

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Ms. Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2315
LAZY Y ROCKING J RR-5 REZONE

WHEREAS, N.E.S., Inc. did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 20, 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 N.E.S., Inc for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year

if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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.

Mr. Moraes seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye <u>no</u> / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused <u>absent</u>
Wayne Smith	aye / no / non-voting / recused <u>absent</u>
Tim Trowbridge	aye / no / non-voting / recused <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 63 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 7, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENT AT THE SOUTH END BY A 3.25" ALUMINUM CAP STAMPED "LS 17496 1995" IN A RANGE BOX AND AT THE NORTH END BY A 3.25" ALUMINUM CAP STAMPED "CDOT LS 25381 2007" IN A RANGE BOX, BEARING S01°04'47"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF SAID SECTION 7, N01°04'47"W A DISTANCE OF 1,161.93 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE QUITCLAIM DEED RECORDED UNDER RECEPTION NO. 216054536 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON SAID SOUTHERLY LINE, S89°25'33"W A DISTANCE OF 1,330.30 FEET, TO A POINT ON THE WESTERLY LINE OF SAID PROPERTY;

THENCE ON SAID WESTERLY LINE, N00°50'14"W A DISTANCE OF 358.22 FEET;

THENCE DEPARTING SAID WESTERLY LINE, THE FOLLOWING SEVEN (7) COURSES:

1. S89°47'18"E A DISTANCE OF 425.79 FEET;
2. S00°00'00"E A DISTANCE OF 9.25 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 90°28'16" AND AN ARC LENGTH OF 442.12 FEET, TO A POINT OF TANGENT;
4. N89°31'44"E A DISTANCE OF 483.38 FEET, TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 78°08'12" AND AN ARC LENGTH OF 27.27 FEET, TO A POINT OF REVERSE CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 70.20 FEET, A CENTRAL ANGLE OF 78°31'53" AND AN ARC LENGTH OF 96.22 FEET, TO A POINT OF TANGENT;
7. N89°55'26"E A DISTANCE OF 53.39 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 7;

THENCE ON SAID EAST LINE, S01°04'47"E A DISTANCE OF 130.49 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 229,976 SQUARE FEET OR 5.2795 ACRES.

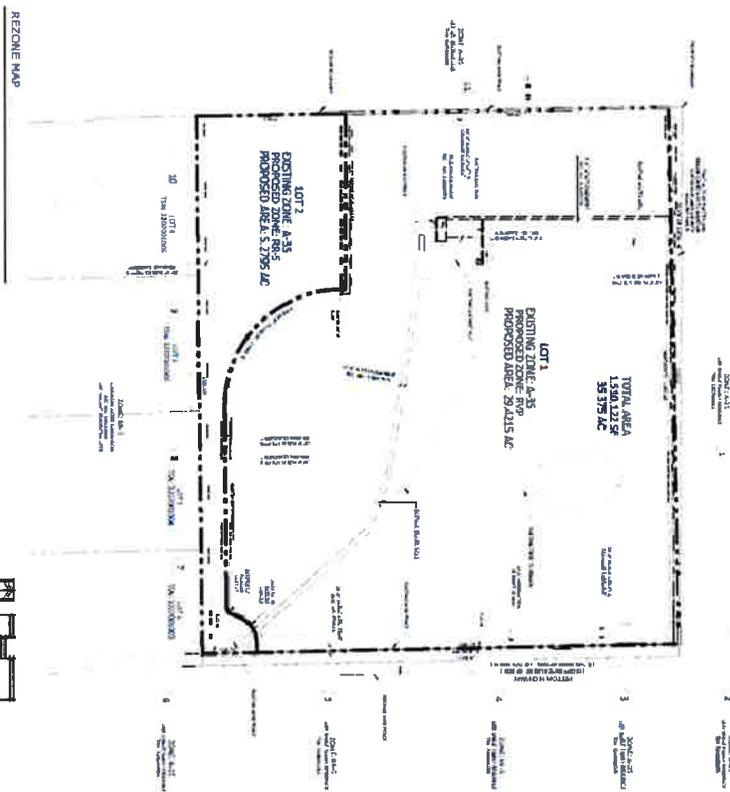
EXHIBIT B

LEGAL DESCRIPTION - LOT 2

... (Detailed legal description text) ...

SITE DATA

... (Site data table) ...



LEGEND

- REZONE BOUNDARY
- PROPERTY BOUNDARY
- EASEMENT
- NEW
- ADJACENT OWNERS



NES

... (Company information) ...

LAZY V ROCKING J

RVP

REZONE MAP

... (Map details) ...

