

MAP AMENDMENT - REZONING (RECOMMEND APPROVAL)

Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2223
SETTLERS RANCH RR-2.5 REZONE

WHEREAS, Hodgen Settlers Ranch, 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 and depicted in Exhibit B, attached hereto and incorporated herein 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 this Commission on October 17, 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, 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 (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code ("Code") (as amended):

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 Hodgen Settlers Ranch, 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 PUD (Planned Unit Development) Zoning district to the RR-2.5 (Residential Rural) Zoning district be approved by the Board of County Commissioners with the following condition and notations:

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 Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map Amendment (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.

Fuller seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettepelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17th day of October 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Thomas Bailey
Thomas Bailey, 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.

