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RESOLUTION NO. 25- 53

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

**APPROVAL OF A MAP AMENDMENT (REZONING)
STERLING RANCH EAST FILING NO. 7 RS-5000 REZONE (P2415)**

WHEREAS, Classic SRJ Land, 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 and depicted in Exhibit B, attached hereto and incorporated 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 the El Paso County Planning Commission on January 16, 2025, 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 February 13, 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, 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 Classic SRJ Land, 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 RR-5 (Residential Rural) zoning district to the RS-5000 (Residential Suburban) zoning district;

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

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 descriptions 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 13th day of February 2025



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

By: Carrie J. [Signature]
Chair

EXHIBIT A

Legal Description

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.

EXHIBIT B



