

BACC



RESOLUTION NO. 24-418

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

**APPROVAL A OF MAP AMENDMENT (REZONING)
RETREAT AT PRAIRIERIDGE REZONE (P2314)**

WHEREAS, Classic SRJ Land, LLC 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 for a property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the RR-0.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 3, 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 October 24, 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.**

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 Classic SRJ Land, LLC 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 RR-0.5 (Residential Rural) 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.

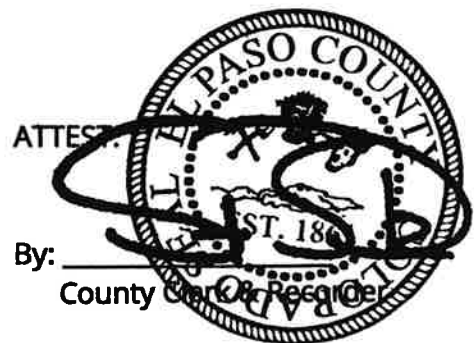
- 2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district, RR-0.5 (Residential Rural) zoning district, and RS-6000 (Residential Suburban) zoning district as described in the legal descriptions for each Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

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 24th day of October 2024 at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Carly J. St...
Chair

EXHIBIT A

Legal Description

A PARCEL OF LAND BEING LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E, A DISTANCE OF 1326.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SAID SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S83°37'56"W, A DISTANCE OF 62.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 28 SAID POINT BEING THE NORTHEASTERLY CORNER OF LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 211900027;

THENCE S89°13'54"W, ON SAID LINE, A DISTANCE OF 2575.04 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SECTION 28;

THENCE S00°16'33"E, ON SAID LINE, A DISTANCE OF 538.25 FEET TO THE POINT OF BEGINNING;

THENCE N89°43'27"E, A DISTANCE OF 210.00 FEET;

THENCE S00°16'33"E, A DISTANCE OF 1,022.97 FEET;

THENCE S41°32'04"W, A DISTANCE OF 37.50 FEET;

THENCE S00°16'33"E, A DISTANCE OF 429.67 FEET;

THENCE S36°29'38"E, A DISTANCE OF 42.31 FEET;

THENCE S00°16'33"E, A DISTANCE OF 1,041.57 FEET;

THENCE S89°43'27"W, A DISTANCE OF 211.28 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33;

THENCE N00°07'28"W, ON SAID WEST LINE, A DISTANCE OF 483.17 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28;

THENCE N00°16'33"W, ON SAID WEST LINE, A DISTANCE OF 2,073.13 FEET TO THE POINT OF BEGINNING.

THE DESCRIPTION ABOVE PRODUCES A CALCULATED AREA OF 525,622 SQUARE FEET, (12.06663 ACRES) OF LAND MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

And;

A PARCEL OF LAND BEING LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 211900027, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E A DISTANCE OF 1326.68 FEET. COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SAID SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S83°37'56"W, A DISTANCE OF 62.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 28 SAID POINT BEING THE NORTHEASTERLY CORNER OF LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 211900027;

THENCE S89°13'54"W, ON SAID LINE, A DISTANCE OF 1857.56 FEET TO THE NORTHWESTERLY CORNER OF LOT 1 OF JAYNES SUBDIVISION RECORDED IN PLAT BOOK X-3 AT PAGE 96;

THENCE S00°46'12"E, ON THE WESTERLY BOUNDARY OF SAID JAYNES SUBDIVISION, A DISTANCE OF 544.44 FEET TO THE POINT OF BEGINNING;

THENCE N89°13'29"E, ON THE SOUTHERLY BOUNDARY OF SAID JAYNES SUBDIVISION AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 436.45 FEET;

THENCE S21°04'41"E, A DISTANCE OF 120.00 FEET;

THENCE S68°55'19"W, A DISTANCE OF 505.00 FEET;

THENCE N21°04'41"W, A DISTANCE OF 137.93 FEET;

THENCE N00°16'33"W, A DISTANCE OF 158.78 FEET;

THENCE N89°43'27"E, A DISTANCE OF 42.01 FEET TO THE POINT OF BEGINNING.

THE DESCRIPTION ABOVE PRODUCES A CALCULATED AREA OF 103,032 SQUARE FEET, (2.36528 ACRES) OF LAND MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

