

pc

RESOLUTION NO. 22-441

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

**APPROVAL OF MAP AMENDMENT (REZONE)
6855 CONSTITUTION AVE REZONE TO CS**

WHEREAS, Galloway and Company 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 RM-30 (Residential Multi-Dwelling) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 17, 2022, 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 December 6, 2022; 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.**

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 Galloway and Company 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 RM-30 (Residential Multi-Dwelling) zoning district to the CS (Commercial Service) 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 CS (Commercial Service) 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 6th day of December, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:



County Clerk & Recorder

By:

Chair

A handwritten signature in black ink, appearing to read 'Stan VanderWolf', is written over a horizontal line. The signature is cursive and extends to the right of the line.

EXHIBIT A

Parcel 1:

Lot 1, GREATER EUROPE MISSION SUBDIVISION FILING NO. 1, County of El Paso, State of Colorado, consisting of 3.591 acres.

Parcel 2:

That portion of the Southwest Quarter of the Northwest Quarter of Section 11, Township 11 South, Range 67 West of the 6th P.M. lying east of the east line of that tract conveyed to the State Highway Department by Quitclaim Deed recorded September 8, 1948 in Book 1185 at Page 458, also described as:

That part of the Southwest Quarter of the Northwest Quarter of Section 11, Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence Easterly along the Southerly line of said Northwest Quarter a distance of 996.04 feet to a point on the Easterly right-of-way of Interstate Highway 25 described in that deed to the State Highway Department recorded September 8, 1948 in Book 1185 at Page 458, which point is the True Point of Beginning of the parcel described; thence on a deflection angle to the left $95^{\circ}08'20''$ and along said Easterly right of way line a distance of 1334.24 feet to a point on the Northerly line of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right $95^{\circ}00'36''$ and along said Northerly line 441.95 feet to the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right $90^{\circ}16'15''$ and along the Easterly line of said Southwest Quarter of the Northwest Quarter a distance of 1329.88 feet to the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence on a deflection angle to the right $89^{\circ}51'29''$ and along the Southerly line of said Southwest Quarter of the Northwest Quarter a distance of 319.15 feet to the point of beginning, consisting of 11.609 acres.

The total rezone acreage is 15.2 acres.