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El Paso County, CO  
  
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RESOLUTION NO. 24-187

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

APPROVAL OF MAP AMENDMENT (REZONE)  
16050 OLD DENVER ROAD REZONE (CS235)

WHEREAS Vertex Consulting Services did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated 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 the El Paso County Planning Commission on April 18, 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 May 9, 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 Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Vertex Consulting 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 CS (Commercial Service) 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 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

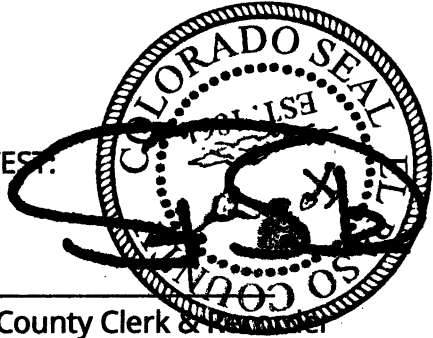
- 1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 9<sup>th</sup> day of May, 2024, at Colorado Springs, Colorado.

ATTEST:

By: \_\_\_\_\_  
 County Clerk & Treasurer



BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

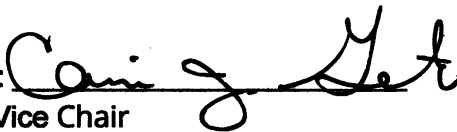
By:   
 Vice Chair

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:

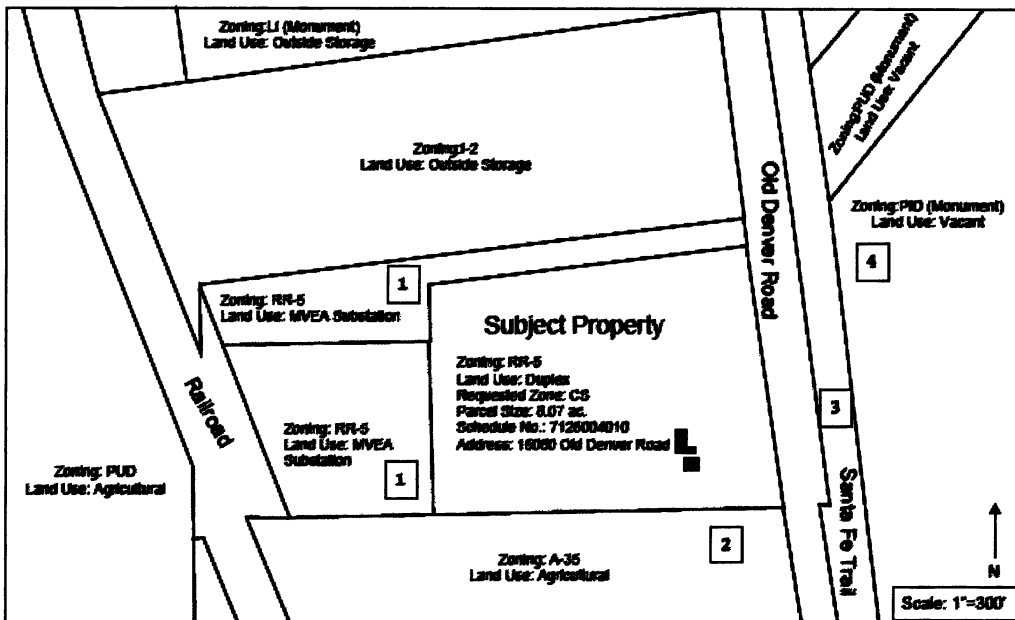
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE THEREOF FOR 1,336.10 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING ON SAID NORTH LINE FOR 842.10 FEET TO INTERSECT THE WESTERLY 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)733-8805

## 16050 Old Denver Road CS Rezone



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

Adjacent Ownership	
1	Mountain View Electric Association Inc.
2	Dellacrocce 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 86 DEGREES 58 MINUTES WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, (2) SOUTH 86 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/L, (3) NORTH 21 DEGREES 14 MINUTES WEST ALONG SAID RIGHT OF WAY FOR 513.7 FEET, (4) NORTH 63 DEGREES 04 MINUTES 31 SECONDS EAST FOR 1,124.51 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, 1996 AT RECEPTION NO. 98119681. EXCEPT THE PORTION RELEASED IN PARTIAL RELEASE RECORDED ON 12/04/2012 AT RECEPTION NO. 212144699.