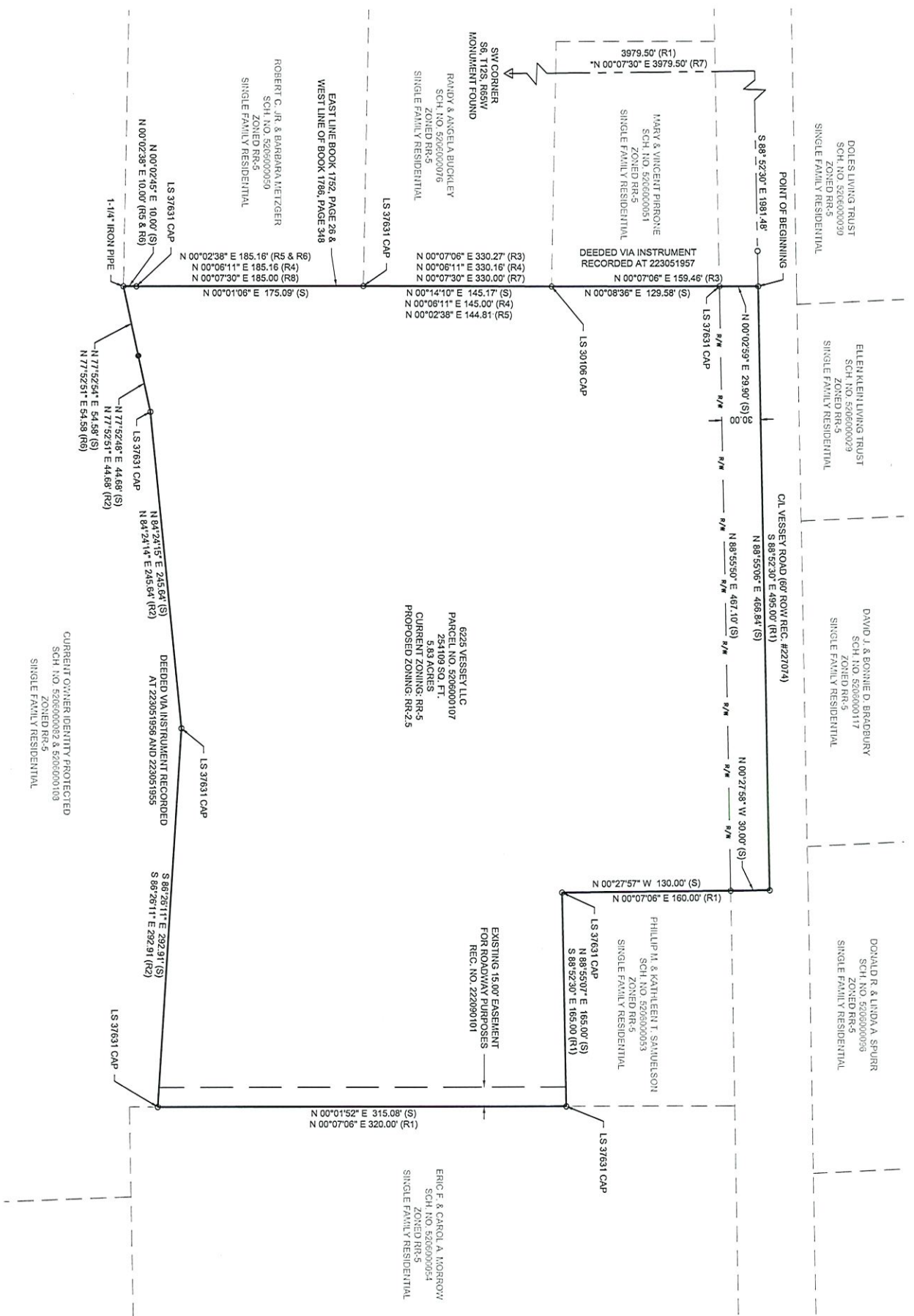
CERTIFICATION:

I, Tim Stearn, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify the tract of land as shown on this drawing was surveyed by me or under my direct supervision on December 6, 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

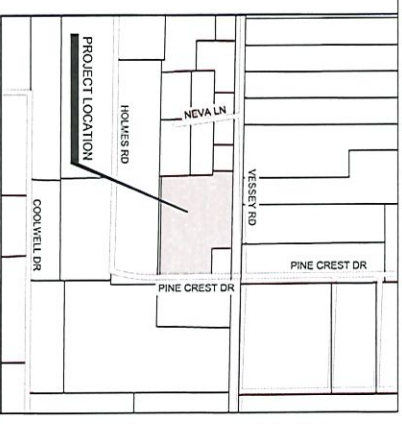


LINE TYPE LEGEND

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

LEGEND

○	Monument Found (1/2" Rebar)
○	Origin unknown unless otherwise noted
●	1/2" Rebar w/ P.L.S.#37631 Cap Set
△	Section Corner, NOTE: All section corner monument origins are unknown unless otherwise noted.
*	Assumed Bearing
(S)	Surveyed Direction
(R1)	Recorded Direction, Special Warranty Deed dated June 22, 2022 under Rec. #220200101
(R2)	Recorded Direction, Q.A.I. Deed dated June 22, 2023 under Rec. #220201006
(R3)	Recorded Direction, Q.A.I. Deed dated June 22, 2023 under Rec. #220201006
(R4)	Recorded Direction, Land Survey Plat by Mary Land #222200009
(R5)	Recorded Direction, Land Survey Plat by Mary Land #222200009
(R6)	Recorded Direction, Q.A.I. Deed dated June 3, 1993 under Rec. #1762 Page 19
(R7)	Recorded Direction, Warranty Deed dated June 22, 2023 under Rec. #220201006
(R8)	Recorded Direction, Warranty Deed dated June 3, 1993 under Rec. #220201006

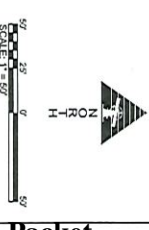


NOTE:
Prior to this rezoning application, the property owner agreed to, and filed, quit claim deeds with the adjacent property owners to clean up property line overlaps and legal description start points. The boundary shown on this drawing reflects the changes to the property boundary due to these quit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

OWNER & PETITIONER:
ERIC F. & CAROL A. MORROW
3415 N. CHESTNUT ST., STE. 100
COLORADO SPRINGS, CO 80907
633-332-2338

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

ENGINEER:
BENJAMIN L. FINE, P.E.
600 NORTH TEJON 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) 669-2145
Drawn By: JMM, Project #2209-0355, DD #IDS86, PCD FILE #R241
JANUARY 2024

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

_____ 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.

_____ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of ____ to ____ 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.