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LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Joe Letke, Planner II  
Edward Schoenheit, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: P2312  
Project Name: 23218 Hwy 94 - Rezone project  
Parcel Number: 3412000026

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
GWH LLC c/o Michael Butler 6547 North Academy Blvd, #1009, Colorado Springs, Colorado 80918	Daniel L. Kupferer Land Development Consultants, Inc. 3898 Maizeland Road Colorado Springs, CO 80909

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>5/2/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>5/23/2024</b>

**EXECUTIVE SUMMARY**

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. (Parcel No. 3412000026) (Commissioner District No. 2)



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**Authorization to Sign:** There are no documents associated with this application that require signing.

**A. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment, (Rezoning) of the El Paso County Land Development Code (As Amended):

- 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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- 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.

**B. LOCATION**

North:	A-35 (Agricultural)	Residential
South:	A-35 (Agricultural)	Warehouse
East:	A-35 (Agricultural)	Residential
West:	RR-5 (Residential Rural)	Residential

**C. BACKGROUND**

The subject property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this part of the County. The existing home on the property was constructed in 2001. If the request for Map Amendment is approved, the applicant will be required to receive approval of the subsequent subdivision application in order to convey any potential lots within the subject property area (PCD file 23218 Hwy 94 Major Subdivision).

**D. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone 60 acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

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	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: RR-5 (Residential Rural)
Maximum Density	-	1 Unit per 5 acres
Minimum Lot Size	35 acres	5 acres
Minimum Width at Front Setback	500 feet	200 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	25 feet
Maximum Lot Coverage	None	25%
Maximum Height	30 feet	30 feet

**E. MASTER PLAN COMPLIANCE**

**1. Your El Paso County Master Plan**

**a. Placetype Character:** Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*



## Recommended Land Uses:

### Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

### Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

## Analysis:

The property is located within the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing unique and desirable neighborhoods. Relevant goals and objectives are as follows:

**Goal LU1** – *Ensure compatibility with established character and infrastructure capacity.*

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

**Objective HC1-5** – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

**Goal HC2** – *Preserve the character of rural and environmentally sensitive areas.*

The proposed Map Amendment (Rezoning) would allocate approximately 60 acres of vacant land from the A-35 zoning to the RR-5 zoning district, which would support the single-family detached residential density within the Large-Lot Residential placetype. The Map Amendment (Rezoning) would be compatible with the current RR-5 zoning located west of the subject property as well as be consistent with the recommended density of the Large-Lot Residential Placetype.

### b. Area of Change Designation: New Development

*These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different*



*supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

**Analysis:**

This property is located within the New Development area of change. This area is specifically designated as an area that will be significantly transformed as new development takes place. The current Map Amendment proposal is consistent with the Area of Change designation.

**d. Other Implications (Priority Development, Housing, etc.)**

This property is located within a priority development area.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency, and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

**Goal 4.3** – *Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

A finding of water sufficiency is not required with a Map Amendment. Water sufficiency shall be provided with subsequent subdivision applications.

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### 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) does not identify deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## F. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

No hazards have been identified.

### 2. Floodplain

The western portion of the property is located within a FEMA-surveyed Zone "AE" 100-year floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0809G. The eastern portion of the property is not located within a floodplain and is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

**3. Drainage and Erosion:** The property is in the Ellicott Consolidated drainage basin. This is an unstudied basin with no applicable drainage or bridge fees. A drainage report is not required with this rezone application. A drainage report will be required for the plat application.

**4. Transportation:** The property is located approximately one-quarter mile north of State Highway 94. Access to the property is currently obtained through an unimproved driveway and a recorded private access easement agreement. A new private road with a recorded access and maintenance agreement will be required to support the future planned subdivision. A Traffic Impact Study prepared by Kimley-Horn was provided with the rezone application. The planned rezone and development is expected to generate an additional 114 weekday daily trips to the local road network. No County public improvements were determined to be required at the intersection of the private road and State Highway-94.



## **G. SERVICES**

### **1. Water**

A finding of water sufficiency is not required with a Map Amendment. Water is provided by a well.

### **2. Sanitation**

Wastewater is provided by on-site wastewater treatment systems.

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District.

### **4. Utilities**

Mountain View Electric provides electric services to the property.

### **5. Metropolitan Districts**

The property is within the Upper Black Squirrel Creek Metropolitan District and the Ellicott Metropolitan District.

### **6. Parks/Trails**

Land dedication and fees in lieu of parkland dedication are not required for Map Amendment (Rezoning) application.

### **7. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

## **H. APPLICABLE RESOLUTIONS**

See attached resolution.

## **I. STATUS OF MAJOR ISSUES**

There are no major issues.

## **J. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (As Amended), staff recommends 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 RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

## **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.

## **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on April 17, 2024 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

## **L. ATTACHMENTS**

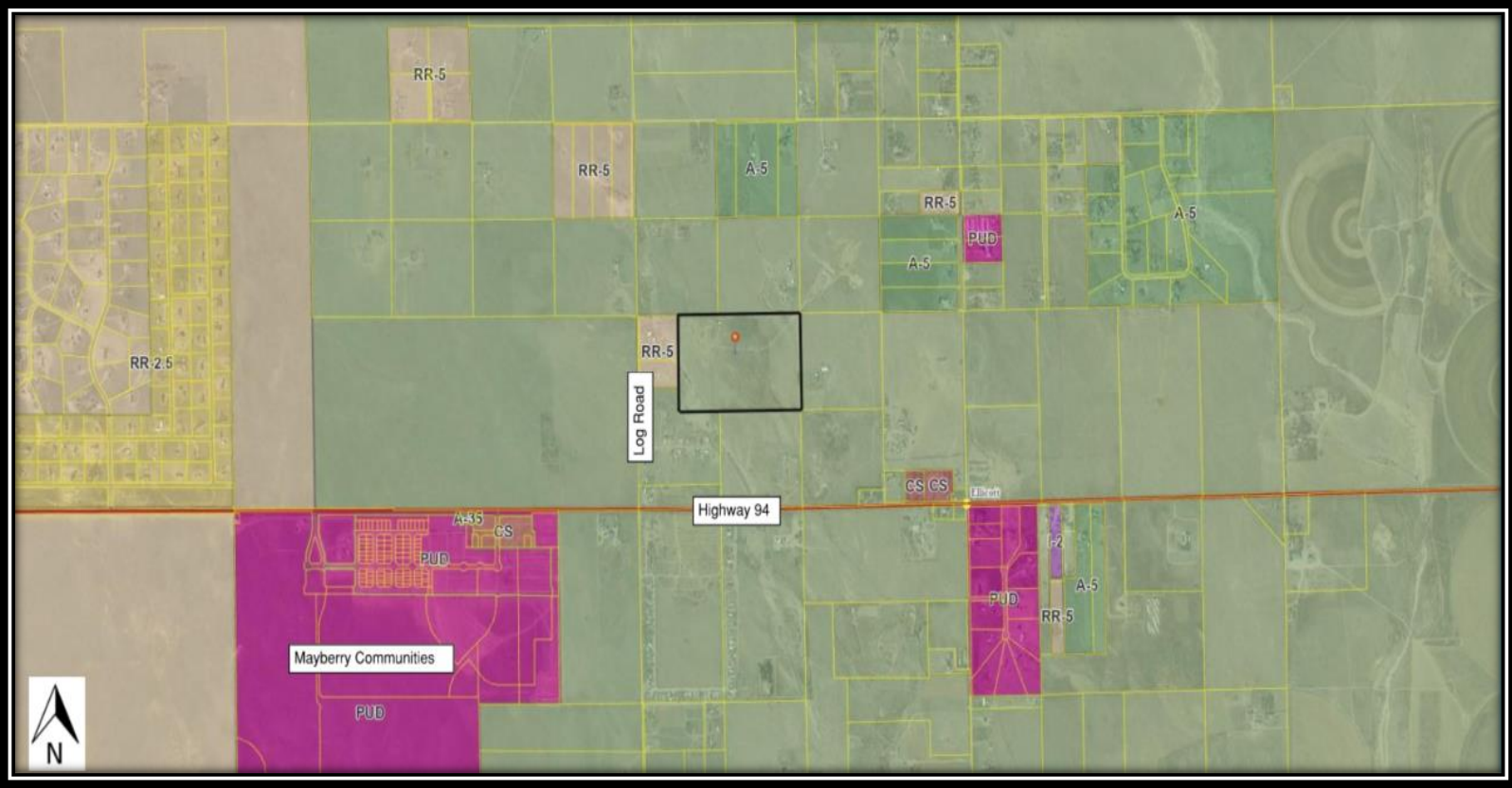
Map Series  
Letter of Intent  
Rezone Map  
Draft Resolution

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OFFICE: (719) 520 – 6300

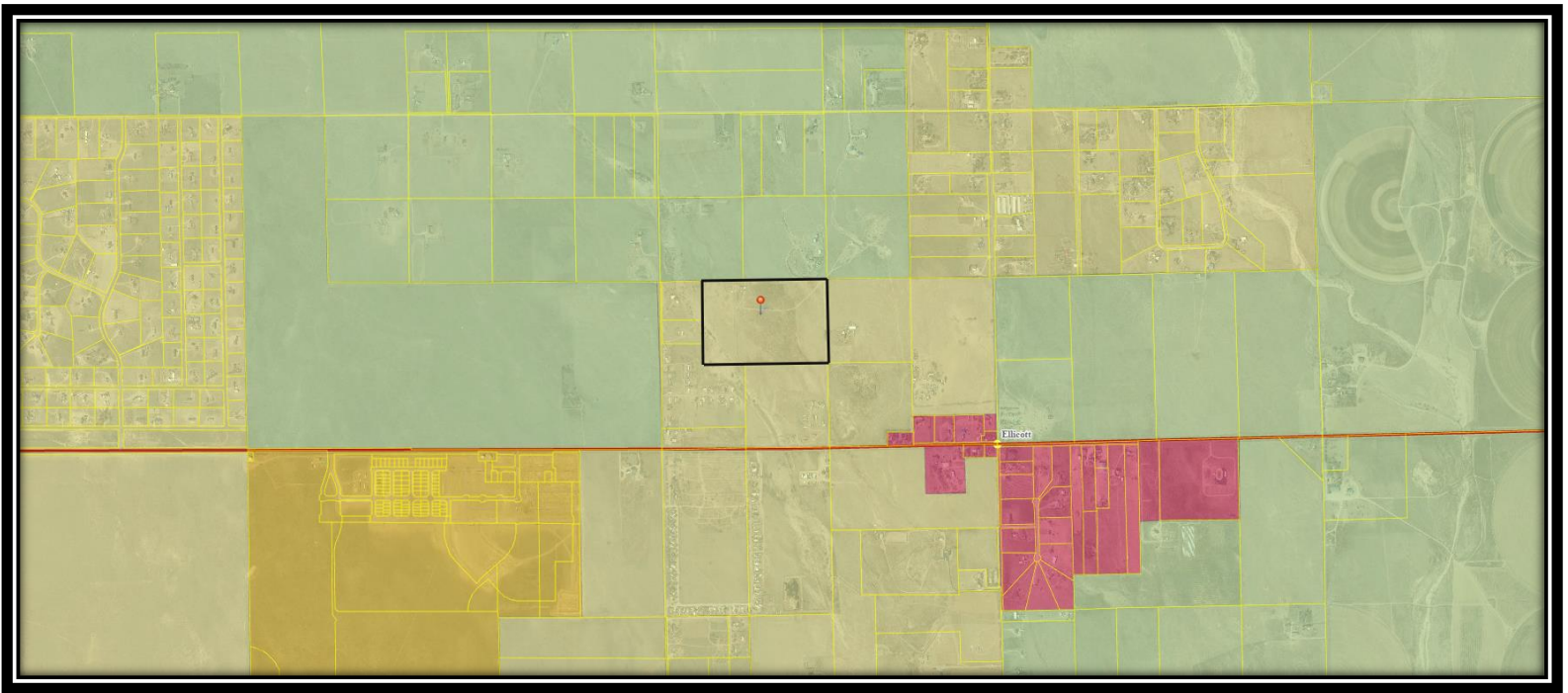


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






# Map Exhibit #1: Context



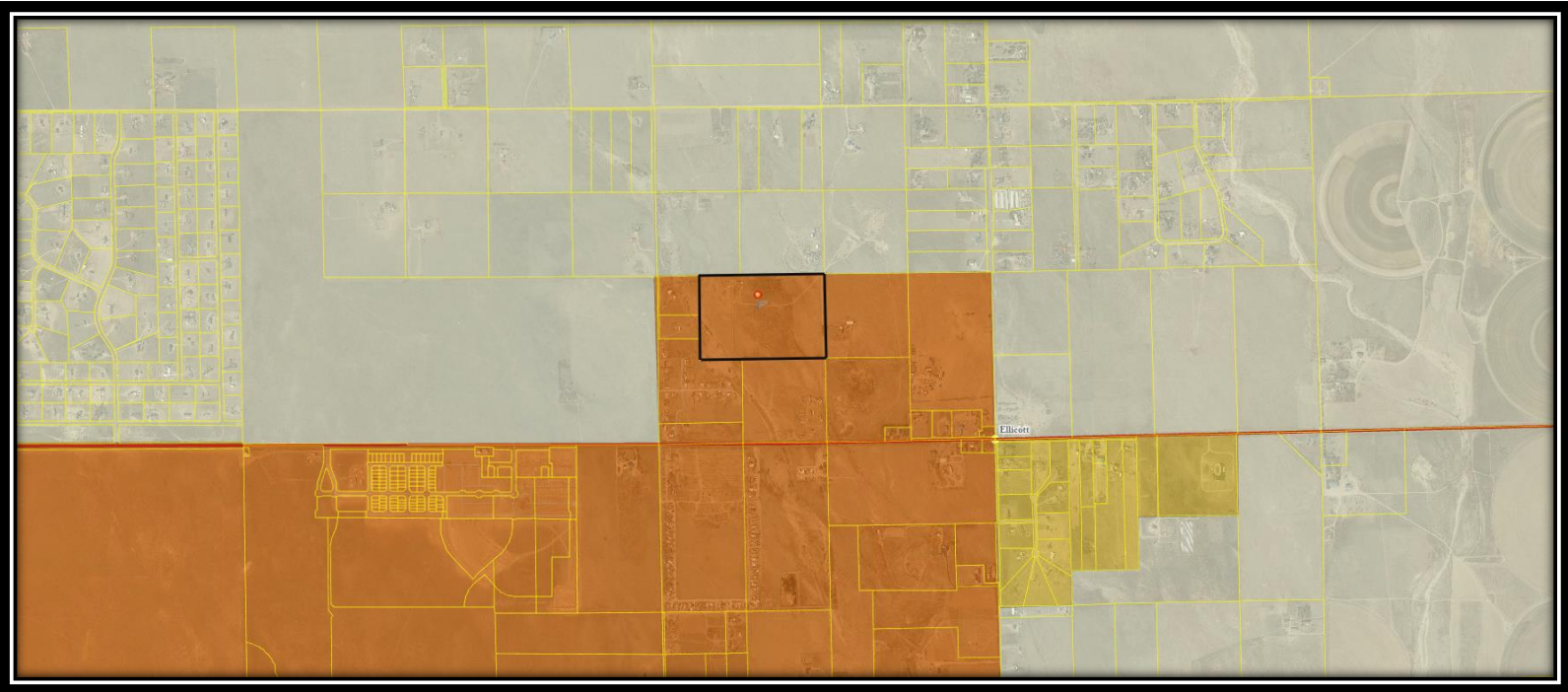
## Map Exhibit #2: Placetype








### Legend

	Rural		Employment Center
	Large-Lot Residential		Regional Open Space
	Suburban Residential		Mountain Interface
	Urban Residential		Military
	Rural Center		Utility
	Regional Center		Incorporated Area

### Map Exhibit #3: Area of Change



#### Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition

**LETTER OF INTENT****REVISED 3-8-2024**

October 24, 2023

**El Paso County Planning and Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910**Attn: **Ashlyn Mathey/Current Planner**Re: **Rezone Letter of Intent – KRISTIN ESTATES  
PCD FILE NO. P2312; APN 34120-00-026; 23218 HIGHWAY 94**

**LAND DEVELOPMENT CONSULTANTS, INC.** is representing GWH, LLC in this application for a rezone from A-35 Agricultural to RR-5 Rural Residential for 10 rural residential lots.

This site is located on the North side of US Highway 94 just East of North Log Road. It is currently being used for 2 modular type residences and has been since before the County zoned the property. It is surrounded by a variety of uses; mobile home park on the Southwest zoned A-35; agricultural/outside storage on the South zoned A-35; rural residential on the North and East zoned A-35 and rural residential on the West zoned RR-5.

The owner's property consists of a total of 60.00 acres and is currently zoned A-35. Their request is to rezone the property to the RR-5 rural residential zone. This will allow them to develop the land for 10 residential lots.

The property will be served by an wells and septic systems. Electric service is provided by Mountain View Electric Association. Fire protection is provided by ELLICOTT FIRE PROTECTION DISTRICT.

The existing access point on Highway 94 will continue to be used and an Access Permit will be applied for from Colorado Department of Transportation. A traffic Study has been completed to be submitted with that Access Permit.

The EL Paso County Master Plan is not specific as to the zoning boundaries of property as it is advisory in nature, and notes that a majority of real estate in Eastern El Paso County is zoned RR-5 and that that designation has been used as a "holding pattern" for properties until future development needs and requests arise. We find nothing within the Master Plan that would prohibit a zone change to the property. **The Master Plan depicts this parcel as "New Development" within the area of change. The placetype is depicted as "Large-Lot Residential". Lastly the parcel is located in a priority development area.**

Once the property is re-zoned, development of the property will be per the specific requirements of the El Paso County Land Development Code and the Engineering Criteria Manual as they pertain to

the requested RR-5 Zone. The current plan for physical development of the site is to upgrade the existing gravel road for rural residential traffic. The existing road is a private road and the intent is to keep it private. There is an existing 60 feet wide, non-exclusive easement for ingress/egress and public utilities that was recorded 11-6-1996. There will be a Private Road Maintenance Agreement put in place with the Subdivision process and the recording of the Final Plat. We will submit a Waiver Request for no direct access to a public road for the proposed lots. The submittal for the subdivision plat will include a proposed name for the private road.

This application is in general conformance with the El Paso County Master Plan. Anticipating future needs the rezoning of the Property from A-35 to RR-5 would be beneficial to the growing Ellicott Community through the development and provision of residential home sites. This will provide local workers the ability to live in the area they work, reducing commuter times and traffic to and from Colorado Springs. For the community the best use of this site would be re-zoning to RR-5.

This property was zoned A-35 when all of Eastern El Paso County was initially zoned. During the years following that the Ellicott community has been steadily growing to the point that there is adjoining property that has been zoned RR-5 and nearby property being developed in high density PUD zone. In conclusion, this zone change complies with all of the Criteria for Approval in Chapter 5 of the Land Development Code.

El Paso County Water Master Plan anticipates that this area of the county would be reliant on water supplied by private wells, and septic systems to treat wastewater. The El Paso County Master Plan notes that, "With the exception of telephone service, electricity, and some roads, urban services are limited in most of the Planning Area. Within a 20-year planning horizon, contiguous development is not expected to extend east from the City of Colorado Springs to the Planning Area, nor is it likely that Colorado Springs will extend extra-territorial services. If urban services become available, they will result from some combination of local start-up facilities, gradual upgrades to existing services, or extensions of services from outside the Planning Area." This project would be consistent with the Plan in those regards.

There is a FEMA flood plain, Zone AE, on the Western side of the property. This flood plain will be located and shown on the Final Plat as a No Build area. As these lots will be a minimum of 5 acres each and the land is relatively flat, there will be no overlot grading for the houses and the private road is already existing, there will be little to no impact on the floodplain land or any protected species habitat, if any exists, within this property.

A notice to adjacent owners was mailed on 11-21-2023, advising them of this proposal and referring them to El Paso County Planning and Community Development Department for further information.

This rezoning is in compliance with the applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116

Owner:  
GWH, LLC  
719-445-9195  
6547 N. Academy Blvd.  
Colorado Springs, CO 80918  
Applicant:

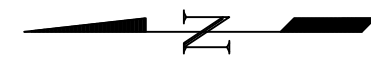
Land Development Consultants, Inc.  
Daniel L. Kupferer 719-528-6133  
3898 Maizeland Road  
Colorado Springs, CO 80909

Thank you for your consideration,

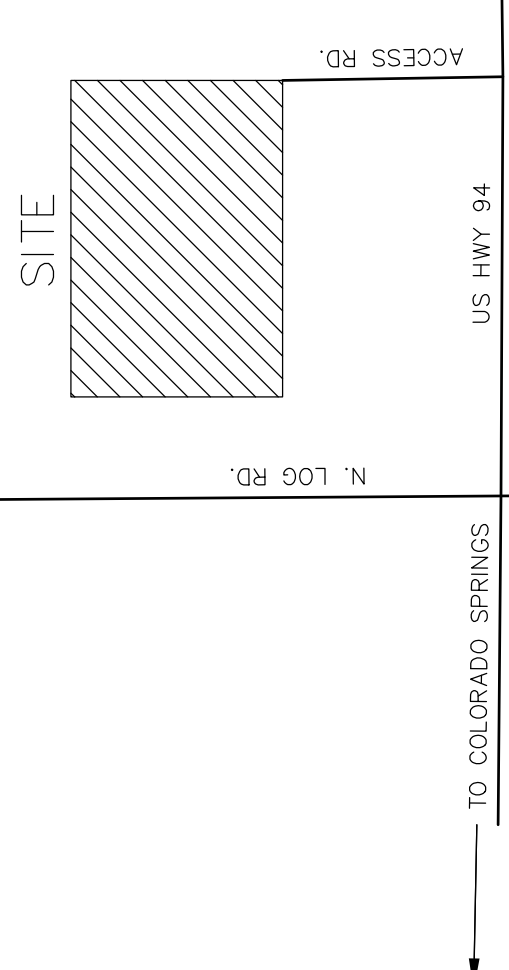
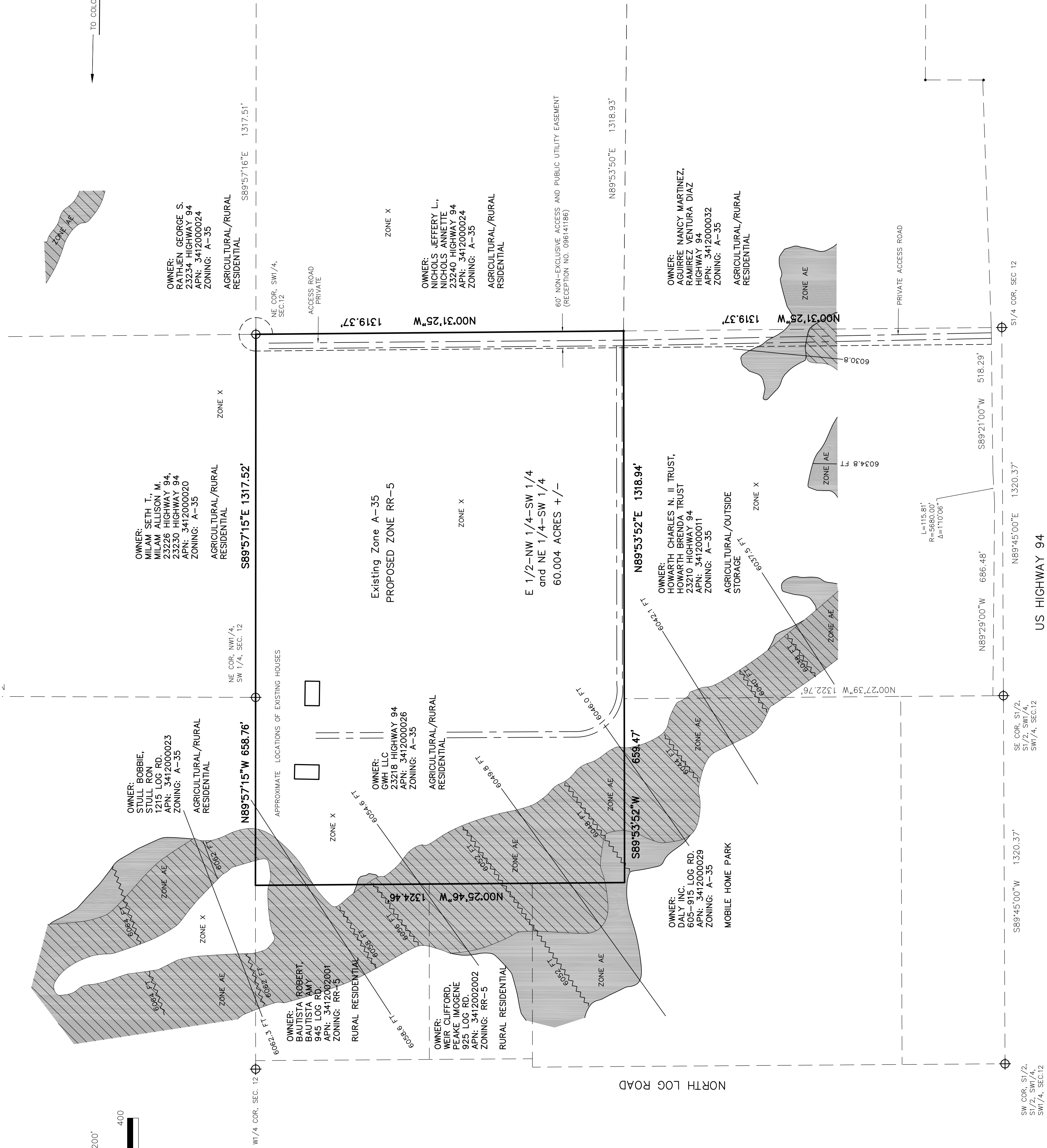
**LDC, Inc. by Daniel L. Kupferer**  
dkupferer@ldc-inc.com

# REZONE MAP

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND  
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER  
OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST,  
6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



SCALE 1" = 200'



**VICINITY MAP**  
NOT TO SCALE

**PROPERTY DESCRIPTION:**

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, CONTAINING 60.004 ACRES MORE OR LESS.

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 60 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, WAS AGREED BY DEED DATED NOVEMBER 6, 1966 UNDER RECEPTION NO. 96141186, COUNTY OF EL PASO, STATE OF COLORADO.

**PROJECT INFORMATION:**

Existing Zone: AG-35  
Proposed Zone: RR-5

**PROPERTY OWNER/PETITIONER**

GWH LLC  
6947 N. ACADEMY BLVD #1009  
COLORADO SPRINGS, CO 80918

**FLOODPLAIN LEGEND:**

FEDERAL EMERGENCY MANAGEMENT AGENCY Flood Insurance Rate Map Number 080410087 (S, effective date December 7, 2018, indicates the area in the vicinity of this parcel of land to be in Zone X (area determined to be out of the 500 year flood plain) AND Zone AE (areas that present a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage).

6000.0 FT ———— BASE FLOOD ELEVATION WITH ELEVATION (ZONE AE)  
5000.0 FT ———— CROSS SECTION WITH ELEVATION (ZONE AE)

ZONE X ———— ZONE X OUTSIDE OF 500 YEAR FLOOD PLAIN  
ZONE AE ———— ZONE AE WITH BASE ELEVATION DEPTH  
REGULATORY FLOODWAY WITHIN ZONE AE

**811**  
DIAL 811  
CALL BEFORE YOU DIG ...

NOTICE:  
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification.

FOR LOCKING AND MARKING GAS, ELECTRIC, WATER, AND WASTEWATER  
48 HOURS BEFORE YOU DIG, CALL UTILITY LOCATORS  
DIAL 811

**REVISIONS**

No.	Description	By	Date
1	ADD FLOODPLAIN INFORMATION	DAS	03-12-24

H Scale:	XX
V Scale:	XX

**Land Development Consultants, Inc.**

PLANNING • SURVEYING

www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6948  
3898 MAIZELAND ROAD • COLORADO SPRINGS, CO 80908

Date: 1/10/2022  
Designed By: XXX  
Drawn By: HFW  
Checked By: DLK

**REZONE MAP**

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND NORTHEAST QUARTER OF THE TOWNSHIP 14 SOUTH, RANGE 63 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO

Project No.: 22030  
Sheet: 1 of 1



MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2312  
23218 HIGHWAY 94 REZONE PROJECT

WHEREAS, GWH, 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on May 2, 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 GWH, 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) (PCD File No. P2312). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

#### 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.

\_\_\_\_\_ 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
Brandy Merriam	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 \_\_\_\_ to \_\_\_\_ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 2nd day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

The East Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, County of El Paso, State of Colorado,  
Containing 60.004 Acres, more or less.

A non-exclusive easement for ingress and egress over the Easterly 60 feet of the Southeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 63 West of the 6th Principal Meridian, as created by Easement Grant and Agreement recorded November 6, 1966 under Reception No. 96141186, County of El Paso, State of Colorado.

