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RESOLUTION NO. 24-269

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONING)
2775 NORTH MERIDIAN ROAD – REZONE (P244)

WHEREAS John Uppole 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 and depicted in Exhibit B, attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 20, 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 July 25, 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.

Steve Schleiker
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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 John Uppole 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 A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
- 3. The Applicant agrees on behalf of him/herself and any developer or builder successors and assignees that Applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation shall be documented on all sales documents to ensure that a title search would find the fee obligation before sale of the property.

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 25th day of July 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Camie Brun
Chair

ATTEST:

By: _____
County Clerk & Recorder

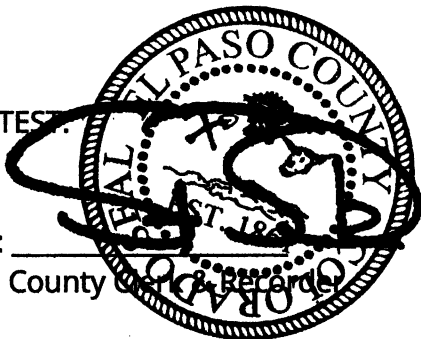


EXHIBIT A

THOSE PORTIONS OF GOVERNMENT LOTS 3 AND 4 AND OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 13 SOUTH. RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS

(ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, THE BASIS OF GRID BEARINGS WAS DETERMINED BY GLOBAL POSITIONING SATELLITE METHODS).

THE BASIS OF BEARINGS IS THE NORTH LINE OF TRACT 4, SHOWN ON A LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 202900119, RECORDS OF EL PASO COUNTY, BEING MONUMENTED AT THE EAST END BY A FOUND 5/8" REBAR WITH AN ORANGE PLASTIC CAP "PLS 32439" AND AT THE WEST END BY A FOUND 5/8" REBAR, SHOWN TO BEAR N 88°42'21" W.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31;

THENCE SOUTH 00 DEGREES 26 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF GOVERNMENT LOTS 1 AND 2, A DISTANCE OF 2376.76 FEET;

THENCE SOUTH 88 DEGREES 18 MINUTES 04 SECONDS EAST, 1176.07 FEET;

THENCE SOUTH 00 DEGREES 26 MINUTES 19 SECONDS EAST, 1293.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED;

THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST 1431.62 FEET TO THE EAST LINE OF SAID EAST HALF;

THENCE SOUTH 00 DEGREES 25 MINUTES 18 SECONDS WEST ALONG SAID EAST LINE 583.89 FEET;
THENCE NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST, 1893.58 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF A PARCEL DESCRIBED IN DEED RECORDED JUNE 25, 1973 IN BOOK 2598 AT PAGE 786;

THENCE SOUTH 00 DEGREES 25 MINUTES 17 SECONDS EAST ALONG SAID EXTENSION 82.94 FEET TO A 1/2 INCH REBAR WITH SURVEYORS CAP L.S. NO. 11624 AT THE NORTHEAST CORNER OF SAID PARCEL;

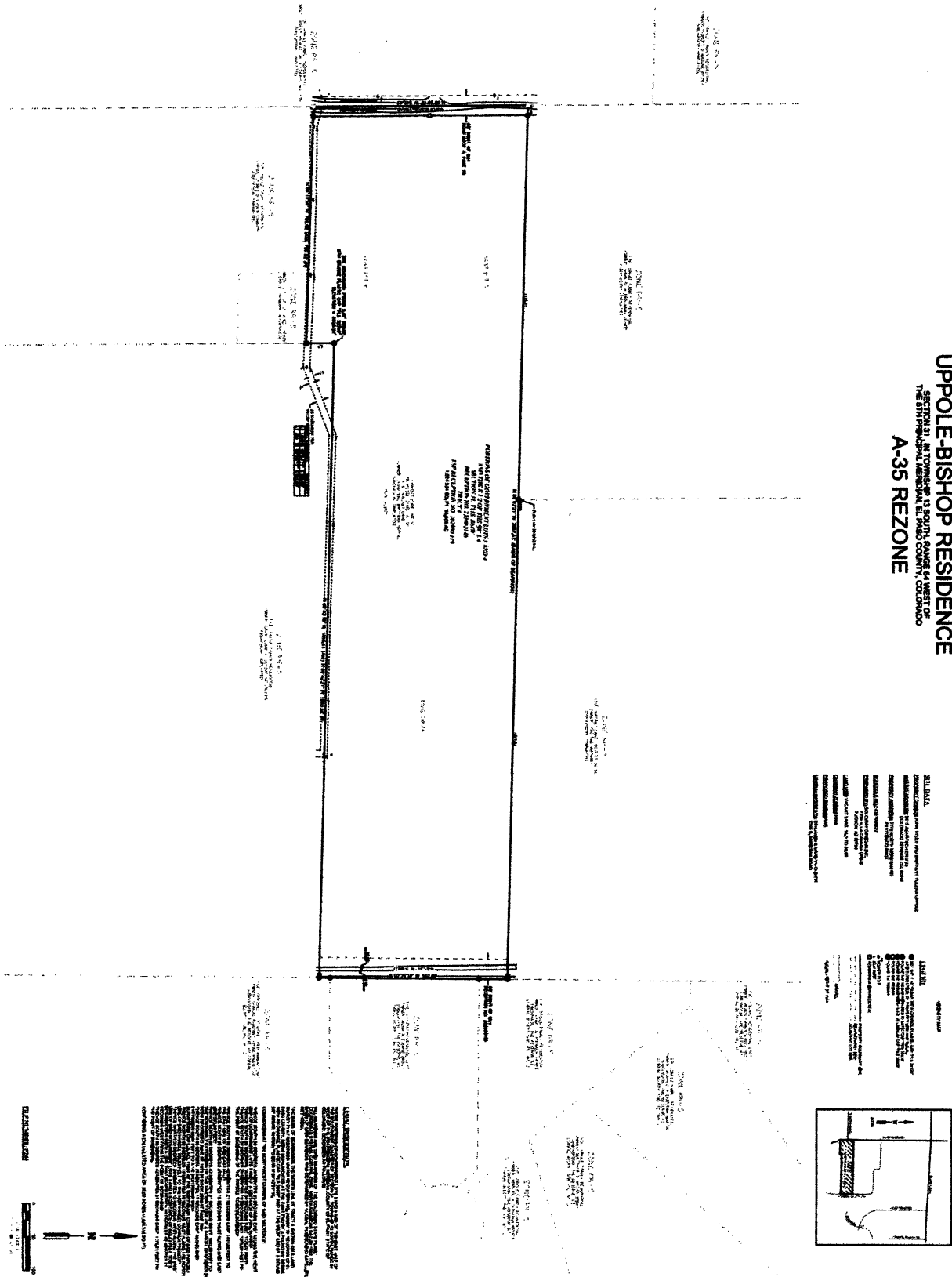
THENCE NORTH 88 DEGREES 19 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL 705.53 FEET TO THE NORTHWEST CORNER THEREOF;

THENCE NORTH 00 DEGREES 26 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 642.43 FEET TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH 88 DEGREES 42 MINUTES 21 SECONDS WEST FROM THE POINT OF BEGINNING;
THENCE SOUTH 88 DEGREES 42 MINUTES 21 SECONDS EAST, 1175.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 35.00 ACRES (1,524,534 SQ FT)

EXHIBIT B

UPPOLE-BISHOP RESIDENCE
SECTION 31, 1ST TOWNSHIP, 13 SOUTH RANGE 64 WEST OF
THE 8TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO
A-35 REZONE



SOLO
DESIGNS INC.
ARCHITECTURE + INTERIORS

UPPOLE-BISHOP RESIDENCE
2775 N. MERIDIAN RD
PEYTON, CO