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El Paso County, CO

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RESOLUTION NO. 24-440

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

APPROVAL OF A MAP AMENDMENT (REZONING)
SETTLERS RANCH RR-2.5 REZONE (P2223)

WHEREAS, Hodgen Settlers Ranch, 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 PUD (Planned Unit Development) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 17, 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 November 14, 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 Hodgen Settlers Ranch, 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 PUD (Planned Unit Development) zoning district to the RR-2.5 (Residential Rural) zoning district;

BE IT FURTHER RESOLVED the following condition and notations shall be placed upon this approval:

CONDITION

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.

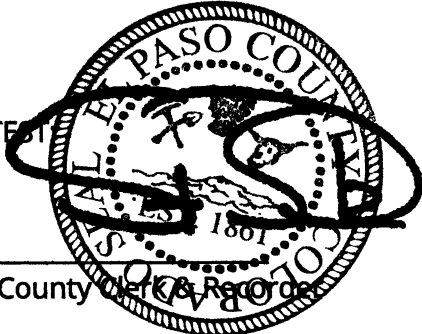
NOTATIONS

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 14th day of November 2024 at Colorado Springs, Colorado.

ATTEST
By: _____
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

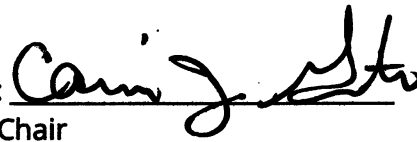
By: 
Chair

EXHIBIT A

Legal Description

TRACTS A-1, A-2 A-3 AND TRACT C, SETTLERS RANCH SUBDIVISION FILING NO. 2C, AS RECORDED UNDER RECEPTION NO. 22014487 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (S1/2 SE1/4 NE1/4) OF SECTION 23, TOGETHER WITH THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED HEREIN ARE BASED ON AN ASSUMED BEARING OF N89°57'46"W, A DISTANCE OF 1326.42 FEET BETWEEN THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP STAMPED "NE COR NW QUARTER SE QUARTER SEC 23" AND THE CENTER QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP (ILLEGIBLE);

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23; THENCE N00°47'45"E ALONG THE WEST LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 662.45 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE N89°48'55"E ALONG THE NORTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 1347.60 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF SAID SW1/4 NW1/4; THENCE ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID SW1/4 NW1/4 THE FOLLOWING FOUR (4) COURSES; 1.) THENCE N00°27'45"E, A DISTANCE OF 661.27 FEET; 2.) THENCE N89°48'42"E, A DISTANCE OF 1318.18 FEET; 3.) THENCE S00°49'57"W, A DISTANCE OF 1323.44 FEET; 4.) THENCE S89°50'36"W, A DISTANCE OF 1309.58 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID S1/2 SE1/4 NE1/4; THENCE S89°46'03"W ALONG THE SOUTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 747.82 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SETTLERS RANCH ROAD AS RECORDED UNDER SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1.) ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°22'06", AN ARC LENGTH OF 77.41 FEET (THE LONG CHORD OF WHICH BEARS N05°23'47"E, A LONG CHORD DISTANCE OF 77.34 FEET); 2.) THENCE N01°12'44"E, A DISTANCE OF 66.40 FEET; 3.) THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°18'43", AN ARC LENGTH OF 166.62 FEET (THE LONG CHORD OF WHICH BEARS N11°22'05"E, A LONG CHORD DISTANCE OF 165.75 FEET); THENCE N68°28'34"W A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C, THENCE N60°12'24"W ALONG THE NORTHERLY LINE OF SAID LOT 9, ALSO BEING THE SOUTHERLY LINE OF THE DESCRIBED TRACT OF LAND A DISTANCE 668.36 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 53.53 ACRES OF LAND, MORE OR LESS.

EXHIBIT B

