

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-020

KELNHOFER REZONE

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

WHEREAS, a public hearing was held by this Commission on April 6, 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, 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, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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 Steve Kelnhofer 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 A-35 (Agricultural) 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 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

PATTENSON seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	aye / no / abstain / <u>absent</u>
Eric Moraes	<u>aye</u> / no / abstain / absent

Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Kara Offner	aye / no / abstain / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 6th day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian K
4/6/23, Chair

DATED: April 6, 2023

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 2862 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°00'06" W PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 818.09 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 2422 AT PAGE 493; THENCE N 89°42'00" W ALONG THE NORTH LINE OF SAID 2422 AT PAGE 493 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 881.68 FEET THROUGH A CENTRAL ANGLE OF 14°58'22", THE CHORD OF WHICH BEARS N 07°29'34" E, AN ARC LENGTH OF 230.88 FEET TO A POINT 30.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7; THENCE N 00°00'06" W PARALLEL WITH SAID WEST LINE, 287.83 FEET TO THE SOUTH LINE OF A TRACT DESCRIBED IN BOOK 3500 AT PAGE 703; THENCE S 89°39'59" 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 35.892 ACRES THEREIN.