

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

BRITAIN JACK moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2415
STERLING RANCH EAST FIL. NO. 7 RS-5000 REZONE

WHEREAS, Classic SRJ Land, LLC 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 RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on January 16, 2025; 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 Classic SRJ Land, LLC 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 RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) 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 RS-5000 (Residential Suburban) zoning district as described in the legal description for the Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

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.

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

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 16th day of January 2025 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, BEING MONUMENTED AT THE WEST END BY A 2-1/2 INCH ALUMINUM CAP STAMPED "U.P.E. LS 11624" FOUND 0.1 FOOT ABOVE EXISTING GRADE AND MONUMENTED ON THE EAST END BY A 3-1/4 INCH ALUMINUM CAP STAMPED "ESI PLS 10376 - 2006" FOUND 0.1 FEET ABOVE EXISTING GRADE; DETERMINED FROM GPS OBSERVATIONS TO BEAR SOUTH 89°14'26" WEST A DISTANCE OF 1349.45 FEET.

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 34;

THENCE SOUTH 89°14'26" WEST, ON SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, A DISTANCE OF 1,349.45 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;

THENCE SOUTH 89°14'14" WEST, ON SAID SOUTH LINE, A DISTANCE OF 508.68 FEET;

THENCE NORTH 00°45'46" WEST A DISTANCE OF 328.35 FEET;

~~THENCE SOUTH 89°14'00" WEST A DISTANCE OF 1,366.18 FEET;~~

THENCE NORTH 00°46'00" WEST A DISTANCE OF 1,487.66 FEET;

THENCE NORTH 02°44'13" EAST A DISTANCE OF 116.36 FEET;

THENCE NORTH 13°01'47" EAST A DISTANCE OF 430.30 FEET;

THENCE SOUTH 76°31'31" EAST A DISTANCE OF 735.81 FEET;

THENCE SOUTH 13°28'29" WEST A DISTANCE OF 298.09 FEET TO A TANGENT CURVE, HAVING A RADIUS OF 800.00 FEET, WHOSE CENTER BEARS SOUTHEASTERLY;

THENCE SOUTHERLY, ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°14'29", AN ARC DISTANCE OF 198.85 FEET;

THENCE SOUTH 00°46'00" EAST A DISTANCE OF 622.28 FEET;

THENCE NORTH 89°14'00" EAST A DISTANCE OF 80.77 FEET TO A TANGENT CURVE, HAVING A RADIUS OF 500.00 FEET, WHOSE CENTER BEARS SOUTHEASTERLY;

THENCE EASTERLY, ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°00'14", AN ARC DISTANCE OF 392.73 FEET;

THENCE SOUTH 45°45'46" EAST A DISTANCE OF 114.76 FEET;

THENCE NORTH 44°14'14" EAST A DISTANCE OF 623.32 FEET TO A TANGENT CURVE, HAVING A RADIUS OF 600.00 FEET, WHOSE CENTER BEARS NORTHWESTERLY;

THENCE NORTHEASTERLY, ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°45'45", AN ARC DISTANCE OF 322.14 FEET;

THENCE NORTH 13°28'29" EAST A DISTANCE OF 379.36 FEET;

THENCE SOUTH 76°31'31" EAST A DISTANCE OF 836.89 FEET TO A TANGENT CURVE, HAVING A RADIUS OF 800.00 FEET, WHOSE CENTER BEARS NORTHEASTERLY;

THENCE EASTERLY, ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°41'30", AN ARC DISTANCE OF 191.17 FEET;

THENCE NORTH 89°46'59" EAST A DISTANCE OF 308.25 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 34;
THENCE SOUTH 00°13'01" EAST, ON SAID EAST LINE, A DISTANCE OF 1,685.39 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM
THAT CERTAIN PARCEL BEING THE MVEA SUBSTATION AT STERLING RANCH EXEMPTION SURVEY PLAT RECORDED FEBRUARY 24, 2021 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, UNDER RECEPTION NUMBER 221714681

THE ABOVE DESCRIPTION PRODUCES A CALCULATED NET AREA OF 4,644,526 SQUARE FEET (106.62365 ACRES), MORE OR LESS.

