

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Ms. Merriam moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS235  
16050 OLD DENVER ROAD REZONE

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

WHEREAS, a public hearing was held by this Commission on April 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. That all exhibits were received into evidence;
5. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That for the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Vertex Consulting Services for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction.

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.

Mr. Whitney 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 <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<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	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpez	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
~~Thomas Bailey, Chair~~  
Jay Carlson, Vice-Chair

EXHIBIT A

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

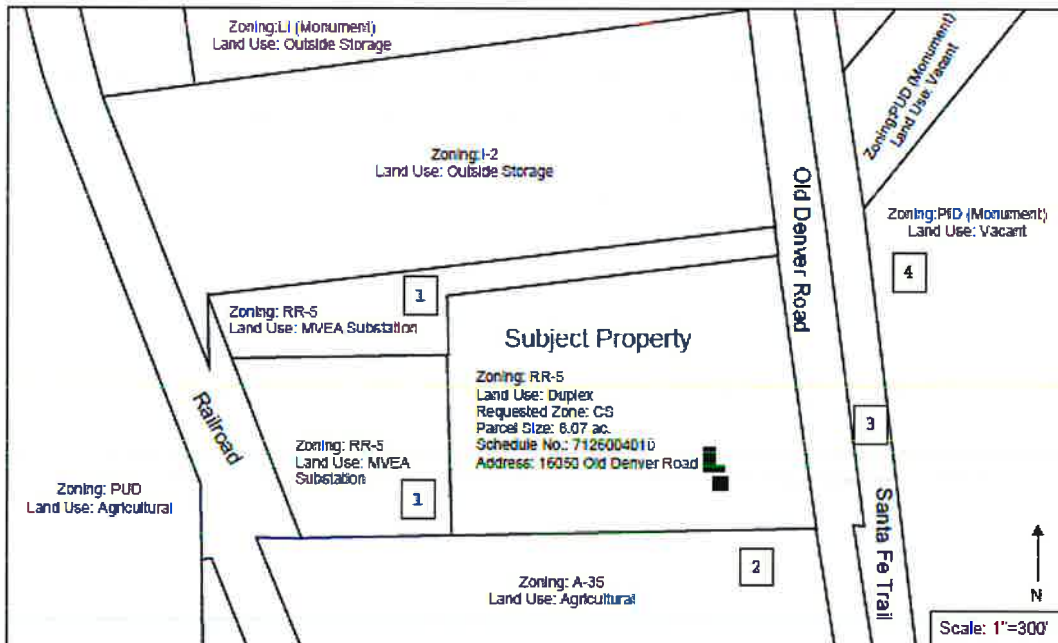
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD, THENCE SOUTH 5 DEGREES 42 MINUTES 55 SECONDS WEST ALONG SAID RIGHT OF WAY LINE FOR 499.95 FEET, THENCE SOUTH 19 DEGREES 48 MINUTES 54 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 235.37 FEET, THENCE SOUTH 7 DEGREES 33 MINUTES 02 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 1,312.60 FEET TO THE POINT OF BEGINNING OF THE TRACT THEREIN DESCRIBED, THESE (1) CONTINUE ALONG SAID RIGHT OF WAY FOR 601.98 FEET TO INTERSECT THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AT A POINT OF 149.56 FEET SOUTH 88 DEGREES 58 MINUTES WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, (2) SOUTH 88 DEGREES 58 MINUTES WEST ON SAID SOUTH LINE FOR 1,020.03 FEET TO INTERSECT THE EAST RIGHT OF WAY LINE OF THE D & ROW R.R, (3) NORTH 21 DEGREES 14 MINUTES WEST ALONG SAID RIGHT OF WAY FOR 513.7 FEET, (4) NORTH 83 DEGREES 04 MINUTES 31 SECONDS EAST FOR 1,134.91 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO EXCEPT FOR THAT PORTION OF SUBJECT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION IN WARRANTY DEED RECORDED AUGUST 21, 1998 AT RECEPTION NO. 98119681. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.

EXHIBIT B



455 E Pikes Peak Avenue, Suite 101  
 Colorado Springs, CO 80903  
 nina.ruiz@vertexcos.com  
 (719)733-8605

# 16050 Old Denver Road CS Rezone



Owner: All in Investments, LLC  
 PO Box 1204  
 Monument, CO 80132  
 kristinottaway@gmail.com  
 (719)491-6887

Adjacent Ownership	
1	Mountain View Electric Association Inc.
2	Dellacroce Ranch LLC
3	El Paso County
4	Phoenix Bell Associates L L P

**LEGAL DESCRIPTION**  
 THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD, THENCE SOUTH 5 DEGREES 42 MINUTES 55 SECONDS WEST ALONG SAID RIGHT OF WAY LINE FOR 499.95 FEET, THENCE SOUTH 19 DEGREES 48 MINUTES 54 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 235.37 FEET, THENCE SOUTH 7 DEGREES 33 MINUTES 02 SECONDS EAST ALONG SAID RIGHT OF WAY LINE FOR 1,312.60 FEET TO THE POINT OF BEGINNING OF THE TRACT THEREIN DESCRIBED, THESE (1) CONTINUE ALONG SAID RIGHT OF WAY LINE FOR 601.98 FEET TO INTERSECT THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 AT A POINT OF 149.56 FEET SOUTH 88 DEGREES 58 MINUTES WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, (2) SOUTH 88 DEGREES 58 MINUTES WEST ON SAID SOUTH LINE FOR 1,020.03 FEET TO INTERSECT THE EAST RIGHT OF WAY LINE OF THE D & ROW R.R., (3) NORTH 21 DEGREES 14 MINUTES WEST ALONG SAID RIGHT OF WAY FOR 513.7 FEET, (4) NORTH 83 DEGREES 04 MINUTES 31 SECONDS EAST FOR 1,134.91 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO EXCEPT FOR THAT PORTION OF SUBJECT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION IN WARRANTY DEED RECORDED AUGUST 21, 1998 AT RECEPTION NO. 98119581. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144599.