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Steve Schleiker

El Paso County, CO

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RESOLUTION NO. 23-159

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**APPROVAL OF MAP AMENDMENT (REZONE)
KELNHOFER REZONE (P- 22-020)**

WHEREAS Steve Kelnhofer 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 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 A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 6, 2023, 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 May 2, 2023; 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 Steve Kelnhofer 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 A-35 (Agricultural) 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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

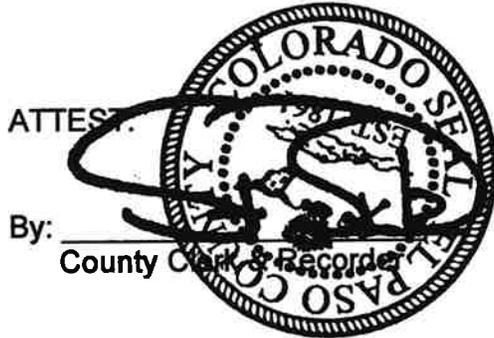
1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 2nd day of May, 2023, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Carin J. Suter
Vice Chair

EXHIBIT A

PARCEL X

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE S 00°00'07" W ALONG THE WEST LINE OF SAID SECTION 7, 287.82 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 2882 AT PAGE 872; THENCE S 89°42'00" E PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 7, 671.21 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE N 00°00'00" W PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 619.00 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 2422 AT PAGE 483; THENCE N 89°42'00" W ALONG THE NORTH LINE OF SAID 2422 AT PAGE 483 BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 671.18 FEET TO THE INTERSECTION OF THE EAST LINE OF CORRAL VALLEY ROAD AND THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7; THENCE ALONG THE EAST LINE OF CORRAL VALLEY ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 881.88 FEET THROUGH A CENTRAL ANGLE OF 14°59'22", THE CHORD OF WHICH BEARS N 07°29'34" E, AN ARC LENGTH OF 238.88 FEET TO A POINT 30.80 FEET EAST OF THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7; THENCE N 00°00'00" W PARALLEL WITH SAID WEST LINE, 287.83 FEET TO THE SOUTH LINE OF A TRACT DESCRIBED IN BOOK 3000 AT PAGE 703; THENCE S 89°39'38" E ALONG SAID SOUTH LINE BEING PARALLEL WITH AND 252.71 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 7, 1571.11 FEET; THENCE S 00°27'14" W PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SECTION 7, 1332.35 FEET TO A POINT 287.82 FEET SOUTH OF THE EAST-WEST CENTERLINE OF SECTION 7; THENCE N 89°42'00" W PARALLEL WITH SAID EAST-WEST CENTERLINE, 919.31 FEET TO THE POINT OF BEGINNING. CONTAINING 35.882 ACRES THEREIN.