

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P248

SCHMIDT PROPERTY RM-12 REZONE

WHEREAS, Turkey Canon Quarry Inc., 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 RM-12 (Residential, Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 21, 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 Turkey Canon Quarry Inc., 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 RM-12 (Residential, Multi-Dwelling) 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 RM-12 (Residential Multi-dwelling) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. The developer shall provide an updated Traffic Impact Study with the Preliminary Plat and Final Plat submissions which includes City of Colorado Springs requirements for Vollmer Road, Marksheffel Road, Black Forest Road, and Brush Top Road improvements and future signal escrow.

NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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.

CARLSON 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	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	aye / <u>no</u> / non-voting / recused / absent
Erik Moraes	aye / <u>no</u> / non-voting / recused / absent
Bryce Schuettpeiz	aye / <u>no</u> / 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	aye / <u>no</u> / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 4 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 21st day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N05°14'38"W A DISTANCE OF 565.02 FEET, TO THE POINT OF BEGINNING; THENCE THE FOLLOWING FOURTEEN (14) COURSES:

1. N61°54'30"W A DISTANCE OF 123.21 FEET;
2. N67°31'17"W A DISTANCE OF 51.12 FEET;
3. N61°54'30"W A DISTANCE OF 32.69 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S24°10'45"W, HAVING A RADIUS OF 386.02 FEET, A CENTRAL ANGLE OF 26°16'09" AND AN ARC LENGTH OF 176.98 FEET, TO A POINT OF NON-TANGENT;
5. S89°18'36"W A DISTANCE OF 687.63 FEET, TO A POINT OF NON-TANGENT CURVE;
6. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S01°07'23"E, HAVING A RADIUS OF 231.93 FEET, A CENTRAL ANGLE OF 51°17'06" AND AN ARC LENGTH OF 207.60 FEET, TO A POINT OF NON-TANGENT;
7. S42°28'32"W A DISTANCE OF 25.03 FEET;
8. S42°33'04"W A DISTANCE OF 50.00 FEET;
9. S42°37'37"W A DISTANCE OF 437.98 FEET, TO A POINT OF CURVE;
10. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 08°20'44" AND AN ARC LENGTH OF 78.66 FEET, TO A POINT OF NON-TANGENT;
11. S59°19'04"W A DISTANCE OF 106.07 FEET, TO A POINT ON NON-TANGENT CURVE;
12. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N27°42'52"W, HAVING A RADIUS OF 535.00 FEET, A CENTRAL ANGLE OF 26°53'14" AND AN ARC LENGTH OF 251.06 FEET, TO A POINT OF TANGENT;
13. S89°10'22"W A DISTANCE OF 216.65 FEET;
14. S89°15'16"W A DISTANCE OF 361.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°11'44"W A DISTANCE OF 61.02 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE QUITCLAIM DEED RECORDED IN BOOK 3859 AT PAGE 151 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON THE BOUNDARY OF SAID PROPERTY, THE FOLLOWING THREE (3) COURSES:

1. N42°23'21"E A DISTANCE OF 657.49 FEET;
2. N01°53'26"W A DISTANCE OF 403.35 FEET;
3. N87°33'35"W A DISTANCE OF 365.82 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 82.22 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. N89°18'51"E A DISTANCE OF 2,582.55 FEET;
2. S00°41'24"E A DISTANCE OF 204.78 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF;
4. S28°05'30"W A DISTANCE OF 94.93 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 1,524,025 SQUARE FEET OR 34.9868 ACRES.

