

COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

**COLORADO**

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO: El Paso County Planning Commission  
Thomas Bailey, Chair**

**FROM: Joseph Letke, Planner II  
Edward Schoenheit, Engineer I  
Meggan Herington, AICP, Executive Director**

**RE: Project File Number: P243  
Project Name: Mary Jane Ranch Rezone  
Parcel Number: 3315000001**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Robert Williams 16975 Falcon Highway Peyton, CO 80831	Kimley-Horn and Associates, Inc. c/o Jim Houk 2 North Nevada Ave, Suite 300 Colorado Springs, CO 80903

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>7/18/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>8/8/2024</b>

**EXECUTIVE SUMMARY**

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 6425 J D Johnson Road which is at the intersection of Falcon Highway and J D Johnson Road, one mile east of Peyton Highway.



**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;

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- 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:	A-35 (Agricultural)	Residential
South:	A-35 (Agricultural)	Residential
East:	A-35 (Agricultural)	Residential
West:	A-35 (Agricultural)	State of Colorado Exempt Nonresidential Land Use

**D. BACKGROUND**

The subject property was zoned A-35 on March 24, 1999, when zoning was first initiated for this portion of El Paso County. The current request is proposed to rezone the subject property to RR-5 (Residential Rural) to allow for subsequent subdivision of the parcel into four lots, however approval of the Map Amendment (Rezoning) to RR-5 could potentially permit more lots 5 acres in size.

If the request for a Map Amendment (Rezoning) is approved, the applicant will be required to submit and receive approval of a subdivision application.

**E. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone forty (40) acres to the RR-5 (Residential Rural) zoning district. The RR-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: A-35 (Agricultural)	Proposed Zoning District: RR-5 (Residential Rural)
Maximum Density		
Minimum Lot Size	35 Acres	5 Acres
Minimum Width at Front Setback	500 feet	200 Feet
Front Setback	25 Feet	25 Feet
Rear Setback	25 Feet	25 Feet
Side Setback	25 Feet	25 Feet
Maximum Lot Coverage	None	25%
Maximum Height	30 Feet	30 Feet

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## **F. MASTER PLAN COMPLIANCE**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character:** Rural

*The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture, however, residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically covers 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.*

*Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.*

*The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.*

#### **Recommended Land Uses:**

##### Primary

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

##### Supporting

- Estate Residential (Minimum 1 Unit/5-Acres)
- Institutional

#### **Analysis:**

The subject area and property fall within the Rural placetype. The Rural placetype supports estate residential which has a minimum of 1 unit per 5 acres. The subject



property is adjacent to one platted community which is zoned RR-5 (Residential Rural). The subject property is located due west of a second platted community which is zoned RR-5 (Residential Rural). While the applicant's letter of intent currently states the intention for a future subdivision of 10 acre lots, the RR-5 zoning allows for lots with a 5-acre minimum. Future subdivisions will require submittal of a Final Plat and review by Planning and Community Development.

**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 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 rezone is proposing a zone change from A-35 to RR-5. The subject property is near adjacent to several properties zoned RR-5, PUD and A-35. The subject property consists of roughly 40 acres. The RR-5 zoning would be consistent with other zoning in the area.

**c. Other Implications (Priority Development, Housing, etc.)**

There are no other implications associated with this project.

**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.*

**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 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

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 moderate wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies upland deposits 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

During Final Platting a Soils and Geology report will be submitted which will identify potential site hazards. No hazards have been identified during the Map Amendment (Rezoning) review.

**2. Floodplain:** The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0590G, effective December 7<sup>th</sup>, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

**3. Drainage and Erosion:** The property is located in Hook and Line drainage basin. This basin is unstudied with no applicable basin or bridge fees. Drainage on the parcel



generally flows from the northwest to the southeast. A drainage report is not required with the rezone application but will be reviewed with any future platting application.

- 4. Transportation:** The parcel is located at the intersection of Falcon Highway and J D Johnson Road. Both roads are County maintained. Falcon Highway is a paved collector road while J D Johnson is a gravel local road. A Traffic Impact Study was not required to be submitted with the application in accordance with the Engineering Criteria Manual Section B.1.2.D. The proposed rezone is expected to generate approximately 30 new daily trips to the local road network. No public road improvements have been identified or proposed with the development. Access to the parcel will be limited to J D Johnson Road as the lower classification local road. The property is subject to the El Paso County Road Impact Fee Program. Driveway access permits will be required for any new access points to a county road.

## H. SERVICES

### 1. Water

A finding of water sufficiency is not required with a Map Amendment. Water will be provided by well.

### 2. Sanitation

Wastewater will be provided by onsite wastewater treatment systems.

### 3. Emergency Services

The property is within the Ellicott Fire Protection District. The Ellicott Fire District has no objections to the Map Amendment (Rezoning).

### 4. Utilities

Electric services will be provided by Mountain View Electric Association.

### 5. Parks/Trails

Land dedication or fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

### 6. Schools

Land dedication or fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 - 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**I. APPLICABLE RESOLUTIONS**

See attached resolution.

**J. STATUS OF MAJOR ISSUES**

There are no major issues with this request.

**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-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.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



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 eleven (11) adjoining property owners on July 3, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

**M. ATTACHMENTS**

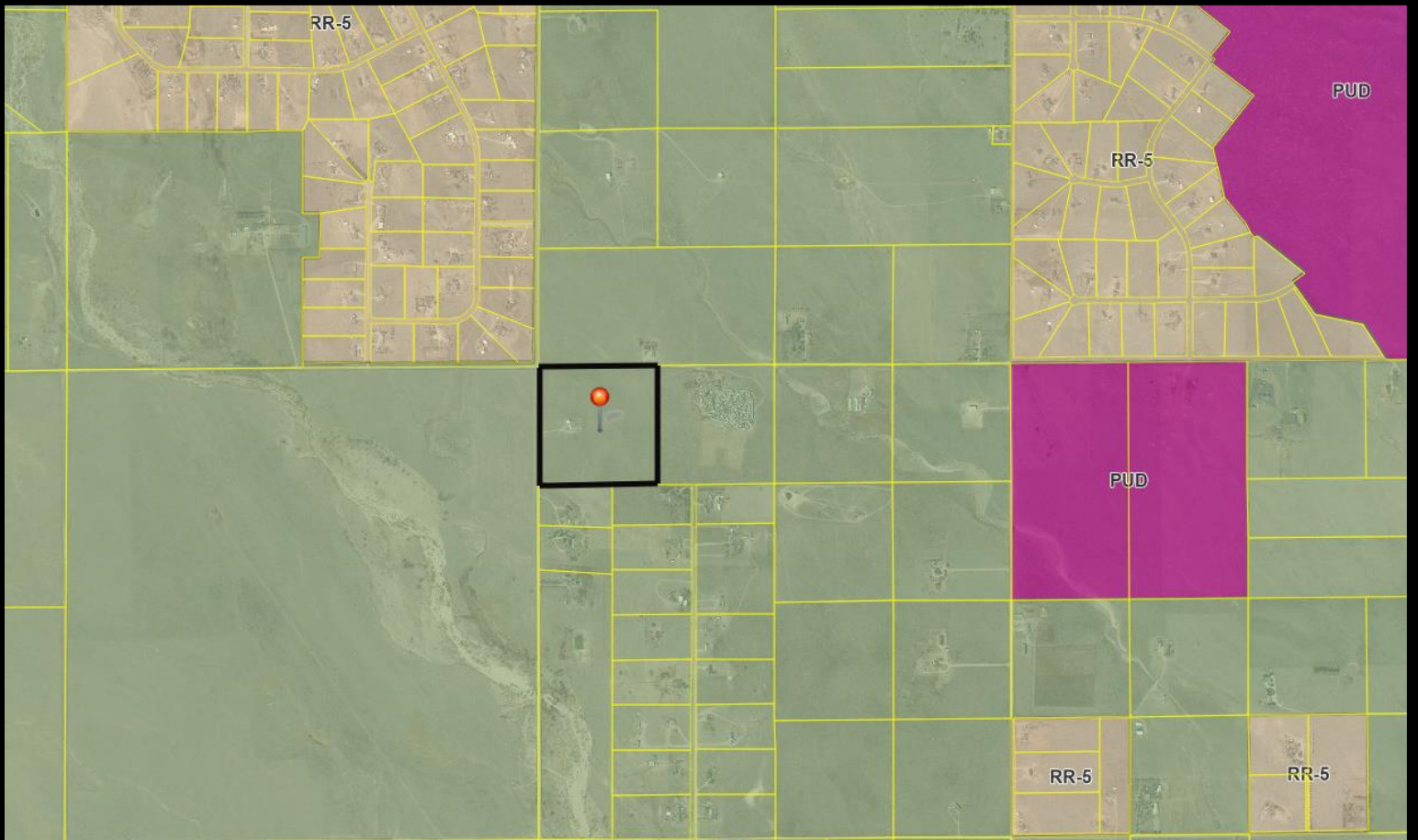
- Map Series
- Letter of Intent
- Rezone Map
- Draft Resolution



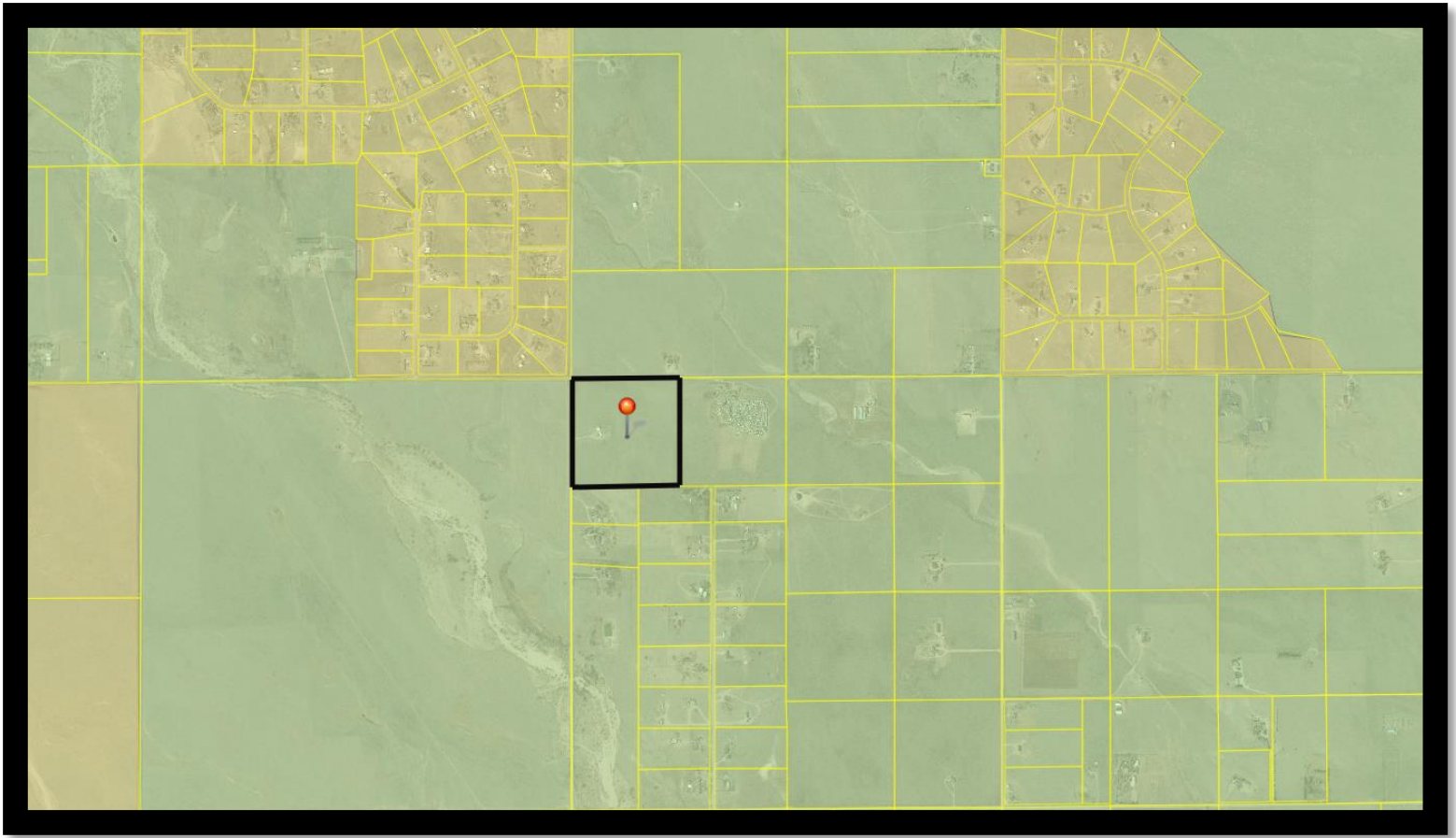
Map Exhibit #1: Aerial









# Map Exhibit #2: Zoning



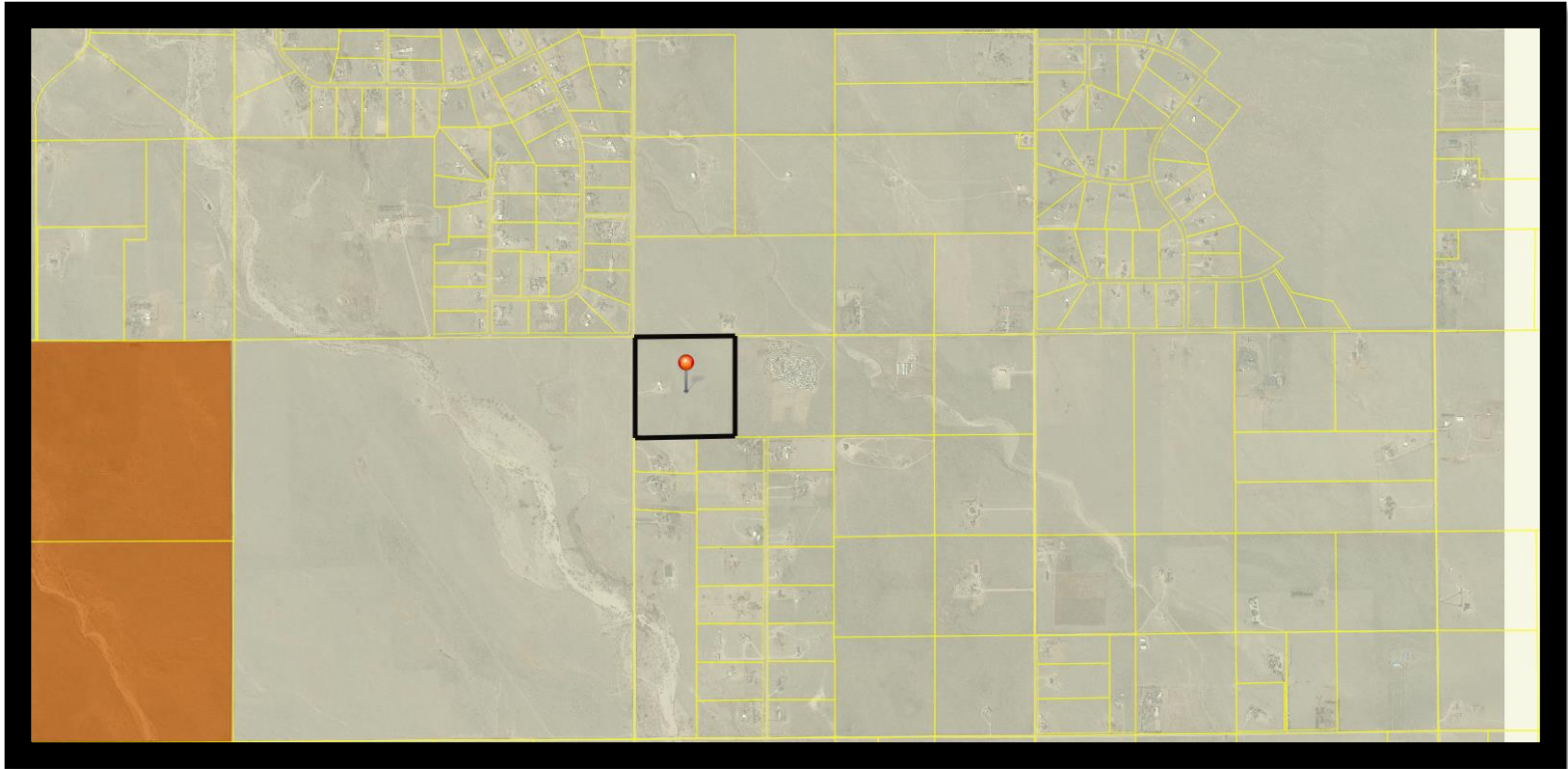
### Map Exhibit #3: Placetype








#### Legend

-  Rural
-  Large-Lot Residential
-  Suburban Residential
-  Urban Residential
-  Rural Center
-  Regional Center

# Map Exhibit #4: Area of Change



## Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER/APPLICANT**

MOUNTAINS REIGN RANCH TRUST  
16975 FALCON HIGHWAY,  
PEYTON, CO 80831  
[stuing@protonmail.com](mailto:stuing@protonmail.com)  
406-438-184

**PLANNING SUPPORT**

KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903  
[jim.houk@kimley-horn.com](mailto:jim.houk@kimley-horn.com)  
719-284-7280

**ENGINEERING**

KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903  
[mitchell.hess@kimley-horn.com](mailto:mitchell.hess@kimley-horn.com)  
719-284-7281

**SURVEYING**

CENTENNIAL LAND SURVEYING, LLC  
3135 LEHMAN DRIVE  
COLORADO SPRINGS, CO 80106  
[mike@centennialandsurveying.com](mailto:mike@centennialandsurveying.com)  
719-284-7281

## LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3315000001 EPC. The proposed rezoning is located near the southeast corner of the intersection of Falcon Highway and J D Johnson Road. The total acreage of the proposed rezone is ±40.01ac. Currently Zoned: Agricultural 35acres (A-35), Proposed zoning Rural Residential 5 acres (RR-5).



## REQUEST

The application is to Rezone 40.01 acres from the A-35 zone to the RR-5 zone. The application includes the following request:

- Approval to rezone Parcel No. 3315000001.
- The Rezone process is projected to be approved concurrently with the minor subdivision and final plat of said parcel to four (4), ten acre lots.

## JUSTIFICATION

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

The proposed Rezone from the A-35 district to the RR-5 district provides opportunity for the developer to include additional residential uses and rural residential options. The proposed RR-5 district and plat plans to subdivide the parcels into four (4) +/-10 acre lots. The Residential (RR-5) lots allow the developer to maintain compliance with adjacent zoning to the northwest (Oasis Subdivision) and match the 10 acre and less parcels to the south, (Zoned A-35). In addition, the subject parcels directly abut Falcon Highway which is a Major Arterial. Access for the proposed lots will be provided off of J D Johnson Road. Furthermore, the proposed planned residential development will respect the zone ordinance and the related buffers and setback with adjacent surrounding uses and residents.

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

The rezone to RR-5 is compatible with adjacent properties and maintain the established characteristics of the area.

## Zone District Dimensional Standards

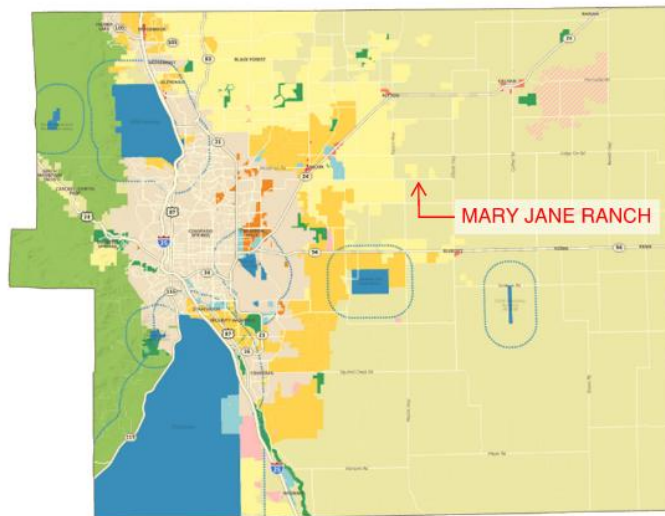
Code: (RR-5)		Proposal:	
Minimum Lot	5-Acre	Minimum Lot	10-Acre
Width at Front Setback	200'	Width at Front Setback	200'
Front Set Back	25'	Front Set Back	25'
Rear Setback	25'	Rear Setback	25'
Side Setback	25'	Side Setback	25'
Lot Coverage	25%	Lot Coverage	25%
Building Ht.	30'	Building Ht.	30'

\*The proposal is consistent with the existing RR-5 zoning standards

\*\*The are no special Districts or Overlay zoning that impact the zone change considerations.

## Compliance with the Master Plan

### Placetypes



### Placetypes





PLACETYPES	LAND USES																			
	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multi-Family	Mixed Use	Restaurant	Commercial Retail	Tourism/Service	Entertainment	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○																○	
Large Lot	○		●					○	○										○	
Suburban				●	○	○			○	○									○	○
Urban Residential				●	●	●	○	○	○	○		○							○	○
Rural Center				●	○	○		●	●	●										●
Regional Center					○	●	○	●	●	●		●	○							○
Employment Center									○	○	○			●	●	●				
Regional Open Space																			●	●
Mountain Interface				○					○	○	○	○							●	●
Military				○	○	●		○	○	○		○	●	●		○			○	○
Utility																			○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype.  
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

**Rural Character**

The Rural Character “placetype” comprises ranchland, farms, and other agricultural and large lot uses. The primary land use in this placetype is agriculture, however residential uses such as farm homesteads and residential estates are allowed as supportive /related uses. Residential lot development within the Rural placetype typically cover 35, 10, 5 and 2 acre lots. The Rural place-type covers most of the eastern half of the County.

Majority of rural residential areas rely on well and septic services for residential development that tend to be larger in size, greater than 2 acres. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places. The residences in these areas rely on access to regional transportation routes.

- **The rezone would be consistent with this placetype**
  - Minimal lot area will be larger than 5-acres per unit
- **The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.**
- **The proposal would match the existing and predicted patterns of growth in the area.**
- **The proposal is consistent with available and necessary services.**
- **The rezone would have no impact on any currently approved sketch plans.**

## Key Areas:

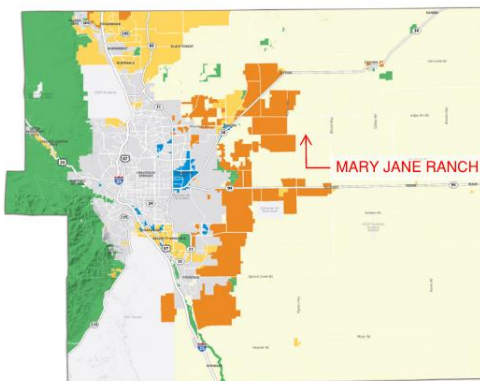


### Key Areas



The property is not located within the ten (10) classifications of “key areas” defined in the EPC Master Plan.

## Areas of Change:



### Areas of Change



Mary Jane Ranch is located in the area expected for “Minimal Change Undeveloped” zone. It is understood that 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 of the area. 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.

**The existing site contains one residential building (house to remain) with a detached garage that will have its own private drive (existing). The remaining three (3) lots will have shared private drive (access). It will not adjust initial access provided from J D Johnson Road. Adjacent parcels/lots are built out North, East, south and Northwest. Directly west is owned by the State of Colorado and shall be reserved (State Land Board) as open space.**

**Sec. 5.3.5.B Map Amendment (Rezoning)**

**(B) Criteria for Approval. In approving a Map Amendment, the following findings shall be made:**

- 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 site, and zone change are in conformance with the El Paso County Master Plan, the rezone will be similarly zoned to adjacent Oasis Subdivision zoned RR-5, intended 4 lots will be larger than adjacent lots to the south lesser than 10 acres, zoned A-35.**

- 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 requested rezone is in compliance with 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 proposed land use of RR-5 is adjacent to existing RR-5 and A-35 zones.**

- 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.

**Site is suitable for intended use and all chapter 5 standards will be provided.**

**Water Master Plan:**

Under the Colorado Revised Statutes, Title 32. This property is not within a district boundary, each lot will be serviced by individual wells and will follow the rules and regulations per the El Paso County Water Master Plan,

- **A sufficient water supply has been clarified or provided through existing private wells and water rights. The wells have been permitted per quantity and quality standards set forth in the State water supply standards.**
  - See the related water right documentation.

Wastewater systems:

- **Wastewater will be provided by on site leach fields and will be compliant with EPC code.**
  - See the related soil investigation and findings provide RMG Engineering

Electric

- **Electric service will be provided through Mountain View Electric.**

Gas

- **Services will be provided by Apollo Propane, each individual lot owner will be responsible for contracting with Apollo Propane**

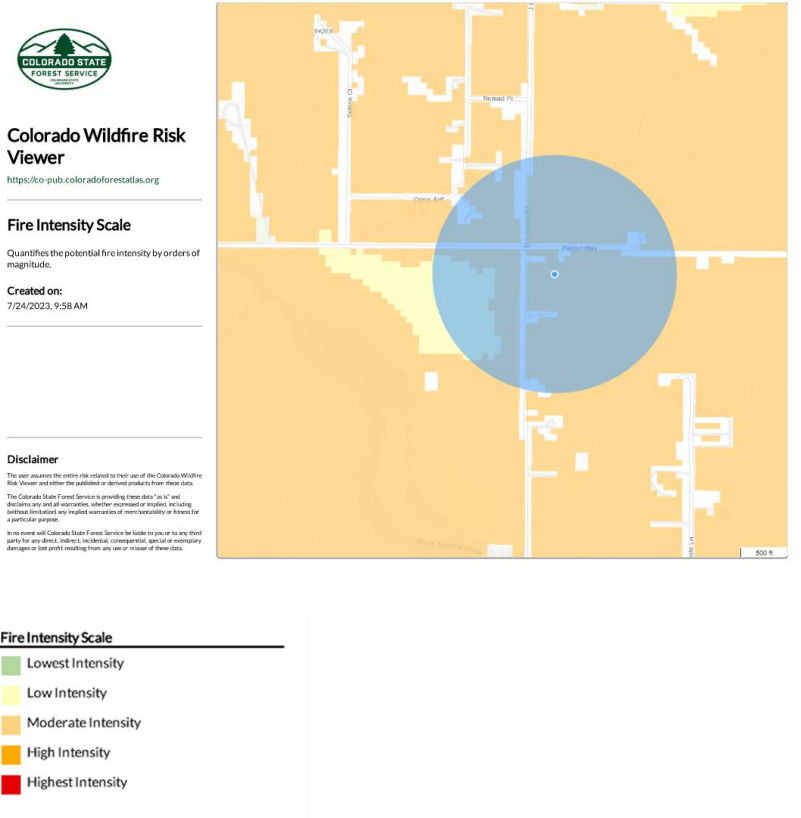
**Natural or Physical site features:**

The Zone Change will support the preservation of the natural features and drainages of the site and surrounding lands:

- **Site Natural Features:**
  - **Site is located within the Ellicott Consolidated drainage basin (CHBS1800). Data provided by Muller Engineering Company; (1988)**







**Community Outreach:**

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- **Adjacent owner notification letters will be sent out by the county upon the initial submittal, informing neighbors that a rezone and final plat application of said property will be completed. No comments have been received at this time.**
- **No additional community outreach has been conducted on the zone change to date.**

**A Traffic Study**

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*<sup>1</sup> published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. For this study, Kimley-Horn used the ITE Trip Generation Report average rates that apply to Single-Family Detached Housing (ITE Code 210) for traffic associated with this development. The following **Table 1** summarizes the estimated trip generation for the project (calculations attached).

**Table 1 – 6425 JD Johnson Road Project Traffic Generation**

Use	Size (Units/SF)	Weekday Vehicles Trips						
		Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Detached Housing - (ITE 210)	3 Units	30	1	1	2	2	1	3

As shown in the table and based on ITE Trip Generation calculations, 6425 JD Johnson Road is anticipated to generate approximately 30 weekday daily trips, in which two (2) of these trips would occur during the morning peak hour and three (3) trips would occur during the afternoon peak hour.

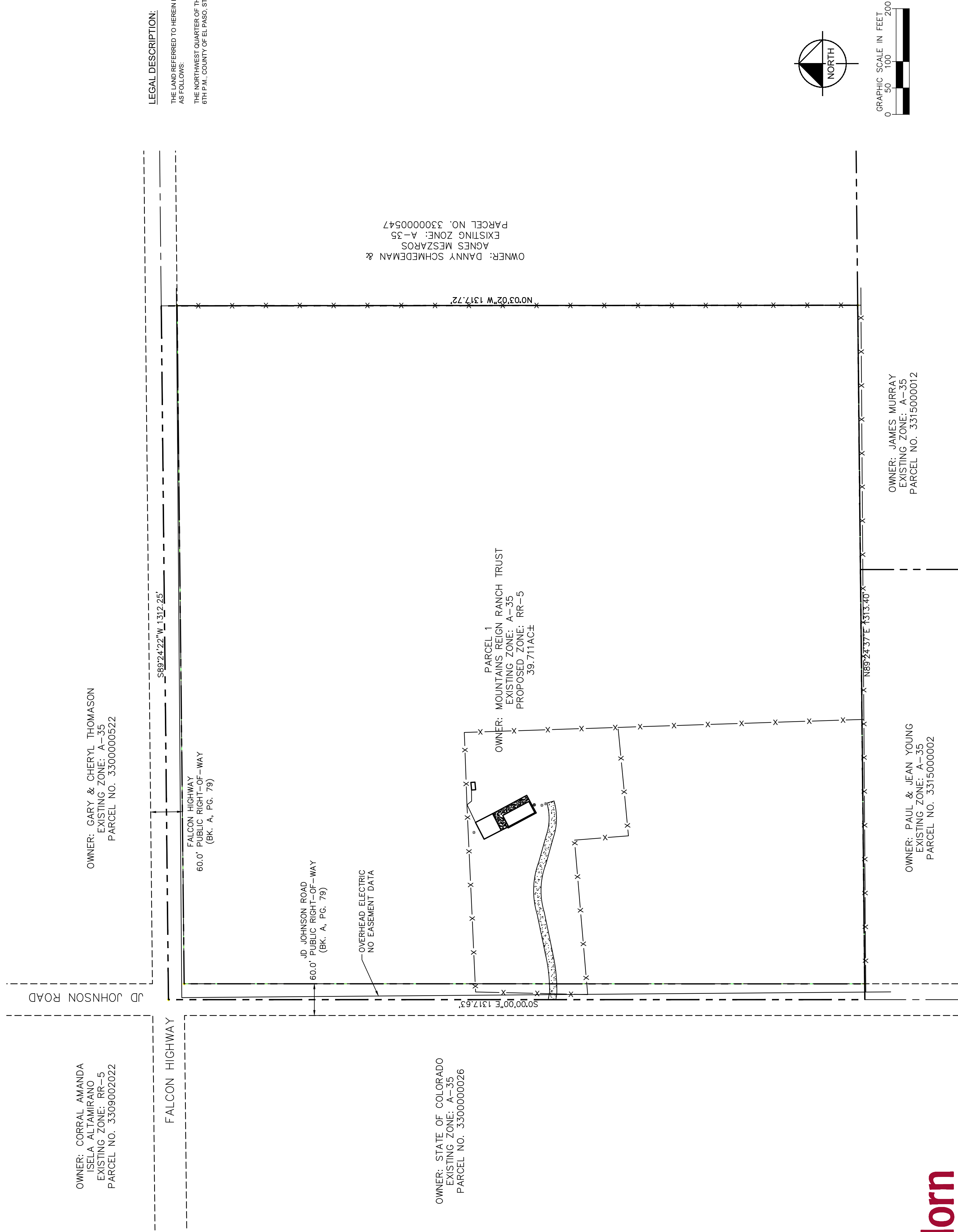
It is important to note that “El Paso County Engineering Criteria Manual: Transportation Impact Study Guidelines Appendix B.1.2.D” states that a traffic impact study is not required for a development if daily vehicle trip-end generation is less than 100 trips or the peak hour trip generation is less than 10 trips. Therefore, it is anticipated that a traffic impact study will not be required for this development due to peak hour project traffic trips being less than 10 trips and the daily trips being under 100 trips.

---

<sup>1</sup> Institute of Transportation Engineers, *Trip Generation Manual*, Tenth Edition, Washington DC, 2017.

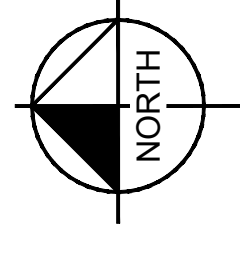
# MARY JANE RANCH REZONE

NORTHWEST 1/4 OF THE NORTHWEST 1/4  
SITUATED IN SECTION 15, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., CITY OF PEYTON,  
COUNTY OF EL PASO, STATE OF COLORADO



**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:  
THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 IN TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.



© 2020 KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 300  
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180



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. P243  
MARY JANE RANCH REZONE

WHEREAS, Robert Williams 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 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. 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 Robert Williams 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 A-35 (Agricultural) zoning district to the RR-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-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
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 18th day of July 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Chair

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED

AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 IN TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO. SAID PARCEL IS 1,729,857SF OR 39.712AC, MORE OR LESS.

