



EL PASO COUNTY

COMMISSIONERS:
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COLORADO

LONGINOS GONZALEZ, JR.
STAN VANDERWERF
HOLLY WILLIAMS

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of County Commissioners
Cami Bremer, Chair

FROM: Kylie Bagley, Planner II
Lupe Packman, Engineer I
Meggan Herington, Executive Director

RE: Project File #: CS-22-002
Project Name: Emprise Storage Rezone
Parcel No.: 44000-00-056

OWNER:	REPRESENTATIVE:
Emprise Acquisitions, LLC 909 E. Panama Dr. Littleton, CO 80121	Land Development Consultants David Hotetler 3898 Maizeland Road Colorado Springs, CO 80909

Commissioner District: 4

Planning Commission Hearing Date:	1/5/2023
Board of County Commissioners Hearing Date:	1/17/2023

EXECUTIVE SUMMARY

A request by Land Development Consultants for approval of a map amendment (rezoning) of 40 acres from RR-5 (Residential Rural) to CS (Commercial Service). The 40-acre property is located directly south of Highway 94 and 0.20 miles west of the intersection of Highway 94 and Franceville Coal Mine Road and within Section 18, Township 14 South, Range 64 West of the 6th P.M.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Land Development Consultants for approval of a map amendment (rezoning) of 40 acres from RR-5 (Residential Rural) to CS (Commercial Service).

Waiver(s)/Deviation(s): There are no waivers/deviations associated with this rezone application.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard: As a Consent Item at the January 5, 2023, Planning Commission.

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 - 0

Vote Rationale: N/A

Summary of Hearing: The PC Draft Minutes are attached.

Legal Notice: Advertised in *The Colorado Springs Gazette* on December 29, 2022.

C. APPROVAL CRITERIA

In 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 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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.



D. LOCATION

North:	RR-5 (Residential Rural)	Vacant
South:	RR-5 (Residential Rural)	Vacant
East:	RR-5 (Residential Rural)	Commercial
West:	CS (Commercial Service)	Single-Family Residential

E. BACKGROUND

The subject property was rezoned to A-4 (Agricultural) on April 14, 1983, when zoning was established in this part of El Paso County. A nomenclature change in 2007 renamed the A-4 (Agricultural) zoning district as the RR-5 (Residential Rural) zoning district. According to County records a salvage yard was established on the property prior to the establishment of zoning.

The applicant is currently requesting a map amendment (rezoning) from RR-5 (Residential Rural) to CS (Commercial Service). According to the applicant's letter of intent the property is currently being used for automobile and boat storage and plans to construct mini-warehouses in the future. Both automobile and boat storage and mini-warehouse are allowed uses by right in the CS zoning district.

If the request for a map amendment is approved, the applicant will be required to submit and receive approval of a site development plan for both the existing and future use of the property.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property to CS (Commercial Service). Section 3.2 of the Code states the following as the intent of the CS zoning district:

“The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.”

According to the applicant's letter of intent the site is currently being used as a vehicle storage yard and has been since prior to County zoning of the property. Automobile and Boat Storage Yards are an allowed use-by-right within the CS zoning district.



2. Zoning Compliance

The density and dimensional standards for the CS zoning district are as follows:

- Minimum zoning district area: 2 acres¹¹
- Minimum lot size: N/A
- Setbacks
 - Front: 25 feet^{1,3,11}
 - Side: 25 feet^{1,2,3,11}
 - Rear: 25 feet^{1,2,3,11}
- Maximum height: 45 feet

¹ Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

³ Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of the Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

In order to initiate any uses on the property, the applicant will need to obtain subsequent site development plan approval. The site development plan will be reviewed to ensure that all proposed and existing structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling



units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



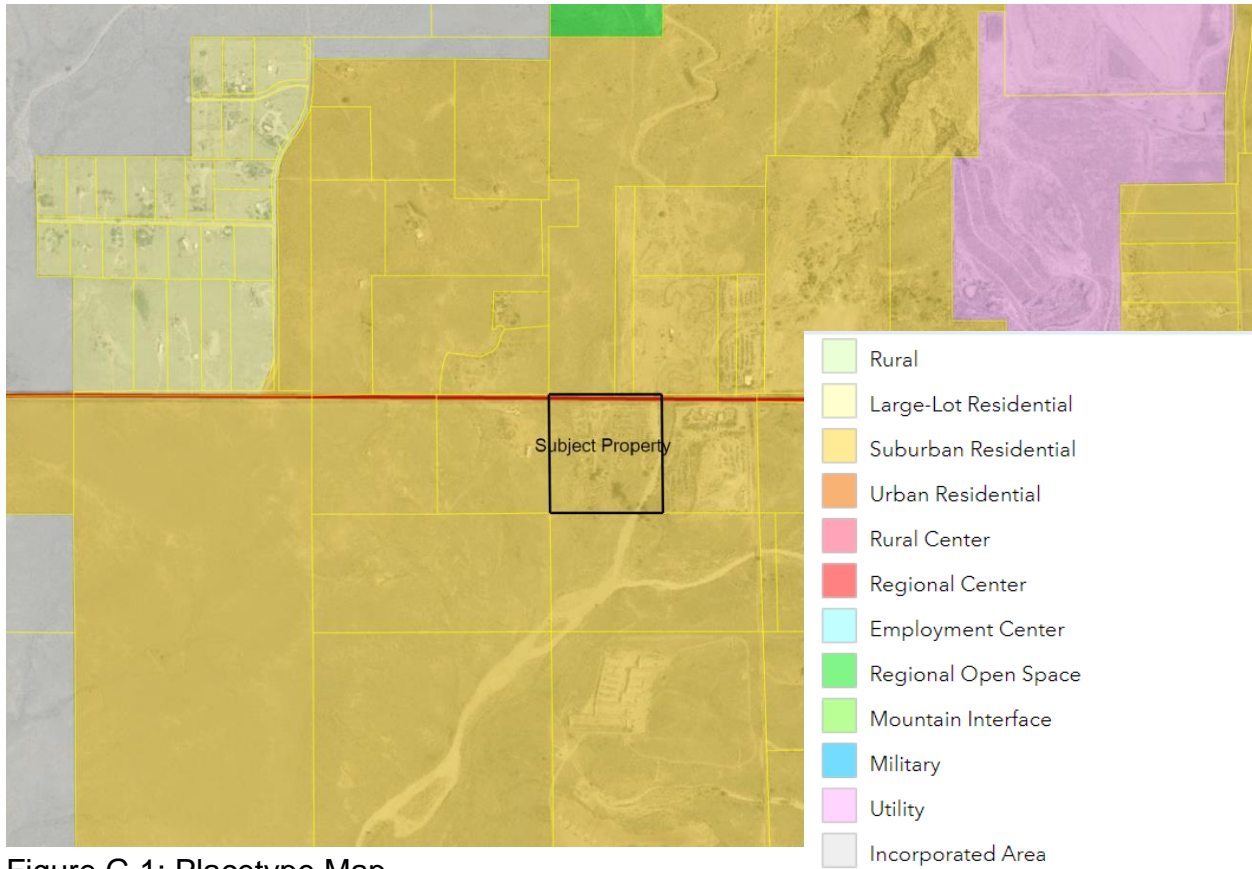


Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Objective ED1-6 – *Large employers should be located on major roadways to improve connectivity and minimize their impact on daily travel.*

Objective ED3-6 – *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*



The proposed rezone would reallocate 40 acres of existing commercial land from the RR-5 zoning district to the CS zoning district, which would support a variety of commercial uses. The placetype allows commercial retail and commercial service as supporting uses. The Master Plan identifies the Suburban Residential placetype as primarily residential with supporting commercial uses at key intersections. The subject property is located off Highway 94 and is surrounded by other existing commercial properties.

a. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

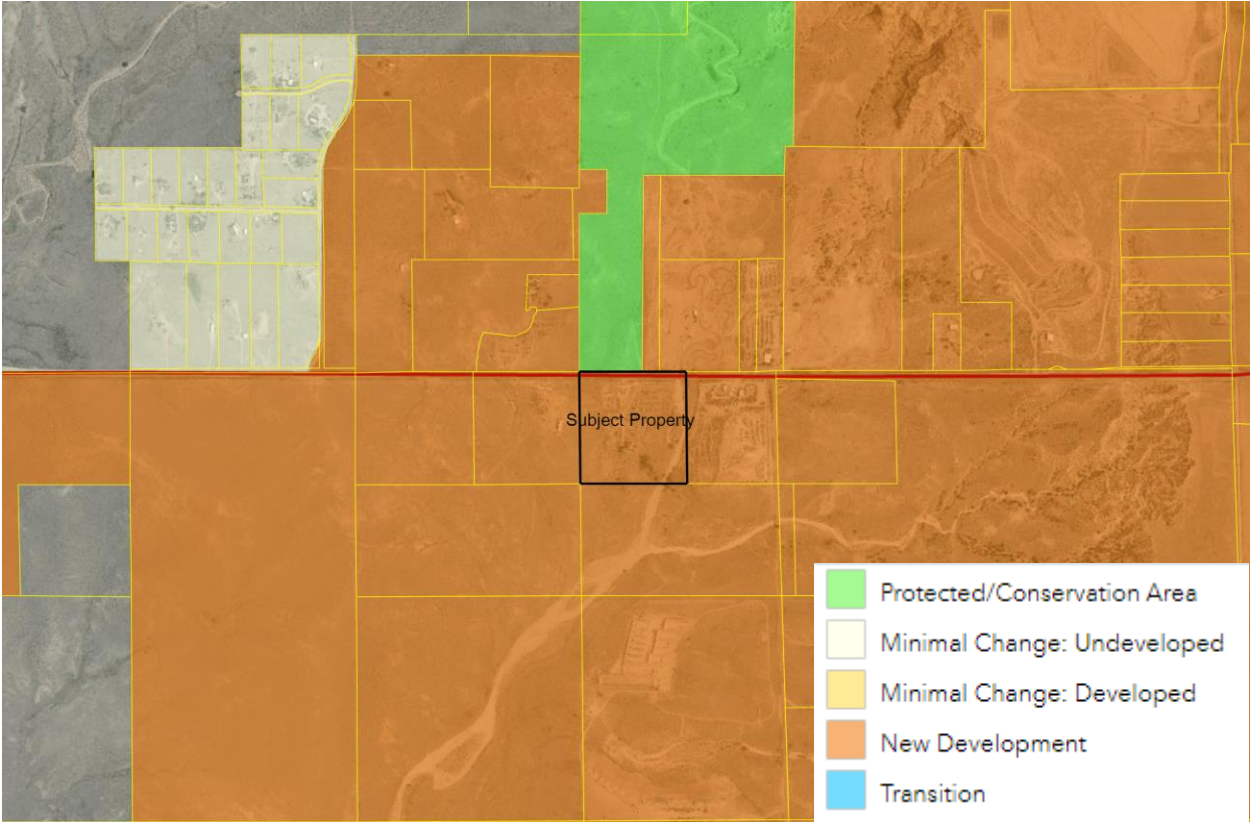


Figure G.2: Area of Change Map



Analysis:

The proposed rezone is located in an area which is surrounded by existing commercial uses which matches the existing character of the subject property. If the rezone is approved, it would allow the subject property to expand the existing commercial uses. The applicant’s letter of intent states, “Anticipating future needs the rezoning of the Property from RR-5 to CS would be beneficial to the growing Eastern Community through the development and provision of commercial services. A reduction of environmental impact through shortening shoppers commutes to services, and the resultant savings on energy, time, and money for the surrounding community will contribute to a better quality of life for local citizens.”

b. Key Area Influences: Potential Areas for Annexation

A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

c. Other Implications (Priority Development, Housing, etc.):

The subject property is not located within a Priority Development Area.



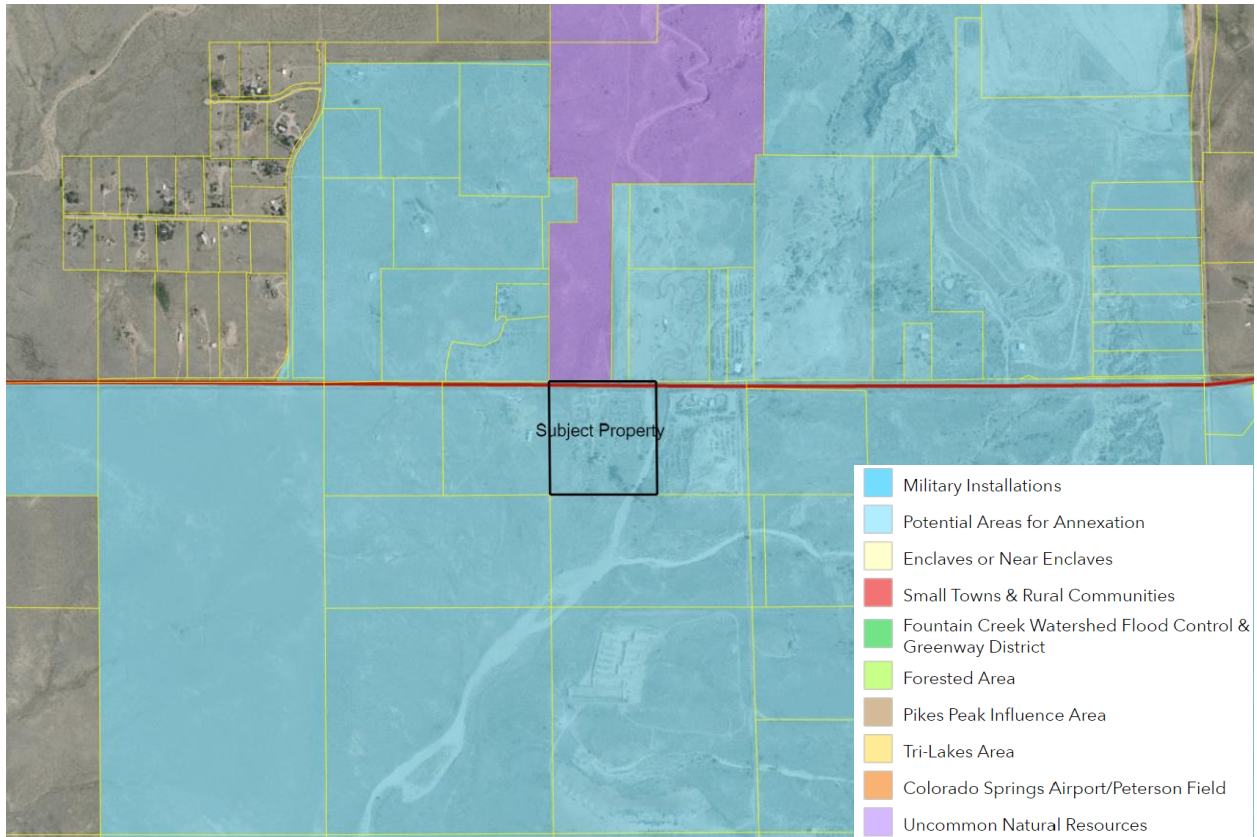


Figure G.3: Key Area Influences Map

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development

will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 8. The Plan identifies the current demand for Region 8 to be 299 acre-feet per year (AFY) (Figure 5.1) with a current supply of 299 AFY (Figure 5.2). The projected demand in 2040 is at 396 AFY (Figure 5.1) with a projected supply of 299 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 484 AFY (Figure 5.1) with a projected supply of 299 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 185 AFY is anticipated for Region 8.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. The property is currently not platted. A finding of water sufficiency is required with subsequent plat application(s).

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. Colorado Parks and Wildlife and the El Paso County Community Services Department, Environmental Services Division were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the map amendment.

2. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0785G, which has an effective date of December 7, 2018, indicates the subject property is located within Zone AE, area where base flood elevations are provided.

3. Drainage and Erosion

The area of the proposed map amendment (rezoning) is located within the Jimmy Camp Creek drainage basin. This drainage basin is included in the El Paso County drainage basin fee program. Due to no platting action being required, drainage and



bridge fees will not be assessed with the drainage report that will be required with the subsequent site development plan application.

4. Transportation

The subject property is located south of US Highway 94 between Corral Valley Road and Franceville Coalmine Road. US Highway 94 is a two-lane rural major collector that is currently owned and maintained by Colorado Department of Transportation (CDOT).

A traffic study is currently being reviewed by CDOT for the rezone application. The 2016 Major Transportation Corridors Plan update shows Highway 94 will eventually be improved to a 4-lane principal arterial. The applicant will be responsible to meet any requirements set forth by CDOT that are triggered by these applications. No improvements to El Paso County infrastructure are anticipated.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

I. SERVICES

1. Water

The property is currently serviced by an existing well.

2. Sanitation

The property is currently serviced by an existing onsite wastewater treatment system.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service. MVEA was sent a referral and has no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundary of a metropolitan district.



6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

J. APPLICABLE RESOLUTIONS

See attached.

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022), staff recommends 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 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.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on December 16, 2022, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Signed PC Resolution
Draft PC Minutes
Draft BOCC Resolution



El Paso County Parcel Information

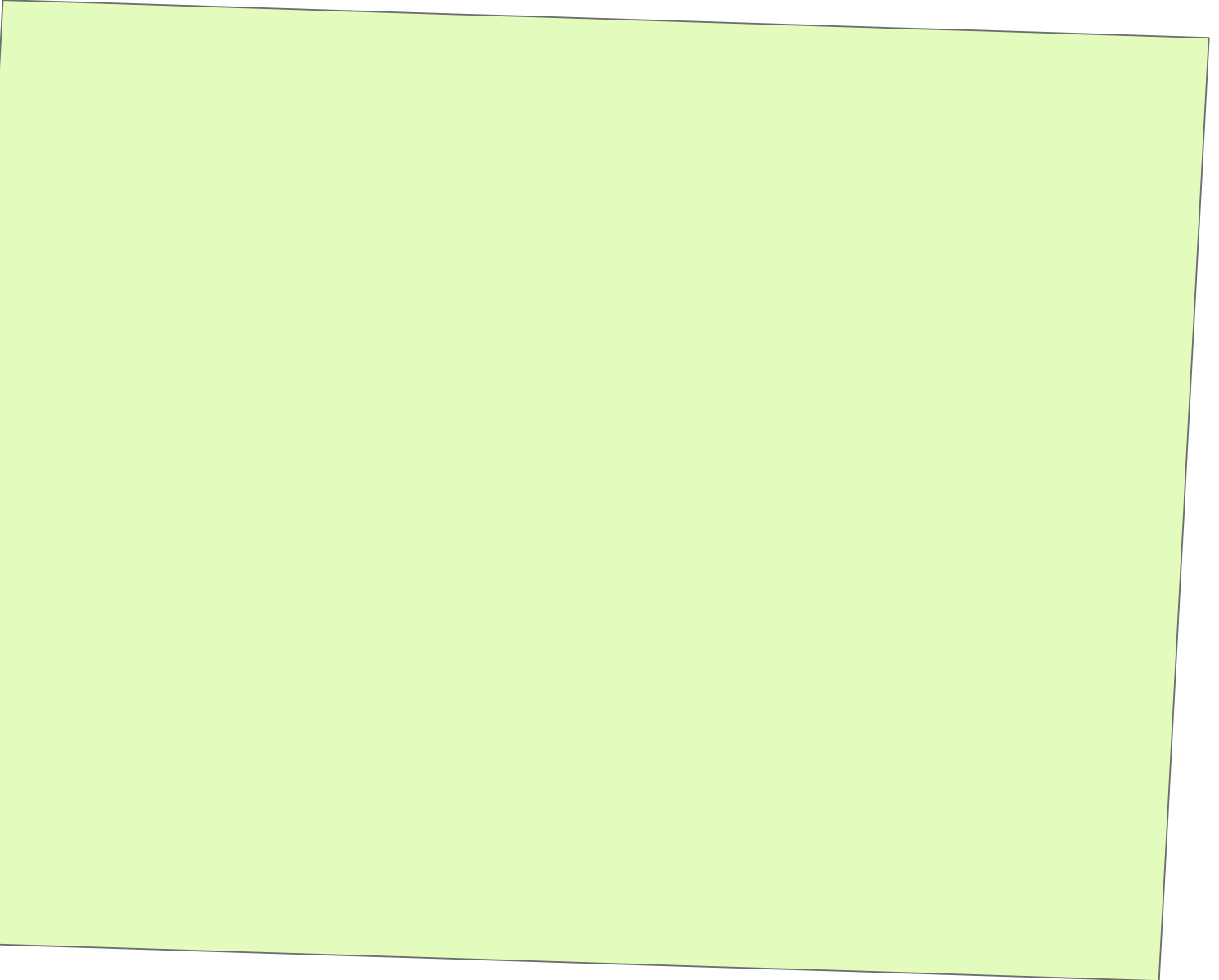
File Name:

Date:

PARCEL

NAME

ADDRESS



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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3898 Maizeland Road
Colorado Springs, CO 80909

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LETTER OF INTENT

REV 11-8-2022

September 1, 2022

**El Paso County Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910**

Attn: **John Green/Current Planner**

Re: **Rezone Letter of Intent – EMPRISE ACQUISITIONS, LLC
APN 44000-00-056**

LAND DEVELOPMENT CONSULTANTS, INC. is representing EMPRISE ACQUISITIONS, LLC in this application for a rezone from RR-5 Residential to CS Commercial Services District for a commercial use classification for RV, BOAT AND VEHICLE STORAGE and future mini-warehouse storage units.

This site is located on the South side of US Highway 94 approximately ¼ mile west of Franceville Coal Mine Road. It is currently being used as a vehicle storage yard and has been since before the County zoned the property. It is surrounded by a variety of uses; vacant range land on the south zoned RR-5; undeveloped zone CS on the West; motocross race track on the North zoned RR-5; vehicle salvage yard and motocross race track to the Northeast zoned RR-5; a vehicle salvage yard on the East zoned RR-5 and an outside gun range to the South Southeast.

The owner's property consists of a total of 34.52 acres and is currently zoned RR-5. Their request is to rezone the property to the CS Commercial Services zone. This will allow them to continue to use the property for vehicle storage and expand the use to include RV and boat storage and future mini-warehouse units.

The property will continue to be served by an existing well and septic system. Electric service is provided by Mountain View Electric Association. Fire protection is provided by ELLICOTT FIRE PROTECTION DISTRICT.

The existing access point on Highway 94 will continue to be used and an Access Permit will be applied for from Colorado Department of Transportation. A traffic Study has been completed to be submitted with that Access Permit.

The EL Paso County Master Plan is not specific as to the zoning boundaries of property as it is advisory in nature, and notes that a majority of real estate in Eastern El Paso County is zoned RR5 and that that designation has been used as a "holding pattern" for properties until future development needs and requests arise. We find nothing within the Master Plan that would prohibit a zone change to the property.

APPARENTLY THE MASTER PLAN SHOWS THIS AREA AS SUBURBAN RESIDENTIAL, AREA LIKELY TO BE ANNEXED AND NEW DEVELOPMENT. This property located on a major highway will not be developed as residential especially in light of the existing land uses adjacent and in close proximity to this property. There are 2 motocross race tracks immediately north of this property; auto salvage yards to the north and east; recently rezoned commercial services to the west and an outdoor shooting range to the southeast. This complies with the existing commercial/industrial land uses as is evident with the rezoning last year of the adjoining property on the west from RR-5 to CS, the same as the zoning we are requesting.

Once the property is re-zoned, development of the property will be per the specific requirements of the El Paso County Land Development Code and the Engineering Criteria Manual as they pertain to the requested CS Zone. The current plan for physical development of a site is to create gravel parking areas for the RV, Boat and vehicle storage.

This application is in general conformance with the El Paso County Master Plan including applicable Sub-Area Boundary (North Central) of the Highway 94 Comprehensive Plan, map print dated December 10, 2003.

El Paso County Water Master Plan anticipates that this area of the county would be reliant on water supplied by private wells, and septic systems to treat wastewater. The El Paso County Master Plan notes that, "With the exception of telephone service, electricity, and some roads, urban services are limited in most of the Planning Area. Within a 20-year planning horizon, contiguous development is not expected to extend east from the City of Colorado Springs to the Planning Area, nor is it likely that Colorado Springs will extend extra-territorial services. If urban services become available, they will result from some combination of local start-up facilities, gradual upgrades to existing services, or extensions of services from outside the Planning Area." This project would be consistent with the Plan in those regards.

Anticipating future needs the rezoning of the Property from RR-5 to CS would be beneficial to the growing Eastern Community through the development and provision of commercial services. A reduction of environmental impact through shortening shoppers commutes to services, and the resultant savings on energy, time, and money for the surrounding community will contribute to a better quality of life for local citizens. For the community the best use of this site would be re-zoning to CS.

This rezoning is in compliance with the applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116

Owner:
EMPRISE ACQUISITIONS, LLC
Don Kramer, Mgr. 720-201-6345
909 E Panama Drive
Centennial, CO 80121

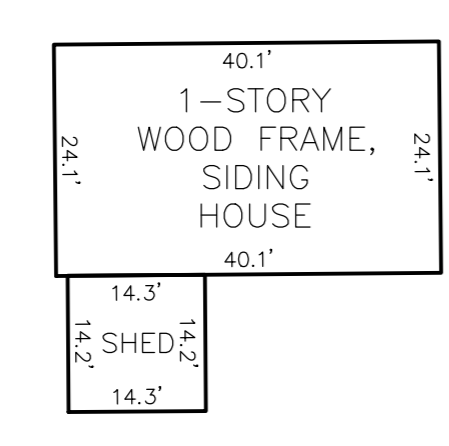
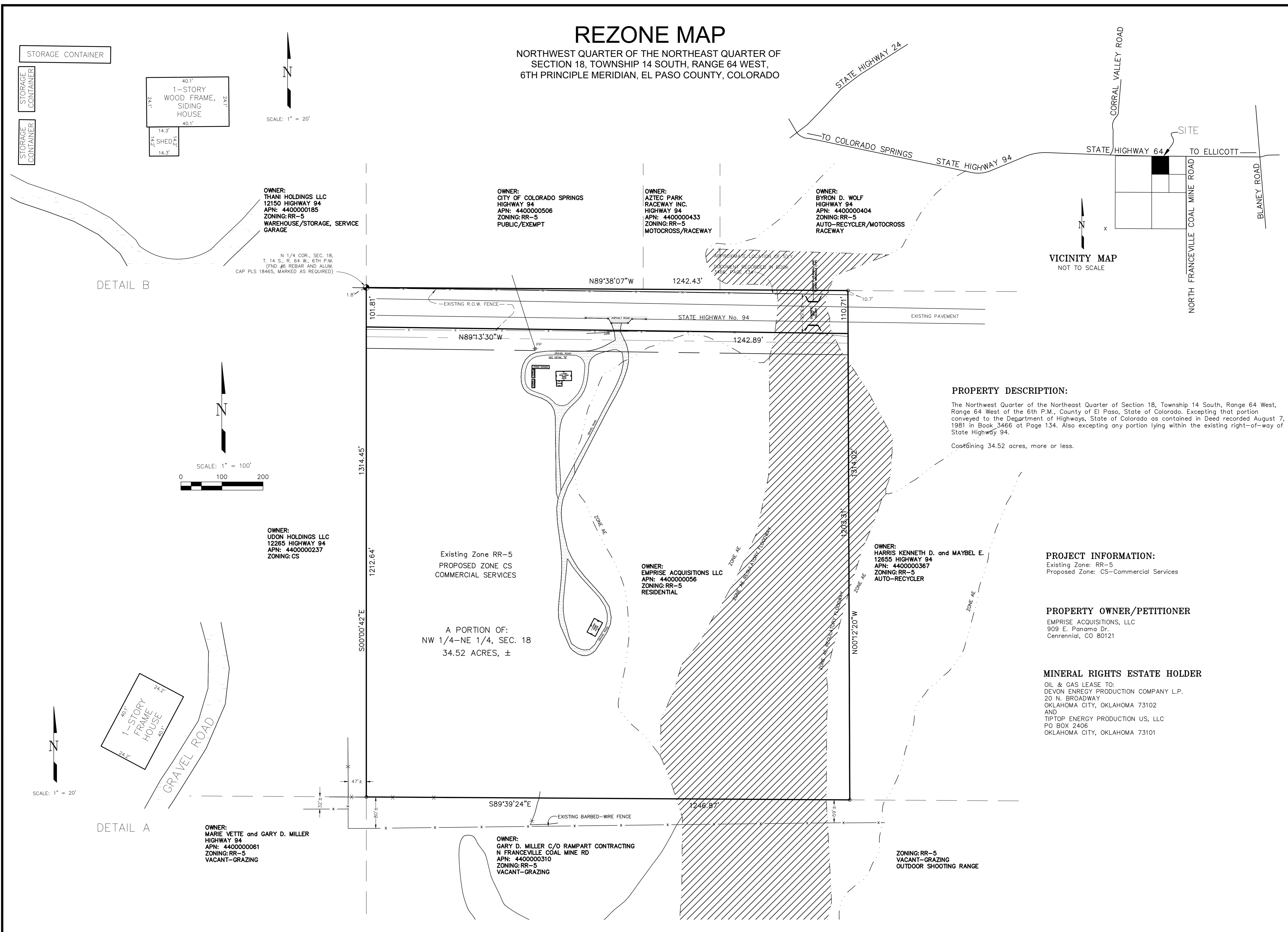
Applicant
LAND DEVELOPMENT CONSULTANTS, INC. Do==
Daniel L. Kupferer 719-528-6133
3898 Maizeland Road
Colorado Springs, CO 80909

Thank you for your consideration,

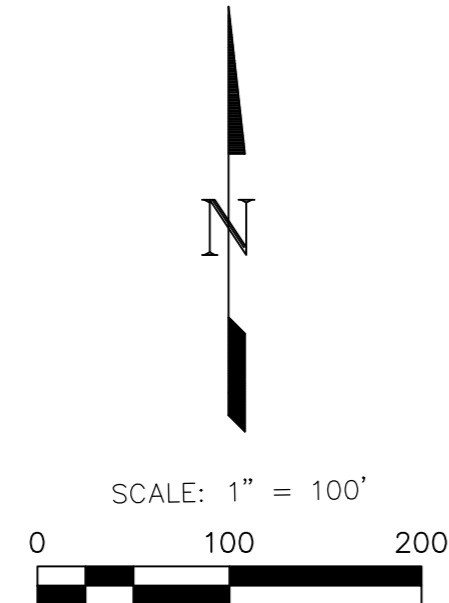
LDC, Inc. by Daniel L. Kupferer
dkupferer@ldc-inc.com

REZONE MAP

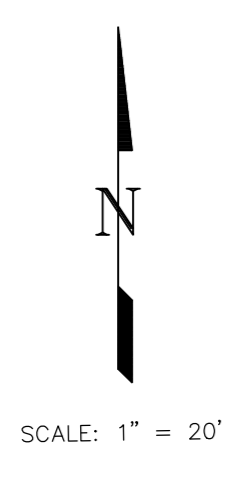
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 64 WEST, 6TH PRINCIPLE MERIDIAN, EL PASO COUNTY, COLORADO



DETAIL B



DETAIL A



VICINITY MAP
NOT TO SCALE

PROPERTY DESCRIPTION:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 14 South, Range 64 West, County of El Paso, State of Colorado, Excepting that portion conveyed to the Department of Highways, State of Colorado as contained in Deed recorded August 7, 1981 in Book 3466 at Page 134. Also excepting any portion lying within the existing right-of-way of State Highway 94.
Containing 34.52 acres, more or less.

PROJECT INFORMATION:

Existing Zone: RR-5
Proposed Zone: CS-Commercial Services

PROPERTY OWNER/PETITIONER

EMPRISE ACQUISITIONS, LLC
909 E. Panama Dr.
Centennial, CO 80121

MINERAL RIGHTS ESTATE HOLDER

OIL & GAS LEASE TO:
DEVON ENREGY PRODUCTION COMPANY L.P.
20 N. BROADWAY
OKLAHOMA CITY, OKLAHOMA 73102
AND
TIPTOP ENERGY PRODUCTION US, LLC
PO BOX 2408
OKLAHOMA CITY, OKLAHOMA 73101

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No.	Description	By	Date

H Scale:	XX
V Scale:	XX
Designed By:	XXX
Drawn By:	GDY
Checked By:	DAK
Date:	09/05/22

Land Development Consultants, Inc.
PLANNING - SURVEYING
www.landinc.com • TEL: (719) 528-8133 • FAX: (719) 528-8888
3888 MAZELAND ROAD • COLORADO SPRINGS, CO 80909

REZONE MAP
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO

Project No.: 21041
Sheet: 1 of 1

P:\21000\21041 - EMPRISE STORAGE\EST141_rezone\0922.dwg

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

MORAES moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. CS-22-002
EMPRISE STORAGE REZONE**

WHEREAS, Land Development Consultants, Inc., did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on January 5, 2023; 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, in 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 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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 Land Development Consultants, Inc., for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) 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 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Carlson seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / <u>absent</u>
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent
Joshua Patterson	<u>aye</u> / no / abstain / absent
Bryce Schuettpelz	<u>aye</u> / no / abstain / absent
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	aye / no / abstain / <u>absent</u>

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 5th day of January 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: [Signature]
Printed Name: Thomas M. Bailey
Title: Vice Chairman

DATED: January 5, 2023

EXHIBIT A

The Northwest Quarter of the Northeast Quarter of Section 18, Township 14 South, Range 64 West, Range 64 West of the 6th P.M., County of El Paso, State of Colorado. Excepting that portion conveyed to the Department of Highways, State of Colorado as contained in Deed recorded August 7, 1981 in Book 3466 at Page 134. Also excepting any portion lying within the existing right-of-way of State Highway 94.

Containing 34.52 acres, more or less.

Meggan Herington, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, January 5, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: TOM BAILEY, JAY CARLSON, BECKY FULLER, ERIC MORAES, TIM TROWBRIDGE, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: BRIAN RISLEY, SARAH BRITAIN JACK, AND BRANDY MERRIAM.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, CHRISTIAN HAAS, CHARLENE DURHAM, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: PATRICK CATANACH AND ANGELIA ZIPLIES.

Mr. Bailey established that he is acting Chair in Mr. Risley's absence. He acknowledged Ms. Lucia-Treese' recent passing. He requested a moment of silence (observed).

Mr. Trowbridge shared his thoughts and memories of Ms. Lucia-Treese.

1. REPORT ITEMS.

A. Planning Department. Next PC Hearing is Thursday, January 19, 2023, at 9:00 A.M.

Mr. Kilgore announced the next hearing date will include a luncheon. He introduced new planner, Christian Haas, and stated two more planners will be starting next week. He also introduced the new Executive Director, Meggan Herington.

Mr. Whitney asked how many total planners PCD will have after the two start next week?

Mr. Kilgore answered that there are currently 6 planners on staff.

Ms. Herington added that there are two additional positions yet to be filled. She also introduced herself and gave a brief explanation of her background. She stated she would like to schedule time to meet or speak individually with each of the board members.

Mr. Bailey thanked Ms. Herington and commended the PCD staff.

Mr. Moraes asked if PCD has seen a decrease of applications over the last 6-9 months compared to the previous year?

Mr. Kilgore answered that he has been with PCD for 5 months, so he can only speak for that time. Recently, 4 or 5 projects have either cancelled or postponed. Other than that, multiple projects are coming in per day. He also made the correction that PCD currently has 7 planners (one on leave) and a manager on staff.

B. Call for public comment for items not on hearing agenda. NONE.

2. CONSENT ITEMS.

A. Adoption of Minutes from meeting held December 1, 2022.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. CS-22-002

PARSONS

MAP AMENDMENT (REZONE) EMPRISE STORAGE REZONE

A request by Land Development Consultants, Inc. for approval of a map amendment (rezoning) of 40 acres from RR-5 (Residential Rural) to CS (Commercial Service). The 40-acre property is located directly south of Highway 94 and 0.20 miles west of the intersection of Highway 94 and Franceville Coal Mine Road, and is within Section 18, Township 14 South, Range 64 West of the 6th P.M. (Parcel No. 44000-00-056) (Commissioner District No. 4).

PC ACTION: MORAES MOVED / CARLSON SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, CS-22-002, FOR A MAP AMENDMENT (REZONE), EMPRISE STORAGE REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

C. P-22-015

PARSONS

MAP AMENDMENT (REZONE) HOMESTEAD NORTH FILING NO. 3

A request by Classic SRJ Land, LLC, and SR Land, LLC, for approval of a map amendment (rezoning) of 41.63 acres from RR-5 (residential Rural) to RS-6000 (Residential Suburban). The parcels are located north of the northeast corner of the Briargate Parkway and Vollmer Road

intersection and is within Section 28, Township 12 South, Range 65 West of the 6th P.M. The subject parcels are within the Sterling Ranch Sketch Plan area. (Parcel Nos. 52280-00-030 and 52280-00-038) (Commissioner District No. 2).

DISCUSSION

Mr. Carlson asked if there were any responses from the public?

Ms. Parsons stated no opposition was received prior to the meeting. She added there were two members of the public present in the audience for whom she answered questions.

PC ACTION: SCHUETTPELZ MOVED / MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-22-015, FOR A MAP AMENDMENT (REZONE), HOMESTEAD NORTH FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

D. SP- 22-007

PARSONS

**PRELIMINARY PLAN
HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC, and SR Land, LLC, for approval of the Homestead North at Sterling Ranch Filing No. 3 Preliminary Plan to create 77 single-family residential lots. The 40.83-acre development area is zoned RR-5 (Residential Rural). A concurrent Map Amendment (rezone) to RS-6000 (Residential Rural) is also requested. The subject property is within the Sterling Ranch Sketch Plan area which depicts a density of 2 dwelling units per acre. The proposed density is 1.8 dwelling units per acre. The parcels are located north of the northeast corner of the Vollmer Road and Briargate Parkway intersection and is within Section 28, Township 12 South, Range 65 West of the 6th P.M. (Parcel Nos. 52280-00-030 and 52280-00-038) (Commissioner District No. 2).

Member(s) of the public requested this item be heard as a Regular Item.

3. CALLED-UP CONSENT ITEMS

2D. SP- 22-007

PARSONS

**PRELIMINARY PLAN
HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC, and SR Land, LLC, for approval of the Homestead North at Sterling Ranch Filing No. 3 Preliminary Plan to create 77 single-family residential lots. The 40.83-acre development area is zoned RR-5 (Residential Rural). A concurrent Map Amendment (rezone) to RS-6000 (Residential Rural) is also requested. The subject property is within the Sterling Ranch Sketch Plan area which depicts a density of 2 dwelling units per acre. The proposed density is 1.8 dwelling units per acre. The parcels are located north of the northeast corner of the Vollmer Road and Briargate Parkway intersection and is within Section 28, Township 12 South, Range 65 West of the 6th P.M. (Parcel Nos. 52280-00-030 and 52280-00-038) (Commissioner District No. 2).

DISCUSSION

Ms. Parsons explained that this item has a combined staff report and presentation with the rezone addressed previously, P-22-015.

Mr. Bailey advised the details concerning the rezone may be skipped. He questioned if a full staff presentation would be needed, or if the members of the public could state their specific questions/concerns?

Ms. Herington stated it would be appropriate to have the member of the public state his concern now that the item has been pulled from the Consent Items.

Mr. Catanach is a resident of The Retreat at TimberRidge. He is concerned that this project will include multi-dwelling units.

Ms. Parsons asked Ms. Seago to read the preliminary plan approval criteria into the record and stated this proposal does not include multi-family developments, but is for single-family detached units only. She then began the staff presentation.

Ms. Seago requested that the meeting proceed more formally. (Questions were being asked from the audience during staff presentation.)

Mr. Bailey explained to the audience that there would be a time later for comments from the public. He asked Ms. Parsons if the site included in this application was included in the approved Sterling Ranch Sketch Plan?

Ms. Parsons confirmed that the site is within the approved Sterling Ranch Sketch Plan and is consistent with the density proposed in that sketch plan. This project has an average overall density of 1.8 dwelling units per acre where the sketch plan allows for 2 dwelling units per acre. The area then tapers to higher density further south where Homestead North Filing Nos. 1 and 2 are located.

Mr. Bailey clarified for the question from the audience regarding rezoning, that this project does not deviate much from the adjacent zoning or approved sketch plan.

Ms. Parsons stated that is correct. She added that she had a conversation with Mr. Bailey prior to this hearing about the Parks Board's recommendation to the BOCC verifying the applicant depict a regional trail corridor along the eastern portion of the site. The applicants have depicted that trail. It is meant to connect into the sidewalk system, go to the north, then cross at an intersection. However, there is also a trail that dead-ends at Poco Rd where there is no currently planned crosswalk. Both trails are shown on the Preliminary Plan.

Mr. Bailey requested the presentation continue with Ms. Parsons explaining the background, from the sketch plan to what is currently approved, then continue with the applicant's presentation.

Ms. Herington asked that a map of the approved sketch plan be shown. Staff presentation continued.

Mr. Trowbridge requested more information about the background timeline.

Ms. Parsons stated the original sketch plan was approved in 2007 with two minor subsequent amendments. A condition at the podium required the applicant to include larger buffers and setbacks along the southern perimeter and additional open space corridors and trails. The applicant has not altered from that. In 2018, there was a minor modification approved administratively to relocate the MVEA Substation. There were no increases to density. In 2022, an administrative approval modified the sketch plan because Academy School District 20 no longer wanted the school site in the Branding Iron Filing No. 2 subdivision due to a large gas line running through the site. It was not feasible for the school district to relocate that gas line. The school district is in the process of doing a school land agreement with the County, SR Land LLC, and Classic/Elite Properties, which will go to the BOCC to move the school site to the land depicted in the 2022 amendment. No changes were made north of Briargate Parkway. The area is proposed to be serviced by the Sterling Ranch Metropolitan District for water and wastewater. There is an intergovernmental agreement with the Falcon Area Water and Wastewater Authority (FAWWA). The 1041 was approved administratively by a previous Executive Director.

Mr. Carlson clarified that the approved sketch plan depicts a density of 2 dwelling units per acre and this preliminary plan proposes 1.8 dwelling units per acre. He asked if that equals an overall total of 8 *more* homes than originally approved?

Ms. Parsons corrected Mr. Carlson's summary. The proposed plan equals 8 *less* homes than the approved sketch plan permits. She added that the applicants have provided a transition of larger lots on the northern end to smaller lot sizes to the south, consistent with the approved Homestead Filing Nos. 1 and 2.

Mr. Whitney clarified that there will be less density along Poco Rd, and it will gradually become more dense as you go south.

Ms. Parsons confirmed that is true.

Mr. Bailey addressed the concerns raised earlier by a member of the audience. He stated that this development is part of a long-standing plan that the developer has been working on for many years. It is unfortunate that anyone came into this situation midway through the process, not knowing what was planned around the area. The role of the Planning Commission is to apply specific criteria of approval to an application.

Ms. Barlow with N.E.S., reiterated that the proposed preliminary plan does not include multi-family residential. She added that the rezone, which was just recommended for approval (P-22-015), does not allow multi-family development. She stated that SR Land LLC and the builder, Classic Homes, are both local companies with local representation, and are both represented on the Sterling Ranch metro district board. If anyone has questions about how Sterling Ranch is planned, she recommends they attend the metro district meetings.

PUBLIC COMMENT

Mr. Catanach stated he had heard rumors about multi-family residential from around the community. He stated his issue is with Classic Homes charging premiums for lot views when they knew this future development has been in place. He stated the residents will need to talk with Classic Homes.

Ms. Ziplies is also a resident of The Retreat at TimberRidge. She stated she did look at the Master Plan before buying. She stated she is in contact with a nearby homeowner now, and they stated they only received an email a few days ago, but no letters in the mail. She is concerned that the entire neighborhood of TimberRidge was not notified. She also has concerns that everyone in TimberRidge that currently backs up to Sand Creek will see houses and a cul-de-sac when they paid more to have a lot with a view. She thinks they should have been notified by more than just the yellow poster on the property.

Mr. Bailey stated notification procedures are not within the control of the Planning Commission but can be addressed by the BOCC if the public has concerns or wants to change those rules. The County Attorney ensures all notifications are done properly.

Ms. Parsons clarified that PCD staff does not notify property owners via email about public hearings. The rezone was advertised in the *Colorado Springs Gazette*, N.E.S. put up the yellow poster on the property, and PCD staff mailed hearing notices to adjacent property owners. Notices are not mailed to the entire nearby developments. Regarding views, there is nothing in the Land Development Code or Engineering Criteria Manual that would preserve a view of the front range or any riparian corridor. Any issues with private agreements would be a civil matter between the citizen and the builder.

Mr. Trowbridge asked how far in advance the letters are mailed to the adjacent property owners?

Ms. Parsons answered that the internal requirement is 16 days, but they are often sent out by Miranda closer to 20 days prior.

Mr. Moraes asked if the notices were sent via registered mail? He has seen certified mail receipts in EDARP before.

Ms. Parsons clarified that the applicant is required to send registered notices to adjacent properties at the time of initial submittal. PCD's public hearing notice, newspaper advertisement, etc. are not certified.

Mr. Moraes asked if it was a state or local regulation that only adjacent property owners receive notifications? Somewhere he lived previously sent notices to anyone within a 200-foot boundary.

Ms. Parsons answered that there is no requirement to notify the public for a Planning Commission for a preliminary plan. The requirement followed by PCD staff is the state statute to notify for a rezone via the newspaper, which is for the BOCC hearing. PCD staff meets the mandated requirement and goes above and beyond with the mailed letters. She asked Ms. Seago to verify.

Ms. Seago confirmed.

Mr. Moraes then asked if Ms. Parsons could explain the lots transitioning in size from north to south.

Ms. Parsons stated lots are an average of 20,000 - 23,000 ft² at the north, going down to the zone district minimum which is 6,000 ft² to the south.

Ms. Barlow clarified that there are no lots as small as 6,000 ft². The smallest lots are just short of 9,000 ft² and the overall average is .28 acres.

Ms. Fuller asked that the review criteria be presented. She sympathized with neighbors who purchased their homes not knowing that the area had plans to be developed. There are resources at PCD available to the public that could have answered those questions if they had been asked ahead of time. Also, as a recommending body, they are not allowed to oppose a project just because of who the developer may be and whether they are local or not. That is not part of the review criteria.

Mr. Kilgore added that PCD utilizes a website called EDARP. Every application that comes through PCD goes through that system: all documents, all comments, all reviews. It is all available for the public to view. If citizens are unfamiliar with how to use the website, they are more than welcome to call or come into PCD where staff will help answer their questions.

Mr. Bailey thanked Mr. Kilgore for that reminder. He commended PCD staff for their transparency and efforts in making EDARP user-friendly and available to the public.

Mr. Whitney asked if any person interested in purchasing a property can call PCD to inquire about the zoning or adjacent vacant land?

Ms. Parsons answered that PCD would be happy to speak with any citizen. She then pulled up El Paso County's website and walked through accessing PCD's webpage to show the link for EDARP and contact information for PCD staff.

Mr. Bailey advised the public that items from this meeting would be heard by the BOCC on January 17th.

PC ACTION: TROWBRIDGE MOVED / PATTERSON SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 2D, SP-22-007, FOR A PRELIMINARY PLAN, HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

4. REGULAR ITEMS. NONE.

MEETING ADJOURNED at 9:52 A.M.

Minutes Prepared By: Miranda Benson

RESOLUTION NO.

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

APPROVAL OF MAP AMENDMENT (REZONE) TO CS
EMPRISE STORAGE REZONE (CS-22-002)

WHEREAS, Land Development Consultants, 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 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 CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 5, 2023, 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 the El Paso County Board of County Commissioners on January 17, 2023; 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the 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.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use will be compatible with existing and permitted land uses in the area.
6. That 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. That changing conditions clearly require amendment to the Zoning Resolutions.
8. That 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.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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 Board of County Commissioners hereby approves the petition of Land Development Consultants, Inc. to amend the El Paso County Zoning Map to rezone property located within 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 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 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 17th day of January 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

The Northwest Quarter of the Northeast Quarter of Section 18, Township 14 South, Range 64 West, Range 64 West of the 6th P.M., County of El Paso, State of Colorado. Excepting that portion conveyed to the Department of Highways, State of Colorado as contained in Deed recorded August 7, 1981 in Book 3466 at Page 134. Also excepting any portion lying within the existing right-of-way of State Highway 94.

Containing 34.52 acres, more or less.