

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Schuettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO

RESOLUTION NO. P-22-015  
HOMESTEAD NORTH FILING NO. 3

WHEREAS, Classic SRJ Land, LLC, and SR Land, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RS-6000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on January 5, 2023; 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, in approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners (BoCC) shall find that the request meets the following criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111, §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Classic SRJ Land, LLC, and SR Land, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RS-6000 (Residential Suburban) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-6000 (Residential Suburban) zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

3. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
4. The developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 3 of the Homestead North Filing No. 3 Traffic Impact Study, to be verified with an updated traffic impact analysis or memorandum as appropriate with the final plat for Homestead North at Sterling Ranch Filing No. 3.
5. Sand Creek, adjacent to and within the Homestead North preliminary plan area, shall be stabilized to meet the minimum standards of the Drainage Criteria Manual and the Engineering Criteria Manual.

NOTATIONS

1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Map amendment (rezoning) requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Moraes seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: circle one

Brian Risley	aye / no / abstain / <u>absent</u>
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent
Joshua Patterson	<u>aye</u> / no / abstain / absent
Bryce Schuettpelz	<u>aye</u> / no / abstain / absent

Christopher Whitney  
Brandy Merriam

aye / no / abstain / absent  
aye / no / abstain absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 5<sup>th</sup> day of January 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Printed Name: THOMAS M. BAILEY  
Title: Vice CHAIRMAN

DATED: January 5, 2023

## EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376 2006" AT THE NORTHEAST CORNER AND BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTHEAST CORNER, SAID LINE BEING ASSUMED TO BEAR S01°30'51"W.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, N00°53'15"W A DISTANCE OF 1,537.68 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID EAST LINE, THE FOLLOWING SIXTEEN (16) COURSES:

1. S79°18'16"W A DISTANCE OF 441.05 FEET;
2. S78°01'26"W A DISTANCE OF 79.85 FEET;
3. S71°09'48"W A DISTANCE OF 87.13 FEET;
4. S63°35'09"W A DISTANCE OF 87.13 FEET;
5. S55°58'31"W A DISTANCE OF 87.13 FEET;
6. S48°27'49"W A DISTANCE OF 87.13 FEET;
7. S39°48'59"W A DISTANCE OF 110.92 FEET;
8. N63°15'15"W A DISTANCE OF 10.26 FEET;
9. N51°18'16"W A DISTANCE OF 124.15 FEET;
10. N51°17'40"W A DISTANCE OF 80.48 FEET;
11. N51°16'53"W A DISTANCE OF 128.03 FEET;
12. S38°42'19"W A DISTANCE OF 130.03 FEET;
13. N51°17'41"W A DISTANCE OF 52.77 FEET;
14. N20°05'15"W A DISTANCE OF 68.42 FEET;
15. N11°07'11"E A DISTANCE OF 3.91 FEET;
16. N76°20'29"W A DISTANCE OF 305.25 FEET, TO THE APPROXIMATE CENTERLINE OF VOLLMER ROAD AND A POINT OF NON-TANGENT CURVE;

THENCE ON THE APPROXIMATE CENTERLINE OF SAID VOLLMER ROAD, THE FOLLOWING THREE (3) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N77°51'02"W, HAVING A RADIUS OF 744.82 FEET, A CENTRAL ANGLE OF 01°31'06" AND AN ARC LENGTH OF 19.74 FEET, TO A POINT OF NON-TANGENT;
2. N11°06'40"E A DISTANCE OF 1,021.92 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 07°40'27" AND AN ARC LENGTH OF 127.24 FEET, TO A POINT ON THE EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF POCO ROAD, AS SHOWN ON THE PLAT OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING A POINT OF NON-TANGENT;

THENCE ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE AND ITS EXTENSION, N89°08'31"E A DISTANCE OF 1,357.29 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 28;

THENCE ON SAID EAST LINE, S00°53'15"E A DISTANCE OF 1,095.99 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,813,605 SQUARE FEET OR 41.6346 ACRES.