

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Ms. Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P244  
2775 N MERIDIAN RD - REZONE

WHEREAS, John Uppole 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 A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 20, 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 John Uppole 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 A-35 (Agricultural) 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 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Merriam 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	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

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

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair

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;

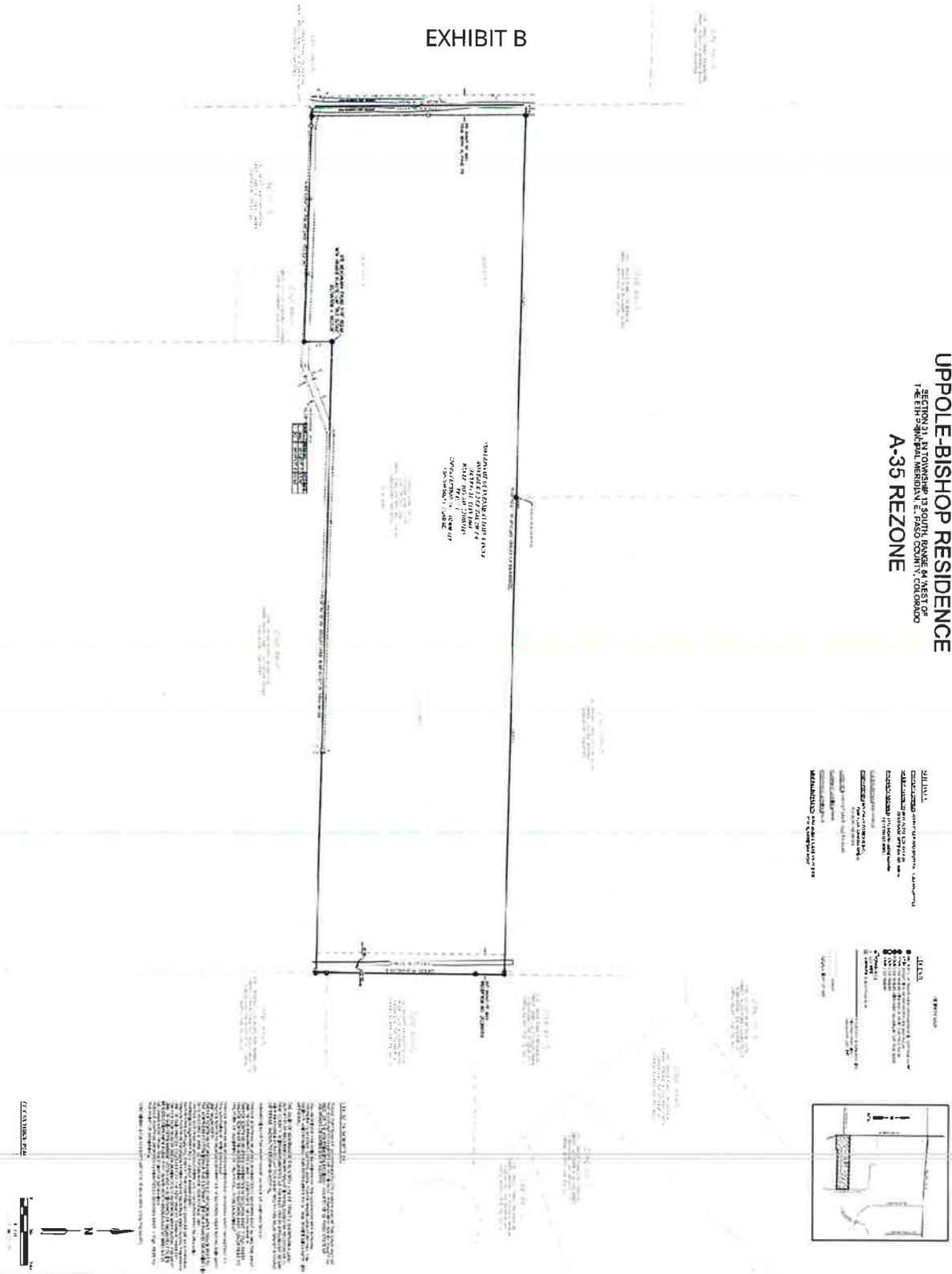
THENCE SOUTH 00 DEGREES 26 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF GOVERNMENT LOTS 1 AND 2, A DISTANCE OF 2376.76 FEET;  
THENCE SOUTH 88 DEGREES 18 MINUTES 04 SECONDS EAST, 1176.07 FEET;  
THENCE SOUTH 00 DEGREES 26 MINUTES 19 SECONDS EAST, 1293.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL 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, N TOWNSHIP 13 SOUTH, RANGE 64 WEST OF  
1E T1E2N, SAN JUAN COUNTY, COLORADO  
A-35 REZONE



**TITLE**  
UPPOLE-BISHOP RESIDENCE  
SECTION 31, N TOWNSHIP 13 SOUTH, RANGE 64 WEST OF  
1E T1E2N, SAN JUAN COUNTY, COLORADO  
A-35 REZONE

**LEGEND**  
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● 1/8" = 1' SCALE  
● 1/16" = 1' SCALE  
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