

MAP AMENDMENT (REZONING) (RECOMMEND DENIAL)

M.F. Morales moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P262
MA SUBDIVISION TRACT A REZONE TO RM-30

WHEREAS, MA Infrastructure, LLC did file an application with the El Paso County Planning and Community Development Department for denial of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 18, 2026; 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 not properly submitted for consideration by the Planning Commission.
- 2. Proper posting, publication, and public notice were not provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
- 3. The hearings before the Planning Commission and the Board of County Commissioners were not extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
- 4. All exhibits were not 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 not 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 not in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the request does not meet the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code (as amended), as follows:

- 1. The application is not 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 not 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 not compatible with the existing and permitted land uses and zone districts in all directions; and
- 4. The site is not 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 MA Infrastructure, LLC for denial of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district be denied by the Board of County Commissioners.

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.

Mr. Brewer seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / <u>no</u> / non-voting / recused / absent
Blaine Brew	aye / no / non-voting / recused / <u>absent</u>
Michael Brewer	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / <u>absent</u>
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Suzanne Casagrande	<u>aye</u> / no / non-voting / recused / absent
Mae Emrick	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent
Jason Wulf	aye / no / non-voting / recused / <u>absent</u>

The Resolution was adopted by a vote of 6 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of June 2026 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Cristina Nixtin
Chair

EXHIBIT A

PROPERTY DESCRIPTION

That portion of Tract A of MA Subdivision, recorded at Reception No. 223715214, on November 1, 2023, lying north of the centerline of the access easement recorded at Reception No. 222080436 on June 10, 2022, both in the official records of the El Paso County Clerk and Recorder, and shown across said Tract A, located in the East Half of the Northwest Quarter of Section 15, Township 11 South Range 66 West of the 6th P.M., in El Paso County, Colorado, additionally described as follows;

Beginning at a point on westerly line of said Tract A on the northerly line of the AT&T Parcel as described in Book 2086 at Page 528 in said official records;

THENCE the following eleven (11) courses coincident with said westerly line, and the northerly and easterly lines of said Tract A:

- 1) N04°02'11"E, tangent with the following described curve, a distance of 16.74 feet;
- 2) Along the arc of a curve to the left, having a radius of 5830.00 feet, a central angle of 05°20'18", a chord bearing of N00°33'35"E a distance of 543.00 feet, and an arc distance of 543.19 feet;
- 3) N46°03'44"E, a distance of 87.03 feet;
- 4) S88°12'16"E, non-tangent with the following described curve, distance of 42.80 feet;
- 5) Along the arc of a curve to the right, having a radius of 70.00 feet, a central angle of 21°26'18", a chord bearing of S77°29'07"E a distance of 26.04 feet, and an arc distance of 26.19 feet;
- 6) S66°45'58"E, tangent with the last and following described curves, a distance of 96.19 feet;
- 7) Along the arc of a curve to the left, having a radius of 344.49 feet, a central angel of 31°40'13", a chord bearing of S82°36'04"E a distance of 188.00 feet, and an arc distance of 190.42 feet;
- 8) Along the arc of a reverse curve to the right, having a radius of 87.00 feet, a central angle of 89°13'50", a chord bearing of S53°49'15"E a distance of 122.21, and an arc distance of 135.49 feet;
- 9) Along the arc of a tangent curve to the right, having a radius of 987.87 feet, a central angle of 27°30'10", a chord bearing of S04°32'45"W a distance of 469.65 feet, and an arc distance of 474.19 feet;
- 10) S18°17'50"W, tangent with the last and following described curve, a distance of 163.45 feet'
- 11) Along the arc of a curve to the left, having a radius of 1540.00 feet, a central angle of 03°03'08", a chord bearing of S16°46'16"W a distance of 82.02 feet, and an arc distance of 82.03 feet to the centerline of said access easement;

THENCE the following four (4) courses coincident with said centerline:

- 1) N84°46'17"W, non-tangent with the last described curve and tangent with the following described curve, a distance of 29.53 feet;
- 2) Along the arc of a curve to the right having a radius of 75.00 feet, a central angle of 23°05'58", a chord bearing of N73°13'18"W a distance of 30.03 feet, and an arc distance of 30.24 feet;
- 3) N61°40'19"W, tangent with the last and following described curves, a distance of 186.84 feet;

4) Along the arc of a curve to the left, having a radius of 85.00 feet, a central angle of $25^{\circ}15'19''$, a chord bearing of $N74^{\circ}17'59''W$ a distance of 37.16 feet, and an arc distance of 37.47 feet, to the easterly line of said AT&T Parcel;

THENCE the following two (2) courses coincident with said easterly line, and the northerly line of said parcel:

- 1) $N03^{\circ}04'22''E$, non-tangent with the last described curve, a distance of 105.13 feet;
- 2) $N86^{\circ}50'03''W$, a distance of 146.07 feet to the Point of Beginning.

Said parcel contains 7.79 acres more or less.

EXHIBIT B

MA Subdivision Tract A RM-30 Map Amendment

A Portion of the East Half of the Northwest Quarter of Section 15, Township 11 South Range 66 West of the 6th P.M., in El Paso County, Colorado



LEGAL DESCRIPTION

The portion of Tract A of MA Subdivision, recorded at Reception No. 223715214, on November 1, 2023, lying north of the centerline of the access easement recorded at Reception No. 222084834 on June 10, 2022, north in the official records of the El Paso County Clerk and Recorder, and from certain east Tract A, located in the East Half of the Northwest Quarter of Section 15, Township 11 South Range 66 West of the 6th P.M., in El Paso County, Colorado, as further described as follows:

Beginning at a point on westerly line of said Tract A on the northerly line of the A161 Parcel as described in Book 2385 of Page 520 of said official records;

- 1) BEING the following where: (1) courses commence with said westerly line, and the northerly and westerly lines of said Tract A.
- 2) BEING the following: (1) course with the following described curve, a distance of 76.78 feet.
- 3) Along the arc of a curve to the left, having a radius of 5833.00 feet, a central angle of 09°22'16", a chord bearing of N43°32'50"W, a distance of 545.33 feet, and an arc distance of 545.18 feet.
- 4) BEING WALKER, a distance of 87.00 feet.
- 5) BEING the following: (1) course with the following described curve, a distance of 42.80 feet.
- 6) Along the arc of a curve to the right, having a radius of 72.00 feet, a central angle of 21°16'18", a chord bearing of S77°26'07"W, a distance of 29.04 feet, and an arc distance of 76.78 feet.
- 7) BEING the following: (1) course with the following described curve, a distance of 86.13 feet.
- 8) Along the arc of a curve to the left, having a radius of 364.49 feet, a central angle of 21°42'13", a chord bearing of S80°39'34"W, a distance of 188.07 feet, and an arc distance of 190.42 feet.
- 9) Along the arc of a reverse curve to the right, having a radius of 87.00 feet, a central angle of 89°12'50", a chord bearing of S53°48'15"W, a distance of 122.21 feet, and an arc distance of 76.78 feet.
- 10) Along the arc of a tangent curve to the right, having a radius of 287.87 feet, a central angle of 27°30'10", a chord bearing of S04°32'49"W, a distance of 448.66 feet, and an arc distance of 474.19 feet.
- 11) BEING the following: (1) course to the left, having a radius of 1540.00 feet, a central angle of 02°32'50", a chord bearing of S0°42'18"W, a distance of 82.02 feet, and an arc distance of 82.33 feet to the centerline of said access easement.
- 12) BEING the following line: (1) course commencing with said centerline.
- 13) BEING the following: (1) course commencing with said centerline curve, and tangent with the following described curve, a distance of 29.03 feet.
- 4) Along the arc of a curve to the right, having a radius of 75.00 feet, a central angle of 22°02'58", a chord bearing of N19°12'16"W, a distance of 50.53 feet, and an arc distance of 76.78 feet.
- 5) BEING the following: (1) course with the following described curve, a distance of 186.34 feet.
- 6) Along the arc of a curve to the left, having a radius of 80.00 feet, a central angle of 75°15'12", a chord bearing of N04°17'53"W, a distance of 37.14 feet, and an arc distance of 37.27 feet to the westerly line of said A161 Parcel.
- 7) BEING the following line: (1) course commencing with said westerly line, and the northerly line of said parcel.
- 8) BEING the following: (1) course commencing with the last described curve, a distance of 165.13 feet.
- 9) BEING the following: (1) course with the following described curve, a distance of 165.13 feet.

Said parcel contains 7.79 acres more or less

