

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Markewich moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P245
MONUMENT RIDGE EAST, RM-12

WHEREAS, Vertex Consulting Services did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for 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), C-1 (Commercial), CS (Commercial Services), and CC (Commercial Community zoning districts to the RM-12 (Residential, Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on November 21, 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.B of the El Paso County Land Development 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 Vertex Consulting Services for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development), C-1 (Commercial), CS (Commercial Services), and CC (Commercial Community zoning districts to the RM-12 (Residential, Multi-Dwelling) 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 RM-12 (Residential, Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. A Site Development Plan shall be submitted to the Planning Department for the entirety of the Monument Ridge East Preliminary Plan, concurrent with the Final Plat Submittal.

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.

SCAUOTTEPELZ seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 4 to 4 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 21st day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 2, AND THE WEST 1/2 OF SECTION 11 TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST SECTION CORNER OF SAID SECTION 2 WHENCE THE WEST 1/4 CORNER OF SAID SECTION 2 BEARS SOUTH 00° 06'21" EAST, A DISTANCE OF 2767.12 FEET:

THENCE NORTH 89°46'22"EAST, A DISTANCE OF 1953.69 FEET;

THENCE SOUTH 00°13'38"EAST, A DISTANCE OF 30.00 FEET: THENCE ALONG THE SOUTH LINE OF THE NORTH 30 FEET OF SAID SECTION 2 NORTH 89° 46'22" EAST, A DISTANCE OF 139.55 FEET TO THE TRUE POINT OF BEGINNING:

THENCE NORTH 89° 46'22" EAST, A DISTANCE OF 259.32 FEET TO THE NORTHWEST CORNER OF THE RIGHT OF WAY OF PARCEL GRANTED TO EL PASO COUNTY FOR COUNTY ROAD UNDER THE RECEPTION NUMBER 214002145 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE FOLLOWING SAID RIGHT OF WAY, THE FOLLOWING 5 COURSES:

1) THENCE SOUTH 00° 19'37" EAST, A DISTANCE OF 11.75 FEET;

2) THENCE SOUTH 89° 17'54" EAST, A DISTANCE OF 182.88 FEET;

3) THENCE NORTH 84° 31'33" EAST, A DISTANCE OF 3.14 FEET;

4) THENCE SOUTH 89° 40'13" EAST, A DISTANCE OF 87.26 FEET;

5) THENCE SOUTH 88° 20'10" EAST, A DISTANCE OF 154.53 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE 60 FEET WIDE DOEWOOD DRIVE AS DEDICATED IN HEIGHTS FILING TWO AS RECORDED IN PLAT BOOK E-5 AT PAGE 228 UNDER RECEPTION NUMBER 2287623 OF THE RECORDS OF EL PASO COUNTY;

THENCE SOUTH 00° 41'56" WEST, ALONG THE WESTERLY RIGHT OF WAY OF SAID DOEWOOD DRIVE, A DISTANCE OF 249.69 FEET, TO THE NORTHEAST CORNER OF LOT 10 OF SAID HEIGHTS FILING TWO;

THENCE SOUTH 89° 50'30" WEST, A DISTANCE OF 129.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 10;

THENCE SOUTH 15° 46'00" WEST, A DISTANCE OF 1267.84 FEET ALONG THE WESTERLY LINE OF SAID HEIGHTS FILING TWO, TO THE SOUTHEAST CORNER HEIGHTS FILING 1 AS RECORDED IN PLAT BOOK E-5 PAGE 167 RECORDS OF EL PASO COUNTY;

THENCE NORTH 89° 15'42" WEST, ALONG THE SOUTH LINE OF SAID "HEIGHTS FILING 1, A DISTANCE OF 487.45 FEET, TO THE NORTHWEST CORNER OF LOT 27 OF MISTY ACRES FILING 1AS RECORDED UNDER RECEPTION NUMBER 205190028 RECORDS OF EL PASO COUNTY;

THENCE THE FOLLOWING 4 COURSES ALONG THE EASTERLY LINE OF SAID LOT 27;

1) THENCE SOUTH 14° 00'25" WEST, A DISTANCE OF 242.35 FEET;

2) THENCE SOUTH 11° 49'44" EAST, A DISTANCE OF 121.06 FEET;

3) THENCE SOUTH 59° 49'44" EAST, A DISTANCE OF 49.90 FEET;

4) THENCE SOUTH 30° 35'19" WEST, A DISTANCE OF 196.92 FEET;

THENCE NORTH 15°34'31" WEST, A DISTANCE OF 97.39 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A LENGTH OF 603.66 FEET, A RADIUS OF 715.00 FEET;

THENCE NORTH 32° 47'55" EAST, A DISTANCE OF 226.03 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A LENGTH OF 481.30 FEET, A RADIUS OF 835.00 FEET;

THENCE NORTH 00°13'38" WEST, A DISTANCE OF 617.79 FEET;

THENCE NORTH 30°14'22" EAST, A DISTANCE OF 108.28 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PARCEL CONVEYED TO WOODMORE WATER AND SANITATION DISTRICT FOR THE CRYSTAL CREEK LIFT STTION DEED RECORDED NOVEMBER 30, 1998 AT RECEPTION NO. 98175218 OF THE RECORDS OF EL PASO COUNTY, COLORADO; EXCEPTION DEED RECORDED NOVEMBER 29, 2010 AT RECEPTION NO. 210120918 AND JANUARY 9, 2014 AT RECEPTION NO 214002145 AND FURTHER EXCEPTING ANY PORTION WITHIN THE RIGHT OF WAY OF COUNTY LINE ROAD OR INTERSTATE HIGHWAY 25, AND FURTHER EXCEPTING THAT PORTION DEDICATED AS DOEWOOD DRIVE IN "HEIGHTS FILING TWO" AS RECORDED IN PLAT BOOK E-5 AT PAGE 228 UNDER RECEPTION NO. 2287623 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

SAID PARCEL CONTAINS 18.97 ACRES MORE OR LESS.

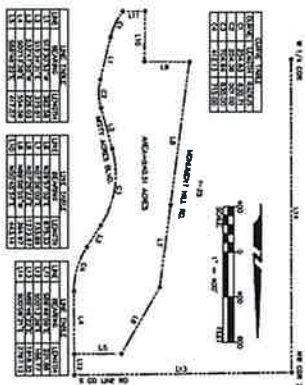
EXHIBIT B

Monument Ridge East RM-12 Zoning Map

NW1/4 Section 2, Township 11, Range 67 W 6th PM

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 2, AND THE WEST 1/2 OF SECTION 11 TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST SECTION CORNER OF SAID SECTION 2 WHENCE THE WEST 1/4 CORNER OF SAID SECTION 2 BEARS SOUTH 00°06'21" EAST, A DISTANCE OF 2767.12 FEET;
 THENCE NORTH 89°46'22" EAST, A DISTANCE OF 1918.35 FEET;
 THENCE SOUTH 00°13'38" EAST, A DISTANCE OF 186.77 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE FROM THE POINT OF BEGINNING, SOUTH 00°13'38" EAST, A DISTANCE OF 554.59 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A LENGTH OF 412.13 FEET, A RADIUS OF 715.00 FEET;
 THENCE SOUTH 32°47'55" WEST, A DISTANCE OF 226.03 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A LENGTH OF 704.94 FEET, A RADIUS OF 835.00 FEET;
 THENCE SOUTH 15°34'31" EAST, A DISTANCE OF 375.61 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A LENGTH OF 254.36 FEET, A RADIUS OF 501.00 FEET;
 THENCE SOUTH 13°30'52" WEST, A DISTANCE OF 382.56 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WITH A LENGTH OF 254.82 FEET, A RADIUS OF 630.71 FEET;
 THENCE SOUTH 89°49'59" EAST A DISTANCE OF 221.86 FEET, ALONG THE NORTH LINE OF A DEED RECORDED UNDER RECEPTION NUMBER 220189049 RECORDS OF EL PASO COUNTY;
 THENCE NORTH 00°45'57" EAST A DISTANCE OF 443.14 FEET;
 THENCE NORTH 89°08'55" WEST A DISTANCE OF 394.97 FEET;
 THENCE NORTH 07°26'23" EAST A DISTANCE OF 1273.67 FEET, ALONG THE WEST LINE OF A DEED RECORDED UNDER RECEPTION NUMBER 99035205 RECORDS OF EL PASO COUNTY;
 THENCE NORTH 07°26'00" EAST A DISTANCE OF 733.89 FEET;
 THENCE NORTH 29°57'52" EAST A DISTANCE OF 675.33 FEET;
 THENCE SOUTH 89°46'22" EAST A DISTANCE OF 417.07 FEET TO THE POINT OF BEGINNING.
 SAID PARCEL CONTAINS 40.51 ACRES MORE OR LESS.



RM-12
Boundary
Description

Schedule Map: 7102200013, 7102200008, 7102200008, 7102201001, 7102201014 Average: 40.51 AC Current Zoning: PUD, CC, CS, C-1, RS-20000 Request: Request for approval of a map amendment (zone) of 40.51 acres to the RM-12 (Residential Multi-Dwelling) zoning district.	
Owner: Monument Ridge East, LLC 5035 Lisi Drive Colorado Springs, CO 80919	APPLICANT: DATE:
APPLICANT: DATE:	APPROVED:
1	

