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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Lisa Elgin, Planner
 Joseph Sandstrom, Associate Engineer
 Meggan Herington, AICP, Executive Director

RE: Project File Number: P2410
 Project Name: Winsome Commercial Lot Rezone to Residential
 Parcel Number: 4119007001

OWNER:	REPRESENTATIVE:
Winsome, LLC 1864 Woodmoor Drive, Suite 100 Monument, CO 80132	Joe Desjardin/Proterra Properties 1864 Woodmoor Drive, Suite 100 Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date:	11/21/2024
Board of County Commissioners Hearing Date:	12/12/2024

EXECUTIVE SUMMARY

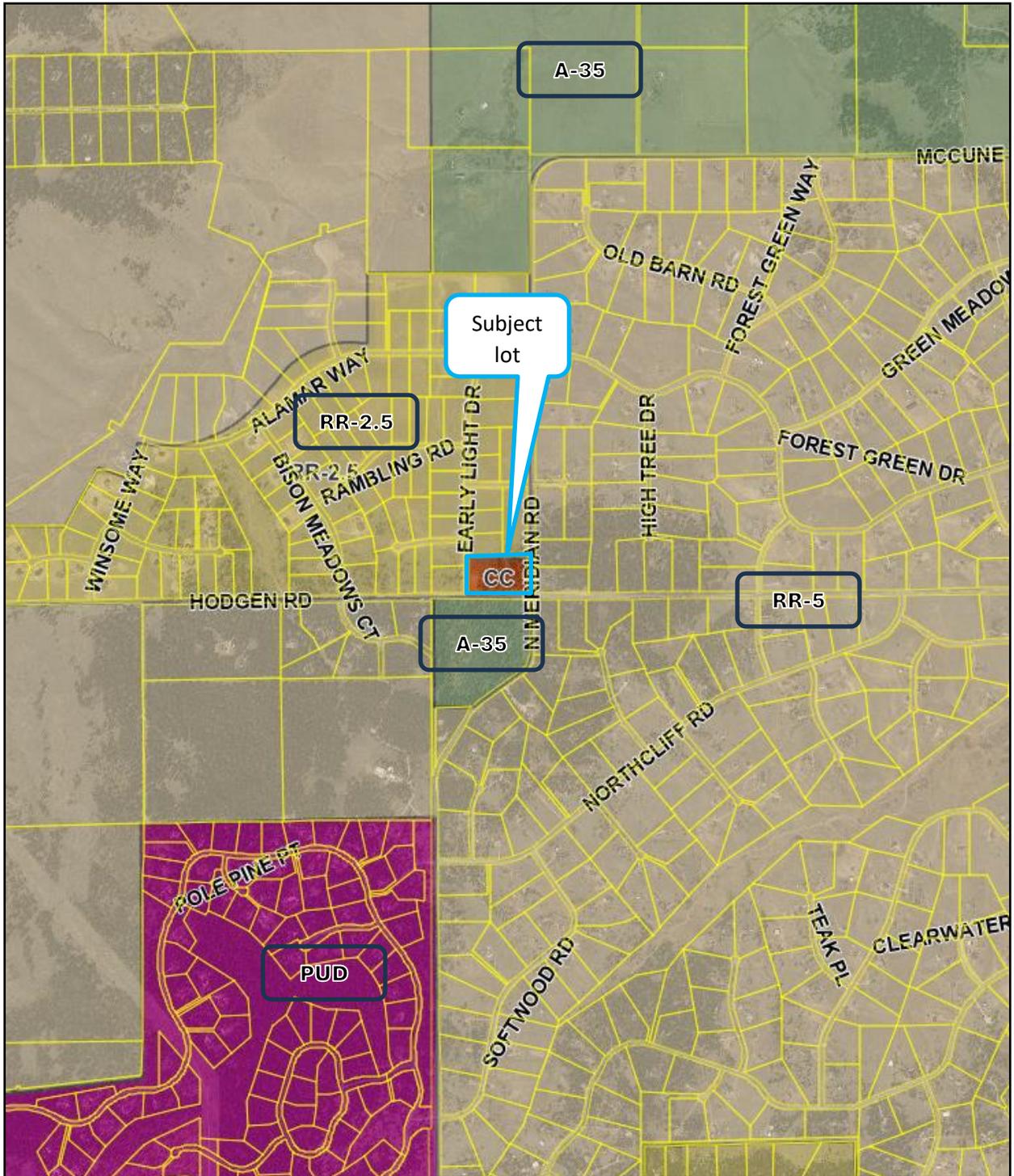
A request by Proterra Properties for approval of a Map Amendment (Rezoning) of 7.21 acres from CC (Commercial Community) to RR-2.5 (Residential Rural). The property is located at 16511 Early Light Drive, on the northwest corner of Hodgen Road and North Meridian Road. (Parcel No. 4119007001) (Commissioner District No. 1)

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VICINITY MAP



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A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no Waivers associated with this request.

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

B. 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.

C. LOCATION

North:	RR-2.5 (Residential Rural)	Single-family Residential/Vacant
South:	A-35 (Agricultural)	Vacant
East:	RR-5 (Residential Rural)	Single-family Residential
West:	RR-2.5 (Residential Rural)	Vacant

D. BACKGROUND

The applicant is requesting a rezone of 7.21 acres from CC (Commercial Community) Zone District to RR-2.5 (Residential Rural) Zone District. Currently, the lot is vacant. The lot is a part of Winsome Filing No. 2. The applicant is requesting this change to be consistent with the existing surrounding Zone Districts of RR-2.5 and RR-5 (Residential Rural).

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

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On July 9, 2019, the Board of County Commissioners approved the Winsome Preliminary Plan (PCD File No. SP-18-006). The Plan encompasses 766.66 acres and consists of 143 single-family residential lots, 1 commercial lot, open space and drainage tracts, and public rights-of-way.

On July 9, 2019, the Board of County Commissioners approved two (2) concurrent rezoning requests to rezone portions of the property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and CC (Commercial Community) (PCD File Nos. P-18-006 and CC-18-001, respectively).

On December 21, 2021, the Board of County Commissioners approved a Winsome Preliminary Plan Amendment (PCD File No. SP-21-002) to increase the total number of single-family residential lots from 143 to 146.

E. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 7.21 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (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:

	Existing Zoning District: CC (Commercial Community)	Proposed Zoning District: RR-2.5 (Residential Rural)
Maximum Density	-	-
Minimum Lot Size	-	2.5 acres
Minimum Width at Front Setback	-	200 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	15 feet
Maximum Lot Coverage	-	-
Maximum Height	40 feet	30 feet

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot

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development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.

Recommended Land Uses:

Primary

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

Supporting

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

Analysis:

The applicant is requesting to rezone the property from the CC (Commercial Community) to RR-2.5 (Residential Rural) to allow for contiguous rural residential development, which is located to the west, north, and east of the subject lot. The lots to the west and north are also in the Rural Placetype area, while the lots to the east are in the Large-lot Residential Placetype area. The application conforms to the following principle and goal:

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Core Principle 1: *Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.*

Goal 1.1 – *Ensure compatibility with established character and infrastructure capacity.*

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

Analysis:

If the proposed rezone is approved, the subject lot will take on the same rural residential characteristics of the lots to the west, north, and east. The land to the south is still zoned A-35 (Agriculture).

c. Key Area Influences: The property is not located within a key 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.*

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

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 4a of the Plan, which is an area anticipated to experience growth by

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2040. The following information pertains to water demands and supplies in Region 4a for central water providers:

The Plan identifies the current demand for Region 4a to be 725 acre-feet per year (AFY) (Figure 5.1) with a current supply of 725 AFY (Figure 5.2). The projected demand in 2040 for Region 4a is at 958 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4a is at 1,170 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 445 AFY is anticipated for Region 4a.

A finding of water sufficiency is not required with a Map Amendment.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no significant resources in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of the rezone application.

2. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0350G which has an effective date of December 7, 2018.

3. Drainage and Erosion

The property is located within the West Kiowa Creek Drainage Basin (KIKI0200) which is unstudied with no associated drainage or bridge fees.

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The property generally drains to the north and according to the letter of intent, the applicant intends to make minimal changes to the existing natural landscape and will maintain natural drainage patterns. No adverse drainage impacts are anticipated due to the rezoning of this property.

4. Transportation

This property is located directly northwest of the Hodgen Road and Meridian Road intersection. Both roads are classified as Minor Arterials in the El Paso County Major Transportation Corridors Plan and are County owned and maintained.

A traffic memo was submitted for this Map Amendment. The traffic generation of the proposed use is approximately 10 average daily trips (ADT) in comparison to the 1,300 ADT that would have been generated by the previous commercial use. Access to the property will be from Early Light Drive, which is a public county maintained rural local road. There are no roadway improvements recommended by the traffic memo.

The El Paso County 2024 Major Transportation Corridors Plan shows multiple proposed county road upgrade projects on Hodgen Road between Goshawk Drive and Eastonville Road and on Meridian Road between Latigo Boulevard and Hodgen Road. This rezone project is not responsible for these improvements.

The property will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a Map Amendment. The site will be serviced by individual wells.

2. Sanitation

Wastewater will be provided by onsite septic systems.

3. Emergency Services

The property is within the Falcon Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

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4. Utilities

Electricity will be provided by Mountain View Electric Association (MVEA). MVEA was sent a referral and has no objection to the rezone application.

5. Metropolitan Districts

Winsome Metropolitan Districts Nos. 1 and 4 maintain the drainage ponds and trails.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a 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.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. 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.

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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-2.5 (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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 12 adjoining property owners on November 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Letter of Intent
Rezone Map
Draft Resolution

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Winsome Filing No. 2

LOT 1 REZONE
LETTER OF INTENT
PCD FILE NO.: P2410
OCTOBER 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

Winsome LLC
Attn: Joe DesJardin
1864 Woodmoor Dr. Ste. 100
Monument, CO 80132
Email: jdesjardin@proterraco.com
Phone: (719) 476-0800

PLANNING/ENGINEERING

Kimley-Horn & Associates, Inc.
Attn: Kevin Kofford, PE
2 North Nevada Avenue, Suite 900
Colorado Springs, CO 80903
Email: kevin.kofford@kimley-horn.com
Phone: (719) 453-0181

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for the map amendment (rezone) is for Lot 1 of Winsome Filing No. 2, Parcel No. 4119007001. The proposed parcel is located to the northwest of Meridian Road and Hodgen Road, as shown in Figure 1. The overall acreage of the property in the proposed rezone is ±7.21 and currently zoned CC (Commercial Community). The requested rezone is RR-2.5 (Residential Rural 2.5-acre).

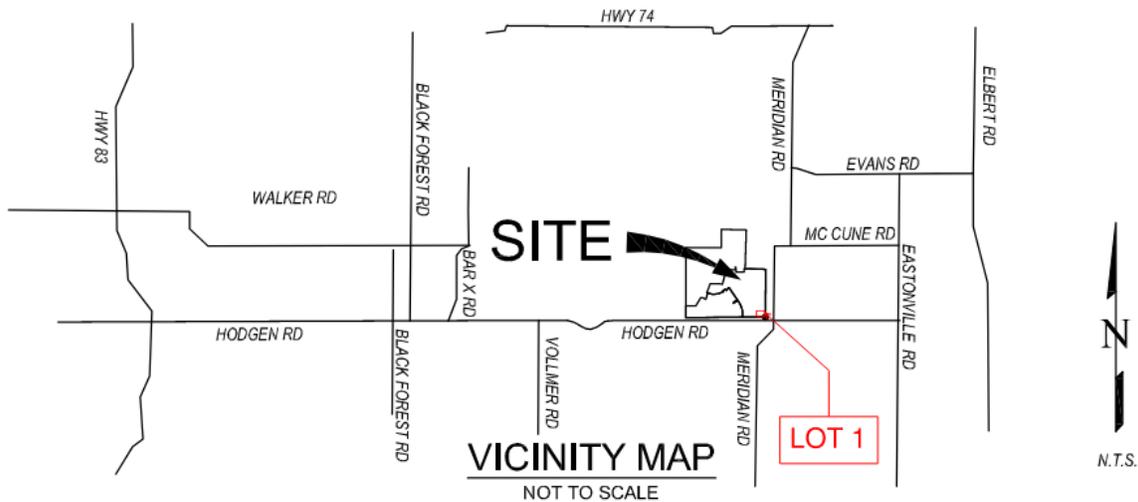


Figure 1. Vicinity Map

REQUEST

Winsome LLC (Owner/ Applicant) requests a rezone of Lot 1 of Winsome Filing No. 2 from CC (Commercial Community) to RR-2.5 (Residential Rural 2.5-acre).

JUSTIFICATION

The parcel is currently zoned (CC) Commercial Community, and the owner intends to rezone to RR-2.5 (Residential Rural 2.5-acre) to be consistent with the existing surrounding parcels zoned for RR-2.5 and RR-5. This approach conforms to the El Paso County Master Plan as well as existing and permitted land uses.

ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-2.5 (Residential Rural 2.5 acre) zone, including requirements of the Code summarized below. Please note that the site does not fall within any overlay zoning district.

- Maximum density: N/A
- Minimum Lot Size
 - Area: 2.5 acres
 - Width (at front setback line): 200 feet
- Structural Setbacks (from property boundary or right-of-way):
 - Front: 25 feet
 - Side: 15 feet
 - Rear: 25 feet
- Max Lot Coverage: N/A
- Max Height: 30 feet
- Internal Landscaping Requirements:
 - N/A

MAP AMENDMENT (Sec. 5.3.5.B) Criteria for Approval

In approving a Map Amendment, the following findings shall be made:

- 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.
 - There are no Small Area Plans associated with the site. Although Small Area Plans are no longer used within the county, it must be acknowledged as it is referenced in the Land Development Code.
 - The application for zone change is in conformance with “Your El Paso County Master Plan”
 - Within the “Your El Paso County Master Plan” the site is within the “Minimal Change: Undeveloped Area” area of change, “Rural” placetype, and adjacent to the “Forested Area” key area (to be discussed).
- 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 requested Rezone is in compliance with applicable statutory provisions.
 - The request is not asking for relief or modifications to the standards per the zone criteria listed within the LDC.
 - The request will not restrict the application of the current zoning regulations related to bulk, height, size, locations of facilities or limit standard setbacks, etc.

- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.
 - The proposed land use of RR-2.5 is adjacent (North and West) to existing RR-2.5 and is in compliance with “Your El Paso County Master Plan”. Adjacent properties are zoned RR-5 to the east, RR-2.5 to the North and West, and A-35 to the South. The site will consider future residential buffers as uses are identified.
- 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.
 - Site is suitable for intended use as “Residential Rural 2.5 acre” as identified and as a “Supporting Land Use”.
 - The Site offers direct access to Early Light Drive and the surrounding neighborhood.
 - The Site is adequately sized and flexible enough to accommodate the development criteria stated with the development code.

YOUR EL PASO COUNTY MASTER PLAN

The applicant requests approval of the rezoning based on findings of compliance with the following Master Plan Goals:

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

- Gas service will be provided by Black Hills Energy. No change to the current distribution.
- Electric service will be provided through Mountain View Electric. No change to the current distribution.
- Wastewater services will be provided by way of onsite septic systems. No direct impact on regional wastewater systems.
- The Site will be serviced by individual wells and water rights. No impact to regional service providers and systems today.

Goal 2.1 – Promote Development of a mix of housing types in identified areas.

- RR-2.5 continues to support diversification of housing types in rural residential areas
- The surrounding areas range from RR-5 to A-35 and this rezone would provide adequate residential housing as part of the goal to diversify housing types.
- A CC zones lot would not promote rural residential development in this area and would increase traffic.

Goal 2.2 – Preserve the character of rural and environmentally sensitive areas.

- RR-2.5 is consistent with the surrounding neighborhood and would promote the rural character better than the current CC zoning.

- CC zoning has higher traffic volumes and greater impervious areas than a RR 2.5 zoning.

Goal 5.4 – Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

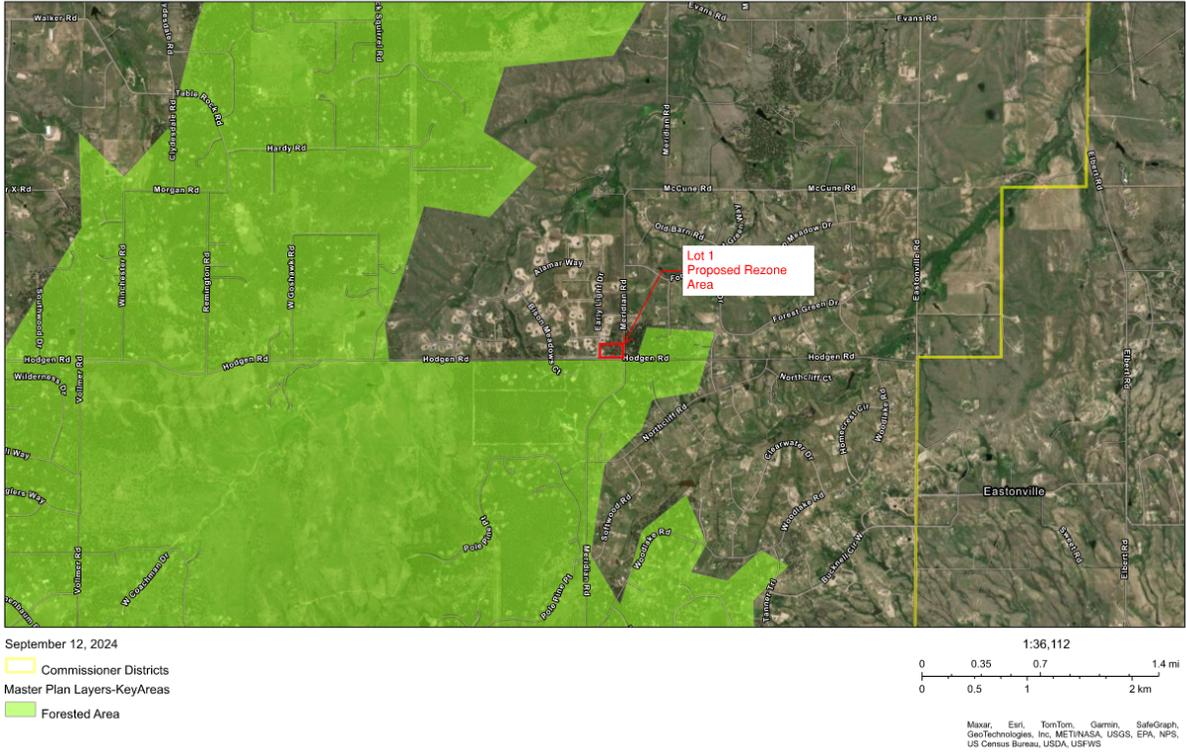
- The currently CC zoned lot would use a higher quantity of water and would have a higher impervious area resulting in increased runoff.
- RR-2.5 allows for larger lot sizes with a higher permeable area to promote infiltration and uses less water domestically.

Goal 9.1 – Consider the environmental impacts related to natural resource conservation, air quality, water quality, wildlife habitat, and waste management during any planning process.

- CC zoning has higher traffic volumes which can have environmental, and wildlife habitat impacts due to the nature of commercial developments.
- RR-2.5 promotes to beautify El Paso County given the Rural Residential Lots have the potential to provide landscaping and greater open space.

KEY AREAS

Winsome Filing No. 2, Lot 1

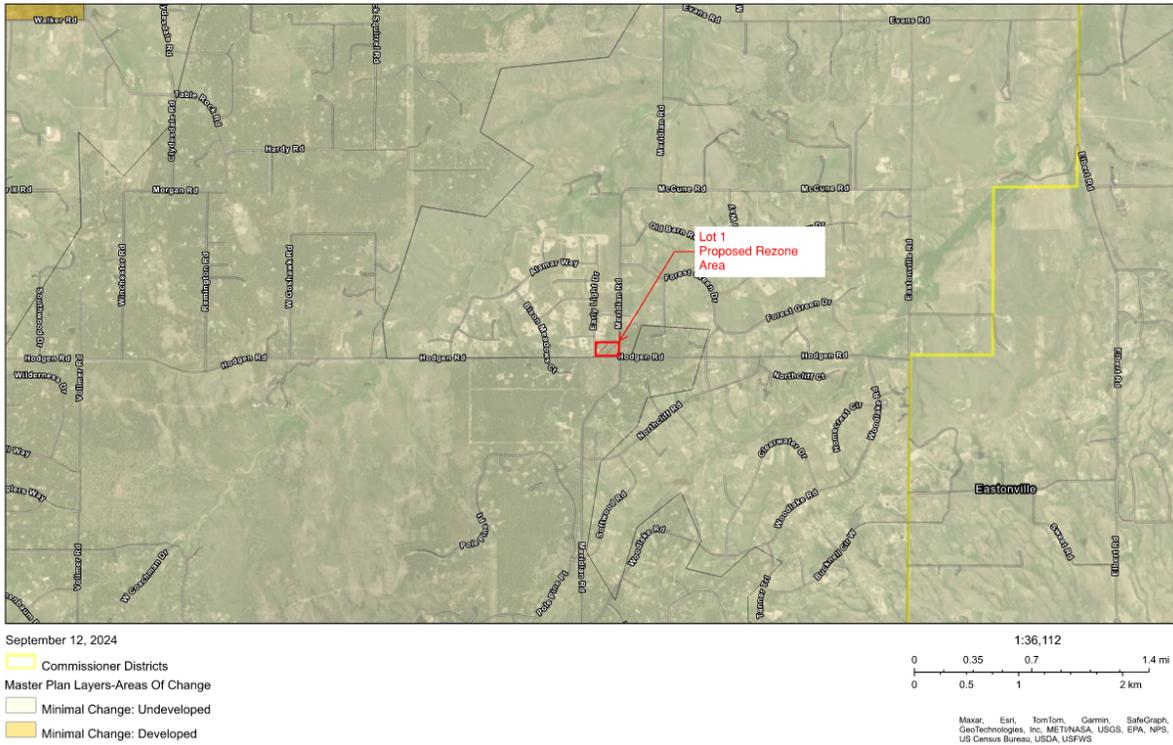


Per El Paso County GIS, Lot 1 of Winsome Filing No. 2 is not located within an explicit key area. However, the proposed rezone area is located adjacent to the “Forested Area” key area classification of key areas. This key area outlines portions of the County where natural forests are the predominant feature. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the forest. Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community.

The intent of the rezone is to continue this trend towards sustainable residential housing in the rural areas. The proposed rural residential would allow for a healthy balance in the area to preserve the existing natural state of the environment.

AREAS OF CHANGE

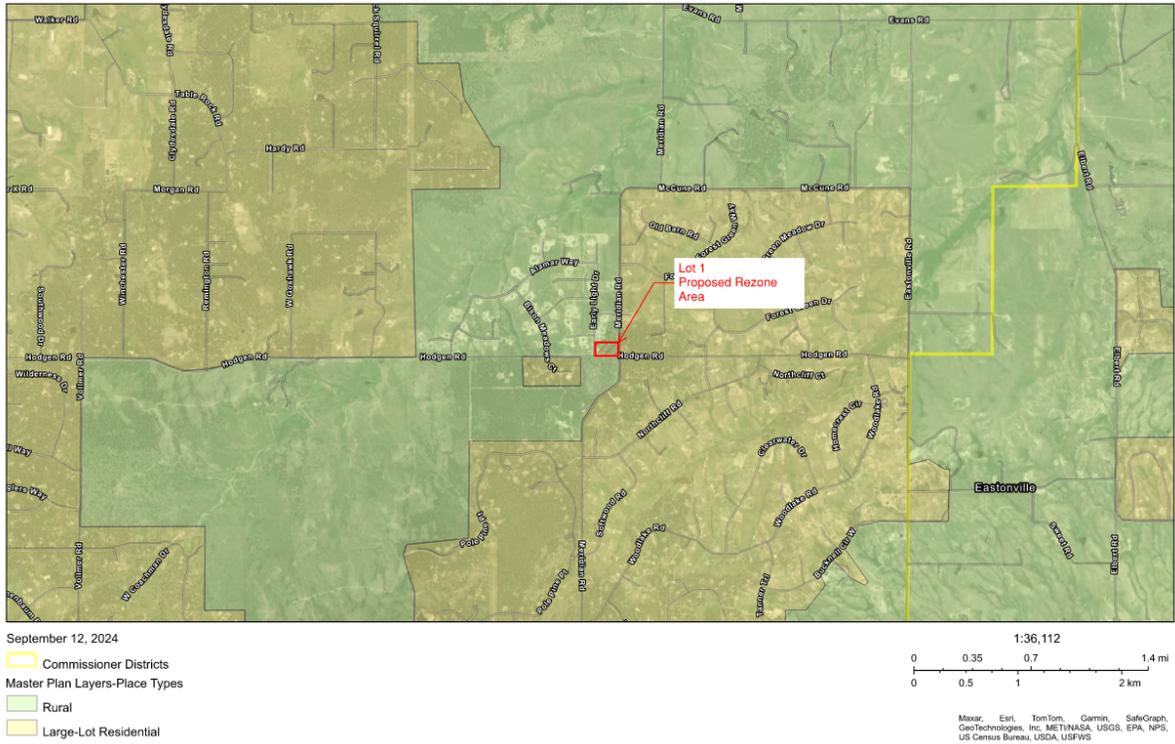
Winsome Filing No. 2, Lot 1



Lot 1 for Winsome Filing No. 2 is located in the Minimal Change: Undeveloped area. It is understood that these areas are defined by a lack of development and presence of significant natural areas. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments. The intent of the rezone is to support the priority of rural and natural environments through a rural residential approach.

PLACETYPES

Winsome Filing No. 2, Lot 1



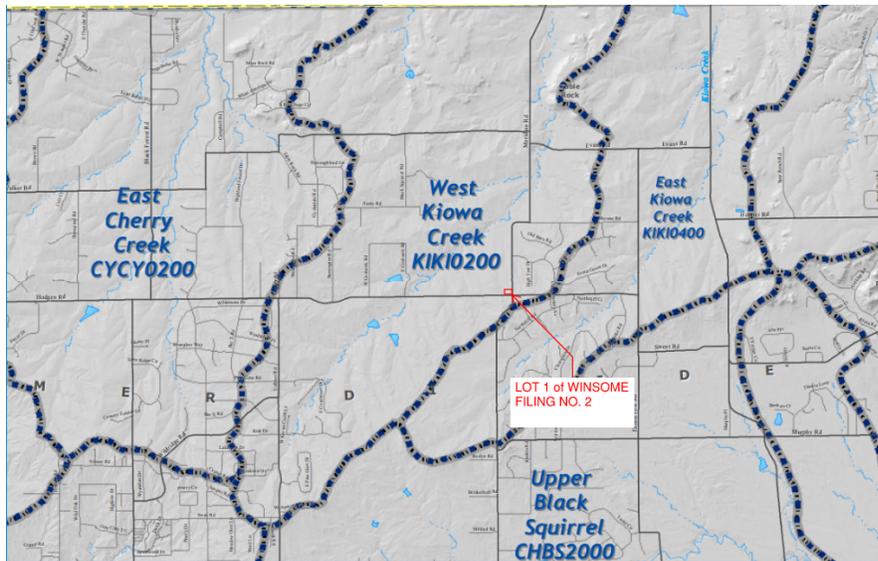
Lot 1 for Winsome Filing No. 2 is located in the Rural placetype, according to the County Maps, but is located within the greater Winsome Subdivision, which conforms with a large lot placetype. Additionally, there are large lot placetypes on the subdivisions to the east and west of the greater Winsome Subdivision, thus we assume that this parcel is intended to be associated into the Large Lot Placetype. RR-2.5 meets this intent of the large lot placetype, given the existing surroundings zoned for rural residential. Commercial may be considered as a limited use in the area but would be adjacent to existing rural residential neighborhoods. The rezone would have no impact on any currently approved sketch plans.

PLACETYPES	LAND USES																						
	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Retail	Tourism Service	Entertainment Commercial	Office	Light Industrial/Arts	Heavy Industrial/Business Park	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility			
Rural	●	●	○																		●	○	
Large-Lot	○			●					○	○												○	
Suburban				●	○	○			○	○												○	○
Urban Residential				●	●	●	○	○	○	○			○									○	○
Rural Center				●	○	○		●	●	●												●	
Regional Center					○	●	○	●	●	●		●	○										○
Employment Center								○	○	○			●	●	●								
Regional Open Space																					●	●	
Mountain Interface				○					○	○	○	○									●	●	○
Military				○	○	●		○	○	○		○	●	●		●	○				○	○	
Utility																						○	●

● **Primary Land Use:** More prominent and play a pivotal role in characterizing that placetype
 ○ **Supporting Land Use:** Less prevalent and serve to support the primary land use.

NATURAL OR PHYSICAL SITE FEATURES

The existing site has defined natural features consistent with existing natural forest and open space consisting of native grasses and vegetation. The intended land use is rural residential 2.5-acre lot. The intent is to make minimal changes to the existing natural landscape to ensure natural drainage patterns are maintained. There are no floodplain limitations. The site is within the West Kiowa Creek Drainage Basin.

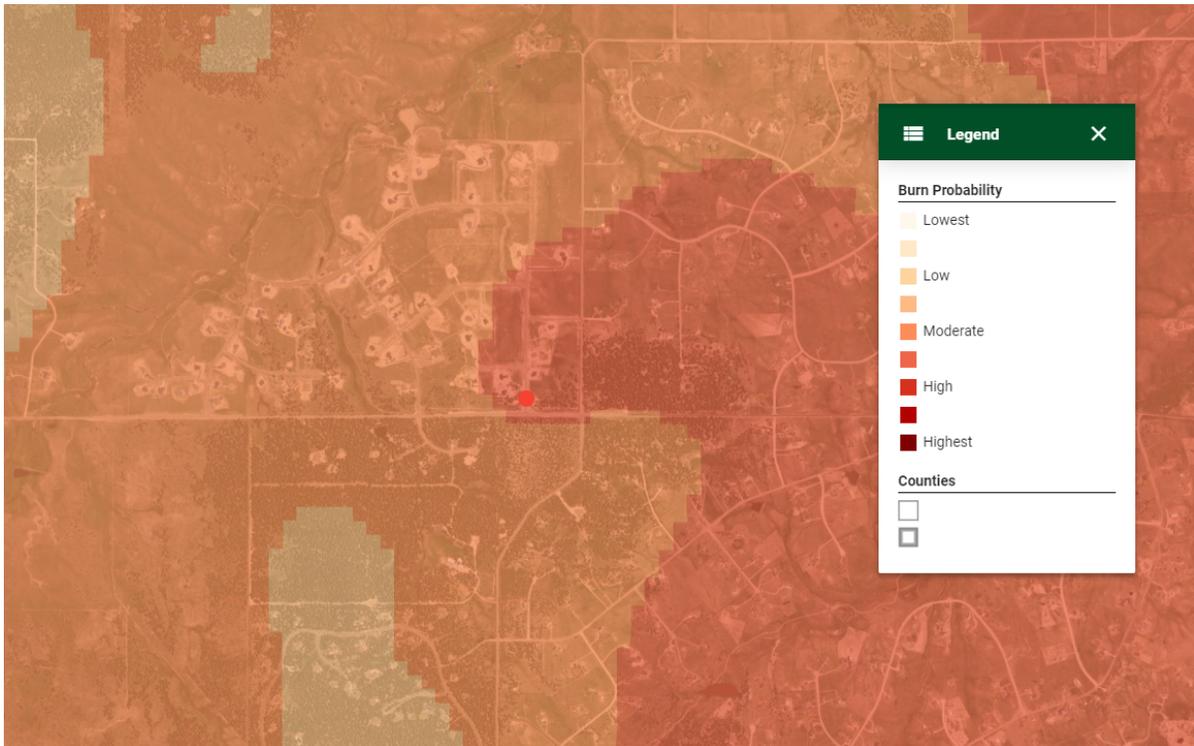


The area is identified as minimal flood hazard “Zone X” per the National Flood Hazard Layer FIRMette (08041C0350G) dated 12/7/2018.



WILDFIRE CONSIDERATIONS

- The site is mapped as moderate-high per the Colorado Public Wildfire Risk Viewer
- Fire mitigation efforts are expected to be made in accordance with the overall future development on this site.



COMMUNITY OUTREACH

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- Adjacent owner notification letters will be sent out to adjacent property owners upon initial submittal by the county.
- Upon internal approval by county staff owner will post signs provided by the county in notice of Planning Commission and Board of County Commissioner Meetings.
- No additional community outreach has been conducted on the zone change to date.

A SUMMARY OF ANTICIPATED TRAFFIC GENERATION AND ACCESS

In summary, the traffic compliance memo findings indicate that the proposed project rezone will not create a negative traffic impact upon the public streets near or adjacent to the project site.

The findings of the traffic memo are summarized below:

- The single-family home land use is anticipated to generate less traffic than what was

previously approved for the lot. See Table 1: Trip Generation.

- The existing roadway network is sufficient to handle the project’s traffic.
- The findings from the previously approved TIS for the subdivision are still valid.

Table 1: Trip Generation (ITE Trip Generation, 11th Edition)

ITE Code	Land Use	Size	Average Daily Trips		AM Peak Hour Trips					PM Peak Hour Trips						
			Rate	Total	Rate	% In	In	% Out	Out	Total	Rate	% In	In	% Out	Out	Total
Previous Study																
826*	Retail	30.0 KSF	44.32	1,330	6.84	48%	98	52%	107	205	2.71	44%	36	56%	46	82
Current Proposal																
210	Single-Family Housing	1 DU	9.43	9	0.70	25%	0	75%	1	1	0.94	63%	1	37%	0	1
Difference					-1,321											

KSF = Thousand Square Feet
 DU = Dwelling Units
 * ITE Trip Generation, 9th Edition

*For more detailed information, please reference Winsome Filing No. 2 Traffic Compliance Memo (Kellar Engineering, September 9, 2024)

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. P2410
WINSOME COMMERCIAL LOT REZONE TO RESIDENTIAL

WHEREAS, ProTerra Properties, Mr. Joe Desjardin, 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 CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) 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 ProTerra Properties, Mr. Joe Desjardin, 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 CC (Commercial Community) zoning district to the RR-2.5 (Residential Rural) 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 RR-2.5 (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.

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

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A
LOT 1 WINSOME FIL NO 2

