

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR
 PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Tim Trowbridge, Chair

FROM: Planner Name: Jen Uhler, Planner
Engineer Name: Jalal Saleh, P.E., Senior Engineer

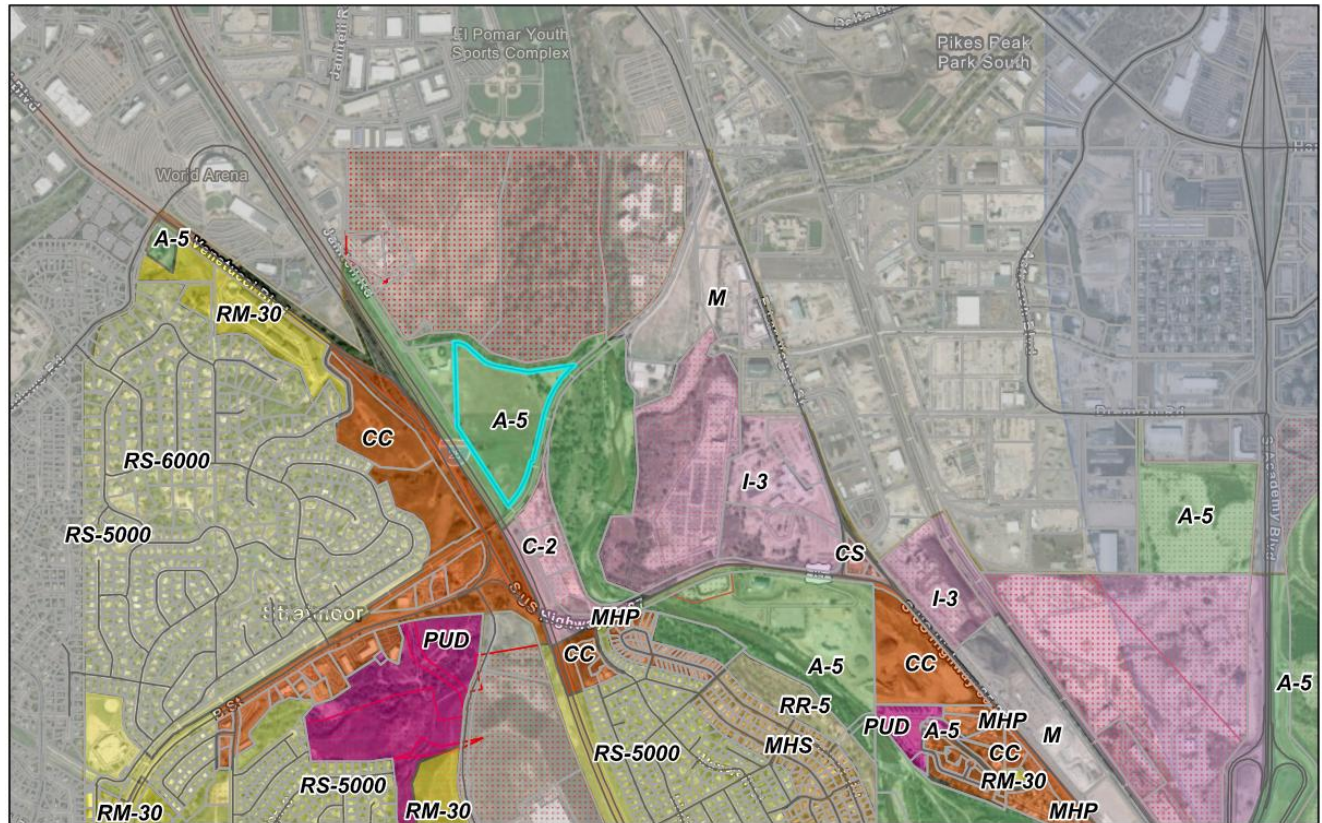
RE: Project File Number: CC261
Project Name: Mule Haven Rezoning A-5 to CC
Parcel Number: 6433401007
Commissioner District: 5

OWNER:	REPRESENTATIVE:
Mulehaven LTD 20020 Lockridge Dr Colorado Springs, Co, 80908	Justin Johnston Lamar Advertising Co 2110 Naegele Rd Colorado Springs, Co, 80904
Planning Commission Hearing Date:	6/4/2026
Board of County Commissioners Hearing Date:	6/25/2026

EXECUTIVE SUMMARY

A request by Mulehaven LTD for approval of a Map Amendment (Rezoning) of a 22.14-acre parcel from A-5 (Agricultural) to CC (Commercial Community). The property is adjacent to I-25, 0.25 mile north of the intersection of I-25 and Highway 85.

Zoning Map



4/28/2026, 3:01:09 PM

- | | | | |
|--|--|--|---|
| <ul style="list-style-type: none"> Overrides 1 County Roads Parcels County Zoning A-5: Agricultural (5 acres) CC: Commercial Community | <ul style="list-style-type: none"> CS: Commercial Service I-3: Heavy Industrial MHP: Mobile Home Park MHS: Mobile Home Subdivision PUD: Planned Unit Development RS-6000: Residential Suburban (6,000 sq. ft.) | <ul style="list-style-type: none"> RS-5000: Residential Suburban (5,000 sq. ft.) RM-30: Residential Multi-Dwelling (30 DU/acre) RR-5: Residential Rural (5 acres) C-2: ** Commercial M: ** Industrial Zoning Overlay | <ul style="list-style-type: none"> Initial Zoning Special Use Incorporated Cities World Imagery Low Resolution 15m Imagery High Resolution 60cm Imagery |
|--|--|--|---|

High Resolution 30cm Imagery
Citations
4.8m Resolution Metadata

1:20,077
0 0.13 0.25 0.5 mi
0 0.2 0.4 0.8 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vantor

A. 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:	A-5 (Agricultural)	Agricultural, Drainage Easement property
South:	C-2 (Commercial)	Commercial, Warehouse/Storage
East:	A-5 (Agricultural)	Agricultural, Exempt Non-Residential County Land
West:	A-5 (Agricultural)	Agricultural, Agritainment

To provide spatial context to this commercial development proposal, the subject property is located along the I-25 corridor, approximately 0.25 miles north of the I-25 and State Highway 85 crossing. Located further north of the property is Colorado Springs jurisdiction, adjacent to the northern A-5 zoned drainage easement. Most nearby County-zoned properties are zoned for commercial,

industrial, or agricultural uses. Properties beyond the direct adjacency are of an urban residential character (RM-30, RS-5000, MHP).

BACKGROUND

The subject parcel, totaling 22.14 acres, was originally created as Lot 3 Block 1 Hassler & Bates Subdivision Number 3, through a 1978 plat (R04615) and subsequently amended to its current configuration by way of a 1996 deed to the County (Book 6881-908) for the purposes of constructing the Sinton Basin Outfall improvements. Originally zoned as A1 in 1991, it was later zoned A-5 (Agricultural) in 2007, when zoning districts were widely amended across the County. The request is for a Map Amendment (Rezoning) from A-5 (Agricultural) to CC (Commercial Community) to allow for Principal and Accessory uses, or as otherwise specified in the Land Use Code for the CC Zoning District.

The applicant's letter of intent stated that the existing use is not intended to change, specifically, *"No development, buildings, utilities, access modifications, or land use changes are proposed as part of this Map Amendment. The property will remain in agricultural use."* The Land Development Code provides guidance on the CC zoning district purpose as *"to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods."* At this time, no development is proposed on the site.

The property currently takes access via a 30-foot ingress/egress easement through the northwesterly property, as recorded in Book 2667, page 665. Any proposed development of the future commercial lot will be required to provide access that meets the requirements in the Engineering Criteria Manual and Land Development Code for future proposals.

D. ZONING DISTRICT COMPARISON

The applicant is requesting to rezone 22.14 acres to the CC (Commercial Community) zoning district. The CC (Commercial Community) zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center-type buildings and that primarily serve adjoining neighborhoods. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-5 (Agricultural)	Proposed Zoning District: CC (Commercial Community)
Maximum Density	N/A	N/A
Minimum Lot Size	5 acres	1 acre
Minimum Width at Front Setback	200 feet	N/A
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet ²
Side Setback	25 feet	25 feet ²
Maximum Lot Coverage	N/A	N/A
Maximum Height	30 feet	40 feet
² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.		

E. MASTER PLAN COMPLIANCE

1. Your El Paso Master Plan

a. Placetype Character: Employment Center

Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.

Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development.

Recommended Land Uses:

Primary

- *Light Industrial/Business Park*

- *Heavy Industrial*
- *Office*

Supporting

- *Commercial Retail*
- *Commercial Service*
- *Restaurant*

Analysis:

The subject properties are located within the Employment Center placetype whose primary land use recommendation is business and industrial uses, especially along I-25 or rail lines. The placetype identifies transitional uses as appropriate, to provide flexibility for the scale and type of development present. Furthermore, the Master Plan provides recommendations regarding land uses along I-25: *“The County should continue to support the existing businesses but also help this Employment Center transition to more formal industrial uses as redevelopment allows.”* In conclusion, the proposal to rezone this property from Agricultural (A-5) to Commercial Community (CC) is supported by the area’s proximity to commercial, employment, and transportation hubs.

b. Area of Change Designation: Transition

Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.

Analysis:

The Master Plan identifies the parcel as located within the Transition designation within the Area of Change map. The subject property is within a fully developed part of the County, but it may significantly change in character as redevelopment occurs. Redevelopment is expected to occur, and these large swaths of land may support distribution, business park, or employment hubs. This property is adjacent to I-25 and a rail line, allowing for future distribution or

employment access opportunities. In conclusion, the Map Amendment (Rezoning) is in general conformance with the designated Transition of Change.

c. Key Area Influences: Potential Areas for Annexation

A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

Analysis:

The El Paso Master Plan identifies this property as included within an Annexation Area of Interest for the City of Colorado Springs. At this time, the City has no outstanding comments or objections to the subject rezoning. No comments were provided regarding annexation interest.

2. Water Master Plan Analysis

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 Parks Department and El Paso County Conservation District were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposit in the area of the subject parcels.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The property is identified as being within a 7-A Physiographic floodplain where erosion and deposition presently occur and is generally subject to recurrent flooding. This designation includes 100-year floodplains along major streams where floodplain studies have been conducted.

Floodplain

The property is identified in FEMA Firm Map 08041C0742G, effective December 7, 2018, as having a 100-year (Zone AE) floodplain on most of the site. Approved base flood elevation data shall be shown on future subdivision plats per Land Development Code Section 8.4.2.B.1.e.i.

2. Drainage and Erosion

The development is located within the Stratton (FOFO3800) and Fishers Canyon (FOFO3600) drainage basins. Both drainage basins are included in the El Paso County drainage basin fee program. Fees are not assessed with Map Amendment (Rezoning) applications, but fees will be due at the time of any future Final Plat recordation.

A drainage report or grading and erosion control plan are not required with a Map Amendment application, but may be required as part of any future subdivision or site development application.

3. Transportation

The development is located 0.25 miles northwest of the intersection of I-25 and US Highway 85. I-25 is classified as a CDOT Facility, and US Highway 85 is classified as a CDOT Facility in the 2024 El Paso County Major Transportation Corridors Plan (MTCP). Currently, the property takes access through a 30-foot ingress/egress easement as recorded in Book 2667, page 665. The access ultimately connects to Janitell Road within the City of Colorado Springs.

A Traffic Impact Study was not required, as no structures or uses are proposed that would increase traffic volumes. Any future development proposals would be required to provide a Traffic Impact Study per the Engineering Criterial Manual.

The proposed rezoning is not subject to the El Paso County Road Impact Fee program (Resolution No. 25-337) as amended, as it is not adding any traffic to El Paso County's transportation system.

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 not proposed, but would be provided by an Onsite Waste Water Treatment System

3. Emergency Services

Stratmoor Hills Fire Protection District was sent a referral and had no objection to the zoning change.

4. Utilities

Colorado Springs Utilities was sent a referral and had no outstanding comments for the proposed zoning change.

5. Metropolitan Districts

The property is not within a Metro District.

4. Parks/Trails

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

5. Schools

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

H. STATUS OF MAJOR ISSUES

There are no outstanding issues related to the rezoning application.

I. 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 CC (Commercial Community) 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.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven adjoining property owners on March 9th, 2026, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

K. ATTACHMENTS

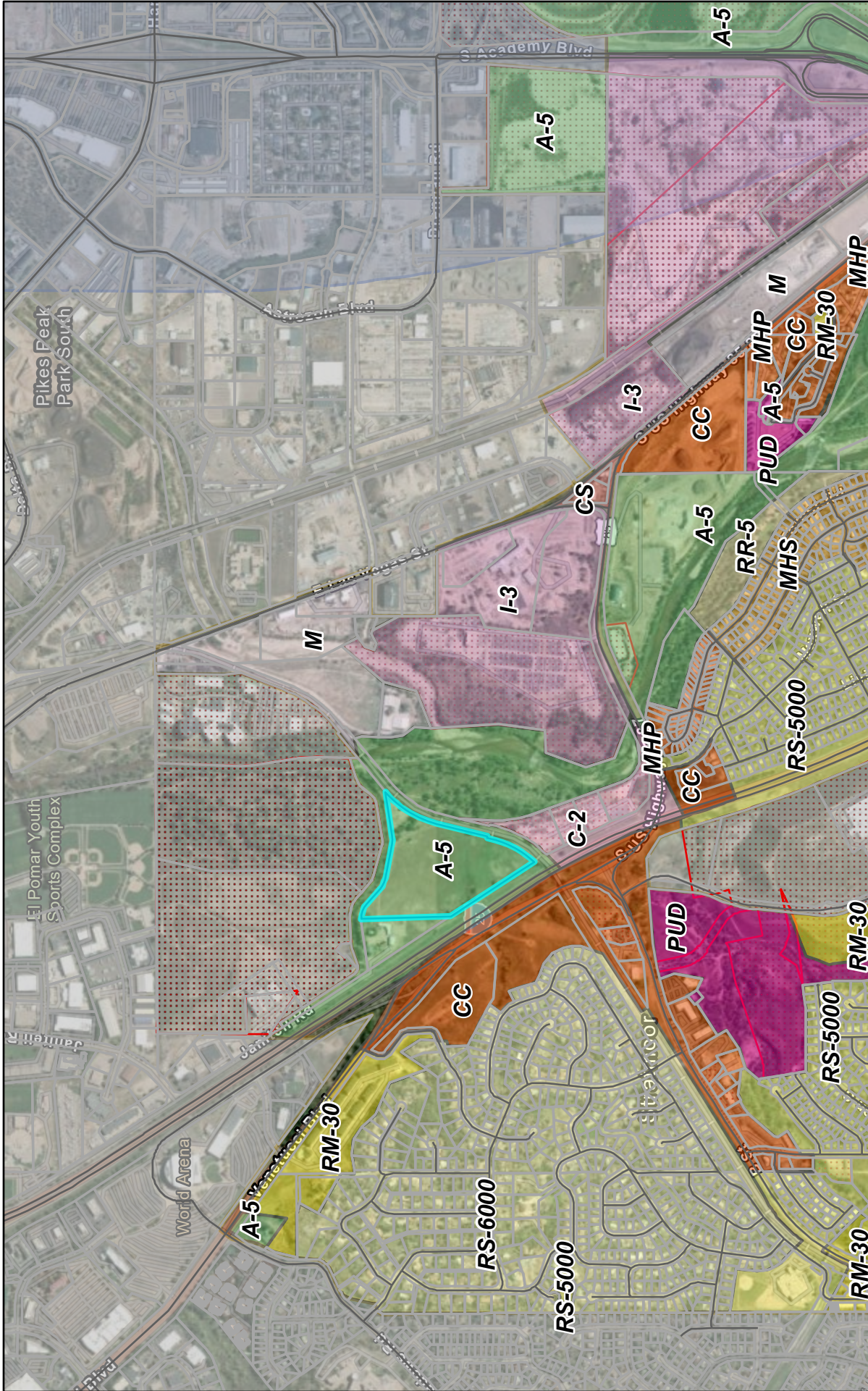
Vicinity Map

Letter of Intent

Rezone Map

Draft Resolution

Zoning Map



4/28/2026, 3:01:09 PM

Override 1	CS: Commercial Service	Initial Zoning	0 0.13 0.25 0.5 mi
County Roads	I-3: Heavy Industrial	Special Use	0 0.2 0.4 0.8 km
Parcels	MHP: Mobile Home Park	Incorporated Cities	High Resolution 30cm Imagery
County Zoning	MHS: Mobile Home Subdivision	World Imagery	Citlaxton
A-5: Agricultural (5 acres)	PUD: Planned Unit Development	Low Resolution 15m Imagery	4.8m Resolution Metacdata
CC: Commercial Community	RS-6000: Residential Suburban (6,000 sq. ft.)	High Resolution 60cm Imagery	
	RS-5000: Residential Suburban (5,000 sq. ft.)		
	RM-30: Residential Multi-Dwelling (30 DU/acre)		
	RR-5: Residential Rural (5 acres)		
	C-2: ** Commercial		
	M: ** Industrial		
	Zoning Overlay		

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vantor



Colorado Springs & Pueblo

LETTER OF INTENT

Map Amendment (Rezoning)

Mule Haven – Parcel No. 6433401007

Request: A-5 (Agricultural) to CC (Commercial Community)

1. Owner and Applicant Information

Owner: Mule Haven Limited
4623 Constitution Avenue
Colorado Springs, CO 80915
Phone: 719-332-4476
Email: LMPent@aol.com

Applicant: Lamar Advertising Company
Justin Johnston
720 Seedling Court
Colorado Springs, CO 80915
Phone: 719-309-3024
Email: jujohnston@lamar.com

Property Address: 3415 Janitell Road, Colorado Springs, CO
Parcel Number: 6433401007
Parcel Size: Approximately 22.14 acres
Current Zoning: A-5 (Agricultural)

2. Specific Request

The applicant requests approval of a Map Amendment (rezoning) from A-5 (Agricultural) to Commercial Community (CC) for the entire 22.14-acre parcel.

The proposed rezoning aligns the property with established commercial corridor designations and surrounding zoning patterns along the I-25 and Janitell Road corridor. In addition, provides regulatory consistency within an established commercial corridor

No development, buildings, utilities, access modifications, or land use changes are proposed as part of this Map Amendment. The property will remain in agricultural use.

3. Applicable Overlay Zoning

The property is not located within CAD-O or any other special overlay zoning district.

4. Compliance with the Land Development Code

This request is processed pursuant to Chapter 5 of the El Paso County Land Development Code as a Map Amendment (Rezoning).

The Commercial Community (CC) district is an established commercial zoning classification within the Code. The requested zoning reflects the corridor context of the site and the surrounding commercial pattern.

The rezoning does not propose a new land use. Existing off-premise signage on the property is regulated separately under the County's sign regulations and applicable CDOT permitting processes. This Map Amendment does not expand, modify, or authorize any signage.

Any future development would require a Site Development Plan and full compliance with applicable zoning, engineering, and infrastructure standards.

5. Compliance with Approval Criteria

Land Development Code Section 5.3.5(B)

Pursuant to Section 5.3.5(B) of the El Paso County Land Development Code, the following findings support approval of this Map Amendment:

A. General Conformance with the El Paso County Master Plan

The proposed rezoning is in general conformance with the El Paso County Master Plan.

The subject property is designated within the Your El Paso Master Plan as:

- Placetype: Employment Center
- Character Area: Unannexed Island
- Area of Change: Transition

The property is located adjacent to the I-25 transportation corridor near the Janitell Road interchange. The Employment Center placetype anticipates commercial and employment-oriented uses in proximity to major transportation infrastructure.

The Transition designation recognizes areas evolving from agricultural or lower-intensity uses toward corridor-oriented commercial and employment uses. The requested CC zoning is consistent with this framework and aligns with adjacent CC zoning within the County and Business Park designations across I-25 within the City of Colorado Springs.

The property is located within the Fountain 3 Mile Plan area and the Colorado Springs Annexation Area of Planning Interest. The requested rezoning is consistent with the corridor-oriented land use pattern in the area and does not conflict with the planning objectives of these jurisdictions.

B. Compliance with Applicable Statutory Provisions

The proposed rezoning complies with all applicable statutory provisions governing county zoning authority, including but not limited to:

- C.R.S. § 30-28-111
- C.R.S. § 30-28-113
- C.R.S. § 30-28-116

The request follows the procedures established in the Land Development Code and applicable Colorado law.

C. Compatibility with Existing and Permitted Land Uses and Zone Districts in All Directions

The proposed Commercial Community (CC) zoning district is compatible with the existing and permitted land uses and zone districts in all directions.

Adjacent properties within El Paso County are zoned CC. Nearby properties within the City of Colorado Springs are designated Business Park. The site is influenced by the I-25 corridor and is situated within an area characterized by commercial and employment-oriented development.

The requested zoning represents a logical transition from agricultural zoning in a corridor setting and does not introduce a land use intensity inconsistent with surrounding properties.

No physical changes or new land uses are proposed. The requested zoning does not increase development intensity absent a separate development application.

D. Suitability of the Site for the Intended Zone District

The site is suitable for the requested Commercial Community (CC) zoning district.

Early Assistance review identified:

- No traffic impacts
- No drainage impacts are anticipated
- No engineering objection

Because no development or land disturbance is proposed, the rezoning does not create infrastructure, environmental, or public safety concerns.

The property is located within the Stratton and Fishers Canyon drainage basins.

No increase in impervious area or drainage modifications are proposed. Therefore, drainage studies, Basin Fees, and Bridge Fees are not applicable to this request.

Based on available mapping, portions of the property may be influenced by nearby drainage features; however, no development or land disturbance is proposed, and no impact to the 100 year floodplain is anticipated as part of this Map Amendment.

The property is capable of meeting the use and dimensional standards described in Chapter 5 of the Land Development Code for the CC zoning district. Any future development would require separate review and compliance with applicable dimensional and development standards.

6. Traffic Generation and Access

No change in land use or physical development is proposed as part of this Map Amendment. Therefore:

- No increase in traffic generation is anticipated.
- No modification to existing access is proposed.
- No roadway improvements are required.

Pursuant to ECM Appendix B Section B.1.2.D, a Traffic Impact Study is not required, as the proposed Map Amendment does not include development, does not change the existing land use, does not modify access, and does not result in an increase in traffic generation or impervious area.

Road Impact Fees (RIF) are not applicable, as no development or building permit is proposed as part of this Map Amendment and no additional traffic impacts are created by this request.

The property is accessed from Janitell Road via an existing gated access point, as illustrated in **Exhibit A**. Janitell Road is an existing public roadway maintained by the appropriate governing agency.

Maintenance of the internal access drive and gate is the responsibility of the property owner.

Any future development would be subject to access and traffic review in accordance with County and CDOT standards.

7. Utilities

No change in utilities is proposed.

- No new water demand
- No new wastewater demand
- No expansion of infrastructure

Because no development is proposed, the rezoning does not implicate water supply planning, wastewater capacity, or park dedication requirements. Any future development would require appropriate utility review and approval.

8. Natural or Physical Features

County mapping indicates moderate wildlife impact potential within the area. However, because no development or ground disturbance is proposed, the rezoning does not affect natural or physical features.

Any future development would be subject to environmental review in accordance with County standards.

9. Recorded Agreements and Easements

Recorded agreements associated with the property have been reviewed. This rezoning does not trigger building permit issuance, site disturbance, or modification of existing agreements.

Any future development would comply with applicable recorded documents.

10. Community Outreach

The applicant has coordinated directly with the property owner regarding the proposed rezoning. Formal public notice will be provided in accordance with the Map Amendment process.

11. Conclusion

The requested rezoning from A-5 (Agricultural) to CC (Commercial Community):

- Is in general conformance with the El Paso County Master Plan
- Complies with applicable statutory provisions
- Is compatible with surrounding zoning and land use patterns
- Is suitable for the intended zone district
- Provides regulatory consistency within an established commercial corridor

For these reasons, the applicant respectfully requests approval of the Map Amendment.

Sincerely,

Justin Johnston
Real Estate and Operations Manager
Lamar Outdoor Advertising
720 Seedling Ct. Colorado Springs, CO 80915

Exhibit A - Access

Mule Haven Rezoning - Parcel 6433401007

Access to the subject property is provided via an existing gated entrance from Janitell Road. No modifications to access are proposed as part of this Map Amendment.



The existing gated entrance and/or internal drive serving Parcel No. 6433401007 traverses adjacent property under common ownership and is not being modified by this request.

Exhibit A - Access

Mule Haven Rezoning - Parcel 6433401007



The existing gated entrance and/or internal drive serving Parcel No. 6433401007 traverses adjacent property under common ownership and is not being modified by this request.

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. CC261
MULE HAVEN REZONING A-5 TO CC

WHEREAS, Mulehaven LTD 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-5 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 4, 2026; 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. That changing conditions clearly require amendment to the Zoning Resolutions;

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 Mulehaven LTD 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-5 (Agricultural) zoning district to the CC (Commercial Community) 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 CC (Commercial Community) 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
Blaine Brew	aye / no / non-voting / recused / absent
Michael Brewer	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Suzanne Casagrande	aye / no / non-voting / recused / absent
Maribeth Emrick	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent
Jason Wulf	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 4th day of June 2026, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

LOT 3 BLK 1 HASSLER & BATES SUB NO 3, TOG WITH TR IN S2 SEC 33-14-66 DES AS FOLS: COM AT SW COR OF LOT 1 BLK 1 HASSLER & BATES SUB NO 1, TH N 81<57'14" E 510.33 FT, S 01<25'16" E 31.45 FT FOR POB, CONT S 01<25'16" E 172.55 FT, S 87<40'57" E 284.18 FT, TH ALG ARC OF NON-TANG CUR TO R HAVING A RAD OF 250.0 FT A C/A OF 05<16'23" AN ARC DIST OF 23.01 FT WHICH CHORD BEARS N 50<33'40" W, N 47<55'28" W 175.97 FT, ALG ARC OF CUR TO L HAVING A RAD OF 200.0 FT A C/A OF 43<44'45" AN ARC DIST OF 152.70 FT TO POB, EX PT CONV TO COUNTY BY BK 6881-908

EXHIBIT B

