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RESOLUTION NO. 23-24

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

**APPROVAL OF MAP AMENDMENT (REZONE)
HOMESTEAD NORTH FILING NO. 3 (P-22-015)**

WHEREAS Classic SRJ Land, LLC and SR Land, 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 property located within the unincorporated area of the 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 RS-6000 (Residential Suburban) 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 zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
6. That the proposed land use will be compatible with existing and permitted land uses in the area.

7. 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.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. 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 Classic SRJ Land, LLC and SR Land, 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 RS-6000 (Residential Suburban) 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 RS-6000 (Residential Suburban)

zoning district and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

- 3. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
- 4. The developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 3 of the Homestead North Filing No. 3 Traffic Impact Study, to be verified with an updated traffic impact analysis or memorandum as appropriate with the final plat for Homestead North at Sterling Ranch Filing No. 3.
- 5. Sand Creek, adjacent to and within the Homestead North preliminary plan area, shall be stabilized to meet the minimum standards of the Drainage Criteria Manual and the Engineering Criteria Manual.

NOTATIONS

- 1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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. Map amendment (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: _____

County Clerk & Recorder



By: Carri Bremer
Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 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 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376 2006" AT THE NORTHEAST CORNER AND BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTHEAST CORNER, SAID LINE BEING ASSUMED TO BEAR S01°30'51"W.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, N00°53'15"W A DISTANCE OF 1,537.68 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID EAST LINE, THE FOLLOWING SIXTEEN (16) COURSES:

1. S79°18'16"W A DISTANCE OF 441.05 FEET;
2. S78°01'26"W A DISTANCE OF 79.85 FEET;
3. S71°09'48"W A DISTANCE OF 87.13 FEET;
4. S63°35'09"W A DISTANCE OF 87.13 FEET;
5. S55°58'31"W A DISTANCE OF 87.13 FEET;
6. S48°27'49"W A DISTANCE OF 87.13 FEET;
7. S39°48'59"W A DISTANCE OF 110.92 FEET;
8. N63°15'15"W A DISTANCE OF 10.26 FEET;
9. N51°18'16"W A DISTANCE OF 124.15 FEET;
10. N51°17'40"W A DISTANCE OF 80.48 FEET;
11. N51°16'53"W A DISTANCE OF 128.03 FEET;
12. S38°42'19"W A DISTANCE OF 130.03 FEET;
13. N51°17'41"W A DISTANCE OF 52.77 FEET;
14. N20°05'15"W A DISTANCE OF 68.42 FEET;
15. N11°07'11"E A DISTANCE OF 3.91 FEET;
16. N76°20'29"W A DISTANCE OF 305.25 FEET, TO THE APPROXIMATE CENTERLINE OF VOLLMER ROAD AND A POINT OF NON-TANGENT CURVE;

THENCE ON THE APPROXIMATE CENTERLINE OF SAID VOLLMER ROAD, THE FOLLOWING THREE (3) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N77°51'02"W, HAVING A RADIUS OF 744.82 FEET, A CENTRAL ANGLE OF 01°31'06" AND AN ARC LENGTH OF 19.74 FEET, TO A POINT OF NON-TANGENT;
2. N11°06'40"E A DISTANCE OF 1,021.92 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 07°40'27" AND AN ARC LENGTH OF 127.24 FEET, TO A POINT ON THE EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF POCO ROAD, AS SHOWN ON THE PLAT OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING A POINT OF NON-TANGENT;

THENCE ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE AND ITS EXTENSION, N89°08'31"E A DISTANCE OF 1,357.29 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 28;

THENCE ON SAID EAST LINE, S00°53'15"E A DISTANCE OF 1,095.99 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,813,605 SQUARE FEET OR 41.6346 ACRES.