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El Paso County, CO



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**RESOLUTION NO. 18- 385**

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS,  
STATE OF COLORADO**

**APPROVAL OF THE ROCKY TOP RESOURCES, INC. MAP AMENDMENT  
(REZONING) (I-18-001)**

**WHEREAS** Rocky Top Resources, Inc. 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-0.5 (Residential Rural) zoning district to the I-3 (Heavy Industrial) zoning district; and

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on September 4, 2018, 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 October 9, 2018; 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 Rocky Top Resources, Inc., 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-0.5 (Residential Rural) zoning district to the I-3 (Heavy Industrial) zoning district;

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

**CONDITIONS**

1. The property owners 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 I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The applicant shall apply for and receive approval of a site development plan, within 120 days of the date of approval. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain site development plan approval.

**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.

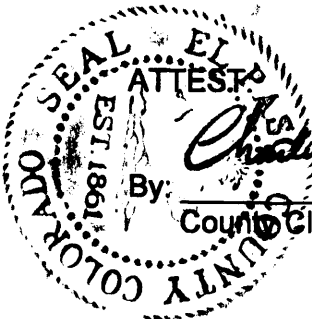
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 9<sup>th</sup> day of October, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: *Paul Johnson*  
President

ATTEST  
*Charles D Broerman*  
By: \_\_\_\_\_  
County Clerk & Recorder

The seal of El Paso County, Colorado, is circular. It features a central figure of a person on horseback, possibly a pioneer or soldier, holding a rifle. The text "SEAL OF EL PASO COUNTY, COLORADO" is written around the perimeter. In the center, it says "EST. 1891". The word "ATTEST" is written above the seal, and "By:" is written below it.

**EXHIBIT A**

**PROPERTY DESCRIPTION: 1755 E. LAS VEGAS STREET**

**PARCEL 1: TRACTS 1 AND 2 IN VALLEY GARDENS, AND ALL THAT PORTION OF WEST STREET VACATED BY RESOLUTION NO. 04-545 RECORDED DECEMBER 12, 2006 UNDER RECEPTION NO. 206179579, BEING A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, AND THE WEST HALF OF SECTION 28 IN TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED TO THE COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO RECORDED JANUARY 10, 1984 IN BOOK 3823 AT PAGE 439, AND EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF TRANSPORTATION STATE OF COLORADO RECORDED MAY 5, 1992 IN BOOK 5973 AT PAGE 205.**

**PARCEL 2: TRACTS 7, 8, 9 AND 12 IN VALLEY GARDENS, BEING A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, AND THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 28 IN TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO,**

**EXCEPTING FROM THE ABOVE DESCRIPTION THAT PORTION THEREOF CONVEYED BY B.W. BABCOCK TO A.G. PINELLO AND RECORDED IN BOOK 539 AT PAGE 485 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, AND FURTHER EXCEPTING THE RIGHT OF WAY CONVEYED TO THE CITY OF COLORADO SPRINGS BY DEED RECORDED IN BOOK 1000 AT PAGE 316 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, COUNTY OF EL PASO, STATE OF COLORADO,**

**... AND ...**

**TRACTS G AND H AND TRACTS E, I AND K, RYAN'S SUBDIVISION, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING FROM ALL THE FOREGOING PARCELS THOSE PORTIONS CONTAINED IN FINDINGS, ORDER AND DECREE RECORDED IN BOOK 3823 AT PAGE 439, WARRANTY DEED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO RECORDED IN BOOK 5973 AT PAGE 205 AND IN WARRANTY DEED TO JAY A. RINGLER RECORDED IN BOOK 6354 AT PAGE 339, EL PASO COUNTY, COLORADO,**

**NOW KNOWN AS TRACT 7 IN VALLEY GARDENS IN ACCORDANCE WITH ADMINISTRATIVE VACATION OF INTERIOR LOT LINES AS RECORDED JANUARY 17, 2006 AT RECEPTION NO. 206006560**

**CONTAINING 45 ACRES, MORE OR LESS.**