

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-20-010
RED ROCK ACRES REZONE**

WHEREAS, JZS Land Development, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the RR-5 (Residential Rural) zoning district to RR-0.5 (Residential Rural) zoning district and RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 14, 2021; 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 was 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 were heard at that hearing.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. 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
7. 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. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of JZS Land Development, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RR-0.5 (Residential Rural) zoning district and RR-5 (Residential Rural) zoning district to RR-2.5 (Residential Rural) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends 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 RR-0.5 (Residential Rural) zoning district and the RR-2.5 (Residential Rural) zoning district 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 Board of County Commissioners for its consideration.

Commissioner Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	nay
Commissioner Merriam	nay
Commissioner Moraes	aye
Commissioner Carlson	nay

The Resolution was adopted by a vote of 5 to 3 by the El Paso County Planning Commission, State of Colorado.

Dated: September 2, 2021



Brian Risley, Chair

EXHIBIT A

LAND DESCRIPTION (Red Rock Acres Rezone Boundary)

A PARCEL OF LAND LOCATED IN THE WEST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH/ PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT RECORDED NOVEMBER 2, 2016 AT RECEPTION NUMBER 216713864, BEING A PART OF THE EAST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, THENCE S00°12'16"W, 641.77 FEET ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST LINE OF THE WEST ½ OF SAID SECTION 9 TO THE CENTER OF SAID SECTION 9;
THENCE CONTINUE S00°12'16"W, 1334.97 FEET ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST LINE OF THE WEST ½ OF SAID SECTION 9 TO A POINT ON THE NORTH LINE OF CLOVEN HOOF ESTATES, A SUBDIVISION RECORDED IN PLAT BOOK B-2 AT PAGE 3 OF THE RECORDS OF EL PASO COUNTY, COLORADO,
THENCE S89°32'22"W, 1336.87 FEET ALONG THE NORTH LINE OF SAID CLOVEN HOOF ESTATES TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RED ROCK RANCH ROAD AS DESCRIBED IN THAT DEED RECORDED IN BOOK 2395 AT PAGE 210 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
(THE FOLLOWING NINE BEARINGS AND DISTANCES ARE ALONG EASTERLY RIGHT-OF-WAY LINE OF SAID RED ROCK RANCH ROAD)
THENCE NORTHWESTERLY, 138.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 116.24 FEET, A CENTRAL ANGLE OF 68°05'24" AND BEING SUBTENDED BY A CHORD THAT BEARS N42°18'01"E, 130.15 FEET;
THENCE N76°20'43"E, 183.27 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE NORTHEASTERLY, 919.83 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 780.00 FEET A CENTRAL ANGLE OF 67°34'03" AND BEING SUBTENDED BY A CHORD THAT BEARS N42°33'41"E, 867.45 FEET;
THENCE N08°46'40"E, 374.00 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE NORTHEASTERLY, 259.13 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 35°21'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N26°27'10"E, 255.04 FEET;
THENCE N44°07'40"E, 344.33 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE NORTHERLY, 156.40 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 196.66 FEET, A CENTRAL ANGLE OF 45°34'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N21°20'40"E, 152.31 FEET;
THENCE N01°20'40"E, 203.51 FEET;
THENCE N38°28'10"E, 33.54 FEET TO A POINT ON A SOUTHWESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 105;
THENCE S51°31'50E, 12.58 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 9 AND THE WEST LINE OF SAID SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT AND THE **POINT OF BEGINNING.**

CONTAINING 20.886 ACRES MORE OR LESS.

LEGAL DESCRIPTION (ZONE RR-0.5):

A PARCEL OF LAND LOCATED IN THE WEST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH/ PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT RECORDED NOVEMBER 2, 2016 AT RECEPTION NUMBER 216713864, BEING A PART OF THE EAST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, THENCE S00°12'16"W, 641.77 FEET ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST LINE OF THE WEST ½ OF SAID SECTION 9 TO THE CENTER OF SAID SECTION 9; THENCE CONTINUE S00°12'16"W, 527.31 FEET ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST LINE OF THE WEST ½ OF SAID SECTION 9; THENCE N56°50'39"W, 275.33 FEET; THENCE N60°52'55"W, 239.69 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RED ROCK RANCH ROAD AS DESCRIBED IN THAT DEED RECORDED IN BOOK 2395 AT PAGE 210 OF THE RECORDS OF EL PASO COUNTY, COLORADO; (THE FOLLOWING SIX BEARINGS AND DISTANCES ARE ALONG EASTERLY RIGHT-OF-WAY LINE OF SAID RED ROCK RANCH ROAD)
THENCE N08°46'40"E, 63.36 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE NORTHEASTERLY, 259.13 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 35°21'00" AND BEING SUBTENDE BY A CHORD THAT BEARS N26°27'10"E, 255.04 FEET;
THENCE N44°07'40"E, 344.33 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE NORTHERLY, 156.40 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 196.66 FEET, A CENTRAL ANGLE OF 45°34'00" AND BEING SUBTENDE BY A CHORD THAT BEARS N21°20'40"E, 152.31 FEET;
THENCE N01°20'40"E, 203.51 FEET;
THENCE N38°28'10"E, 33.54 FEET TO A POINT ON A SOUTHWESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 105;
THENCE S51°31'50"E, 12.58 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 9 AND THE WEST LINE OF SAID SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT AND THE **POINT OF BEGINNING.**

CONTAINING 5.374 ACRES MORE OR LESS.

LEGAL DESCRIPTION (ZONE RR-2.5):

A PARCEL OF LAND LOCATED IN THE WEST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH/ PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT RECORDED NOVEMBER 2, 2016 AT RECEPTION NUMBER 216713864, BEING A PART OF THE EAST ½ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, THENCE S89°32'22"W, 1336.87 FEET ALONG THE NORTH LINE OF CLOVEN HOOF ESTATES, A SUBDIVISION RECORDED IN PLAT BOOK B-2 AT PAGE 3 OF THE RECORDS OF EL PASO COUNTY, COLORADO, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RED ROCK RANCH ROAD AS

DESCRIBED IN THAT DEED RECORDED IN BOOK 2395 AT PAGE 210 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

(THE FOLLOWING FOUR BEARINGS AND DISTANCES ARE ALONG EASTERLY RIGHT-OF-WAY LINE OF SAID RED ROCK RANCH ROAD)

THENCE NORTHWESTERLY, 138.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 116.24 FEET, A CENTRAL ANGLE OF 68°05'24" AND BEING SUBTENDED BY A CHORD THAT BEARS N42°18'01"E, 130.15 FEET;

THENCE N76°20'43"E, 183.27 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 919.83 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 780.00 FEET A CENTRAL ANGLE OF 67°34'03" AND BEING SUBTENDED BY A CHORD THAT BEARS N42°33'41"E, 867.45 FEET;

THENCE N08°46'40"E, 310.64 FEET;

THENCE S60°52'55"E, 239.69 FEET;

THENCE S56°50'39"E, 275.33 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 9 AND THE WEST LINE OF SAID SUBDIVISION EXEMPTION ARAPAHOE WELL - FOREST VIEW ACRES WATER DISTRICT;

THENCE S00°12'16"W, 807.66 FEET ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST LINE OF THE WEST ½ OF SAID SECTION 9 TO THE **POINT OF BEGINNING.**

CONTAINING 15.511 ACRES MORE OR LESS.

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