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RESOLUTION NO. 19- 279

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE ROLLIN RIDGE ESTATES RESIDENTIAL MAP AMENDMENT (REZONING) (P-18-001)

WHEREAS TC&C, 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 RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 2, 2019, 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 July 23, 2019; 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 TC&C, 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 RR-2.5 (Residential Rural) 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 2ND day of July, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____

Chair

ATTEST:

By: _____

County Clerk & Recorder

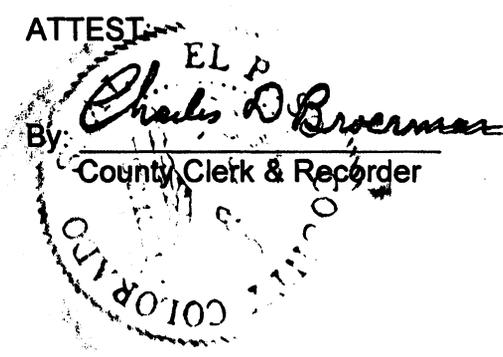


EXHIBIT A

**LEGAL DESCRIPTION – PARCEL "A"
ROLLIN RIDGE ESTATES**

That portion of the North Half of the North Half of Section 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado described as follows:

Basis of bearings is the north line of said Section 27, monumented at its west end with a 3 ¼ inch aluminum cap stamped with PLS 17496 and at its east end with an illegible 3 inch brass cap. Said line bears S 88 degrees 54 minutes 14 seconds E, 5264.06 feet.

Commencing at the northwest corner of said Section 27;

1. thence S 88 degrees 54 minutes 14 seconds E, along the north line of said Section, 1974.02 feet to the northwest corner of the East Half of the Northeast Quarter of the Northwest Quarter of said Section 27;
2. thence S 0 degrees 06 minutes 49 seconds E, along the west line of said East Half, 1312.77 feet to the south line of said North Half of the North Half, said line being coincident with the north line of Rollin' Ridge Rancheros;
3. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 443.60 feet to the point of beginning of the parcel to be described;
4. thence N 0 degrees 00 minutes 00 seconds W, 585.28 feet;
5. thence S 90 degrees 00 minutes 00 seconds E, 454.78 feet;
6. thence S 0 degrees 00 minutes 00 seconds E, 247.11 feet;
7. thence N 90 degrees 00 minutes 00 seconds W, 127.15 feet;
8. thence S 0 degrees 00 minutes 00 seconds W, 340.99 feet to said south line;
9. thence N 89 degrees 30 minutes 26 seconds W, along said south line, 327.64 feet to the point of beginning.

**LEGAL DESCRIPTION – PARCEL "B"
ROLLIN RIDGE ESTATES**

That portion of the North Half of the North Half of Section 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County Colorado described as follows:

Basis of bearings is the north line of said Section 27, monumented at its west end with a 3 ¼ inch aluminum cap stamped with PLS 17496 and at its east end with an illegible 3 inch brass cap. Said line bears S 88 degrees 54 minutes 14 seconds E, 5264.06 feet.

Commencing at the northwest corner of said Section 27;

1. thence S 88 degrees 54 minutes 14 seconds E, along the north line of said Section, 1974.02 feet to the northwest corner of the East Half of the Northeast Quarter of the Northwest Quarter of said Section 27;
2. thence S 0 degrees 06 minutes 40 seconds E, along the west line of said East Half, 50.04 feet to the southwest corner of a parcel described at Reception number 206076668, said point also being the point of beginning of the parcel to be described;
3. thence S 0 degrees 06 minutes 40 seconds E, continuing along the west line of said East Half, 1262.73 feet to the south line of said North Half of the North Half, said line being coincident with the north line of Rollin' Ridge Rancheros;
4. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 443.60 feet;
5. thence N 0 degrees 00 minutes 00 seconds W, 585.28 feet;
6. thence N 90 degrees 00 minutes 00 seconds E, 454.78 feet;
7. thence S 0 degrees 00 minutes 00 seconds E, 247.11 feet;
8. thence N 90 degrees 00 minutes 00 seconds W, 127.15 feet;
9. thence S 0 degrees 00 minutes 00 seconds E, 340.99 feet to said south line;
10. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 1212.80 feet to a ½ inch inside diameter iron pipe at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 27, also being the westerly right of way line of State Highway No. 83;
11. thence N 0 degrees 34 minutes 12 seconds W, along said right of way line, 393.03 feet to the most southerly corner of a parcel described in Book 2035 at Page 536;
12. thence N 2 degrees 29 minutes 28 seconds W, along the west line of said parcel. 870.43 feet to the south line of the north 30 feet of said Section 27;
13. thence N 88 degrees 54 minutes 17 seconds W, along the south line 856.46 feet to the northeast corner of a parcel described at Reception number 206076666;
14. thence S 1 degree 05 minutes 43 seconds W, along the east line of said parcel, 20.00 feet to the southeast corner thereof;
15. thence N 88 degrees 54 minutes 17 seconds W, along the south line of said parcel, 430.09 feet to the west line of said Northwest Quarter of the Northeast Quarter and the southeast corner of said parcel described at Reception number 206076668;
16. thence N 88 degrees 54 minutes 17 seconds W, along the south line of said parcel, 658.10 feet to the point of beginning.