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RESOLUTION NO. 21- 239

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE HOMESTEAD NORTH MAP AMENDMENT (REZONING) (P-20-005)

WHEREAS SR Land, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated 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 the El Paso County Planning Commission on May 20, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on June 15, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

Chuck Broerman
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5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of SR Land, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the RS-6000 (Residential Suburban) zoning district;

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Open space buffers shall be no less than what is graphically depicted on the October 2008 Amended Sketch Plan Map in subsequent preliminary plan(s) and final plat(s) submittals.

4. The Homestead North Phase 1 Updated Traffic Impact Study (TIS) shall be accepted by the ECM Administrator for the map amendment (rezoning) file prior to scheduling the Homestead North preliminary plan for Planning Commission hearing.
5. 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 Phase 1 Updated Traffic Impact Study, as amended and pending approval, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the Homestead North at Sterling Ranch rezoning area.
6. Vollmer Road and Briargate Parkway adjacent to the rezoning area shall be improved to meet the minimum standards of an arterial roadway with development of the Homestead North rezone area, in accordance with the Engineering Criteria Manual. These road improvements will be required with access permitting for the associated final plat. The necessary road improvements, including offsite improvements, and phasing will be identified with the first final plat in the map amendment (rezoning) area. These road improvements may be subject to reimbursement as outlined in the El Paso County Road Impact Fee Program.

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

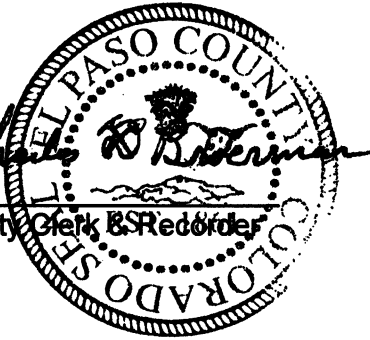
DONE THIS 15th day of June, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

County Clerk & Recorder



By: _____

Chair

Stan VanderWeef

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF SECTION 27, SECTION 28 AND SECTION 33, ALL IN 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 NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, S89°29'10"W A DISTANCE OF 1,191.33 FEET, TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH LINE, THE FOLLOWING SIX (6) COURSES:

1. S19°42'21"W A DISTANCE OF 184.86 FEET;
2. S32°15'45"W A DISTANCE OF 71.66 FEET;
3. S41°47'19"W A DISTANCE OF 88.37 FEET;
4. S14°57'52"W A DISTANCE OF 155.36 FEET;
5. S03°04'57"E A DISTANCE OF 208.19 FEET;
6. S05°19'07"E A DISTANCE OF 22.87 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRIARGATE PARKWAY AND ITS EXTENSION;
7. S39°33'48"W A DISTANCE OF 65.00 FEET, TO THE CENTERLINE OF BRIARGATE PARKWAY AND ITS EXTENSION;

THENCE ON SAID CENTERLINE, N50°26'12"W A DISTANCE OF 1,469.51 FEET, TO THE CENTERLINE OF VOLLMER ROAD;

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

1. N39°33'48"E A DISTANCE OF 1,199.57 FEET, TO A POINT OF NON-TANGENT CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N49°28'54"W, HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 16°15'30" AND AN ARC LENGTH OF 227.01 FEET, TO A POINT OF NON-TANGENT CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N65°15'03"W, HAVING A RADIUS OF 744.82 FEET, A CENTRAL ANGLE OF 12°38'24" AND AN ARC LENGTH OF 164.31 FEET, TO A POINT OF NON-TANGENT;

THENCE DEPARTING SAID CENTERLINE, THE FOLLOWING SEVENTEEN (17) COURSES:

1. S76°13'25"E A DISTANCE OF 255.22 FEET;
2. S76°20'29"E A DISTANCE OF 50.05 FEET;
3. S11°07'11"W A DISTANCE OF 3.91 FEET;
4. S20°05'15"E A DISTANCE OF 68.42 FEET;
5. S51°17'41"E A DISTANCE OF 52.77 FEET;
6. N38°42'19"E A DISTANCE OF 130.03 FEET;
7. S51°16'53"E A DISTANCE OF 128.03 FEET;
8. S51°17'40"E A DISTANCE OF 80.48 FEET;
9. S51°18'16"E A DISTANCE OF 124.15 FEET;
10. S63°15'15"E A DISTANCE OF 10.26 FEET;
11. N39°48'59"E A DISTANCE OF 110.92 FEET;
12. N48°27'49"E A DISTANCE OF 87.13 FEET;
13. N55°58'31"E A DISTANCE OF 87.13 FEET;
14. N63°35'09"E A DISTANCE OF 87.13 FEET;
15. N71°09'48"E A DISTANCE OF 87.13 FEET;

16. N78°01'26"E A DISTANCE OF 79.85 FEET;

17. N79°18'16"E A DISTANCE OF 441.05 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON SAID WEST LINE, S00°53'15"E A DISTANCE OF 220.84 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, N87°34'53"E A DISTANCE OF 73.60 FEET;

THENCE DEPARTING SAID NORTH LINE, THE FOLLOWING TWENTY-ONE (21) COURSES:

1. S04°00'08"W A DISTANCE OF 38.86 FEET;

2. S23°30'33"W A DISTANCE OF 96.02 FEET;

3. S17°58'09"W A DISTANCE OF 105.84 FEET;

4. S07°20'33"W A DISTANCE OF 248.45 FEET;

5. S27°44'47"W A DISTANCE OF 82.16 FEET;

6. S51°16'10"W A DISTANCE OF 361.44 FEET;

7. S29°35'35"W A DISTANCE OF 198.68 FEET;

8. S56°06'51"W A DISTANCE OF 68.55 FEET;

9. S51°10'06"W A DISTANCE OF 86.23 FEET;

10. S82°29'37"W A DISTANCE OF 85.63 FEET;

11. N82°52'49"W A DISTANCE OF 82.74 FEET;

12. N63°10'02"W A DISTANCE OF 59.72 FEET, TO A POINT OF NON-TANGENT CURVE;

13. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S52°33'19"W, HAVING A RADIUS OF 43.53 FEET, A CENTRAL ANGLE

OF 66°07'59" AND AN ARC LENGTH OF 50.25 FEET, TO A POINT OF REVERSE CURVE;

14. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 208.41 FEET, A CENTRAL ANGLE OF 21°27'48" AND AN ARC LENGTH OF 78.07 FEET, TO A POINT OF REVERSE CURVE;

15. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 85.46 FEET, A CENTRAL ANGLE OF 85°24'40" AND AN ARC LENGTH OF 127.39 FEET, TO A POINT OF TANGENT;

16. S12°28'27"W A DISTANCE OF 90.70 FEET;

17. S87°04'53"W A DISTANCE OF 91.55 FEET;

18. S01°04'54"W A DISTANCE OF 49.42 FEET;

19. S27°12'58"W A DISTANCE OF 75.48 FEET;

20. S12°38'34"W A DISTANCE OF 55.41 FEET;

21. S19°42'21"W A DISTANCE OF 0.70 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 2,844,314 SQUARE FEET OR 65.2965 ACRES.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.