

EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Mark Waller, Chair

FROM: Nina Ruiz, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: P-17-015
Project Name: Judge Orr Ranchettes
Parcel No.: 42330-00-035

OWNER:	REPRESENTATIVE:
John & Linda Jennings 2030 Tabor Ct Colorado Springs, CO 80919	Catamount Engineering PO Box 692 Divide, CO 80814

Commissioner District: 2

Planning Commission Hearing Date:	3/19/2019
Board of County Commissioners Hearing Date:	4/9/2019

EXECUTIVE SUMMARY

A request by John and Linda Jennings for approval of a map amendment (rezone) of 40.67 acres from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district. Concurrent applications have been submitted for a preliminary plan and final plat to create seven (7) single-family residential lots. The property is located at the northwest corner of the Judge Orr Road and Stapleton Drive intersection and is within Section 33, Township 12 South, Range 64 West of the 6th P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008).

FEMA Flood Insurance Rate Map No. 08041C0558G shows the 100-year floodplain (Zone AE) of Haegler Ranch Tributary 2 through the property. No structures and no storage of materials are permitted within the floodplain area.

#278 for 4/9/19 BoCC



A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by John and Linda Jennings for approval of a map amendment (rezoning) 40.67 acres from A-35 (Agricultural) to RR-5 (Residential Rural).

Waiver(s)/Deviation(s):

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

B. Planning Commission Summary

Request Heard: Pulled from Consent to Regular at the March 19, 2019 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Advertised in Shopper’s Press on March 20, 2019.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), 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 (2018):

- 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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- 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: A-35 (Agricultural)	Vacant Agricultural
South: RR-5 (Residential Rural)	Rural Residential (Meadow Lake Airport)
East: A-35 (Agricultural)	Vacant Agricultural
West: A-35 (Agricultural)	Vacant Agricultural /Rural Residential

E. BACKGROUND

The property was zoned A-35 on March 25, 1999 when zoning was first established for this portion of the County. The applicant has requested approval of a map amendment (rezone) of 40.67 acres from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district. The applicant has submitted a concurrent

application for a preliminary plan and final plat to create seven (7) single family residential lots and dedicate right-of-way.

F. ANALYSIS

1. Land Development Code Analysis

The subject property is zoned A-35 (Agricultural) and is surrounded by other A-35 (Agricultural) parcels to the north, east, and west, and RR-5 to the south (Meadowlake Estates).

Curtis Road and Judge Orr Road serve as transition lines between the existing development to the south consisting of lots of approximately 5 acres in size and the surrounding undeveloped parcels with lot sizes generally being over 35 acres. The proposed rezoning and subdivision of the subject property to the RR-5 zoning district is a logical extension of the existing development in the area.

2. Zoning Compliance

The applicant is requesting to rezone 40.67 acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 (Residential Rural) zoning district are as follows:

- Minimum lot size- 5 acres
- Minimum width at the front setback line- 200 feet
- Setbacks- 25 feet on all sides
- Maximum Lot Coverage- 25%
- Maximum Height- 30 feet

A preliminary plan and final plat to divide the 40.67 acre parcel into seven(7) lots and dedicate right-of-way is being processed concurrently. Proposed Lots 1 and 2 will not meet the minimum lot size requirement of 5 acres due to the right of way dedication along Stapleton Drive and Linder Drive. Administrative relief of the minimum lot size requirement was granted on February 25, 2019.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.3- Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

Policy 6.1.11- Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 9.2.2 – Require advance right-of-way reservation and/or dedication for transportation facilities as part of the land development process.

The subject property is zoned A-35 (Agricultural) and is surrounded by other A-35 (Agricultural) zoned parcels to the north, east, and west, and by RR-5 (Residential Rural) zoned property to the south (Meadow Lake Estates).

Curtis Road and Judge Orr Road serve as transition lines between the existing development to the south consisting of lots approximately 5 acres in size and the surrounding undeveloped parcels with lot sizes generally being over 35 acres. The proposed rezoning and subdivision of the subject property to the RR-5 zoning district is a logical extension of the existing development in the area.

The proposed subdivision is contiguous to and compatible with the previously developed areas. The applicant will dedicate right-of-way for Linder Drive, Jae Lynn Drive, and Baliff Drive as well as additional right-of-way along Judge Orr Road and Stapleton Drive to El Paso County with the final plat and as is depicted on the proposed preliminary plan. For these reasons, staff recommends that a finding of general consistency with the policy plan can be made.

4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008). The Plan recommends urban density development in this area. Urban Density is defined as:

“Parcel sizes are less than 2.5 acres, typically less than 1 acre. These areas are served by urban level infrastructure, including roadways, water distribution, and wastewater treatment.”

No central water and sanitation services are available in this portion of the County to support the development of urban density at this time. The applicant is proposing to rezone to the RR-5 (Residential Rural) zoning district with the seven (7) proposed lots being served by well and septic.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Please see the floodplain section below.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map No. 08041C0558G which has an effective date of December 7, 2018 shows the 100-year floodplain (Zone AE) of Haegler Ranch Tributary 2 flowing through the property. No structures and no storage of materials are permitted within the floodplain area.

4. Drainage and Erosion

The subdivision is located within the Geick Ranch drainage basin (CHMS0400). Geick Ranch drainage basin has no associated drainage or bridge fees.

A preliminary/final drainage report is included with the concurrent preliminary plan (SP-17-011) and final plat (SF-17-021) requests. The drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties.

5. Transportation

The Stapleton Access Management Plan (AMP) (2003) identifies a future public road along the western property line of the development. This planned roadway crosses the Haegler Ranch Tributary 2 drainage channel. Due to the floodplain the applicant proposed construction of two cul-de-sacs (Jae Lyn Drive and Bailiff Drive) outside of the floodplain while dedicating all the necessary right-of-way in the event future development in the area would necessitate connecting these two cul-de-sacs. Additionally, the total traffic generated by the development does not necessitate a continuous road across the floodplain. The AMP also identifies a future public road within the adjacent property to the north. Since this future connection is planned off-site the applicant has proposed access via a temporary roadway (Linder Drive) located within right-of-way which will be vacated once the future roadway shown in concept in the AMP is constructed. Both roadways shown in the AMP do not appear to be reimbursable under the El Paso County Roadway Impact Fee program.

Judge Orr Ranchettes is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

H. SERVICES

1. Water

Water is proposed to be provided by individual wells.

2. Sanitation

Wastewater is proposed to be provided by onsite wastewater treatment systems (OWTS).

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Electrical service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy.

5. Metropolitan Districts

There is no 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.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should 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 (2018); 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 use, density, and dimensional standards of the RR-5

(Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. Lots 3, 4, 5 and 6 shall grant the temporary and permanent easements necessary for El Paso County or a future developer to construct the future connection between Jae Lynn Drive and Bailiff Drive at no cost to El Paso County at the time the connection becomes needed.

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on February 26, 2019, for the Board of County Commissioners' hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

† SP-17-011

File Name: P-17-015/SF-17-021

Zone Map No.

PARCEL	NAME
4233000035	JENNINGS JOHN R

Date: FEBRUARY 20, 2019

ADDRESS	CITY	STATE
2030 TABOR CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	4843



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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Judge Orr Ranchettes-Letter of Intent September 2017

Owner/Applicant: John R. Jennings
2030 Tabor Ct.
Colorado Springs, CO 80919

Consutant: Catamount Engineering
PO Box 221
Woodland Park, CO 80822

Request: This request is for approval of a zone change to RR-5, Preliminary Plan Approval, and Final Plat Approval

Site Location

The Judge Orr Ranchettes Subdivision is located in Peyton, CO west of Stapleton Road and North of Judge Orr Road. The parcel is bounded to the north by unplatted vacant land and Stapleton Road, to the east by unplatted agriculture grazing land, to the south by Judge Orr Road, and to the west by unplatted rural residential and agriculture grazing. The original parcel was bisected by the extension of Stapleton Road creating a 6.69 acre residential lot. The remaining parcel consists of 40.67 acres of gently sloping high plains grassland. Tributary 2 of the Haegler Ranch Drainage Basin crosses the parcel from west to east. The parcel is currently vacant.

Justification

The proposed rezoning of the property will not have an adverse impact on adjacent land use. The Falcon/Peyton Comprehensive Plan proposes Urban Density Development and transition zones within this area. The proposed rezoning to RR-5 is coincident with adjacent parcels south of Judge Orr Rd. and will provide a transitional buffer to existing A-35 parcels north and east of the development to proposed higher density development along the Highway 24 corridor.

According to the Comprehensive Plan, future development scenarios anticipate a mixture of rural residential and urban densities. The proposed rezoning will support the goals and policies of the Falcon/Peyton Small Area Master Plan in regard to land use and transportation corridor development. As stated in the El Paso County Falcon/Peyton Small Area Master Plan, Stapleton Road and Judge Orr Road are rated as 'Potential Nodes & Corridors of activity where development and infrastructure is expected to be concentrated in the future'. This site is shown on Figure 4-5 and Table 4-5 as "Proposed Urban Density Development". It is noted that 'these areas are suitable for urban density development, and should include open space and provide transition zones between higher and lower densities'.

The Small Area Master Plan recognizes that there are, and should continue to be 3 primary densities in the study area. They are as follows:

1. Urban Density – Parcel sizes of less than 2.5 acres with the typical size being less than 1 acre.
2. Rural Residential Density – Parcel sizes of 2.5 to 5 acres with some platted lots being as large as 10 acres in area.

3. Rural density – Parcel sizes of greater than 10 acres and typically being greater than 35 acres.

As proposed, this site falls within the Rural Residential Density criteria. All of the lots are greater than 2.5 acres and less than 10 acres. The development meets the criteria outlined in the Small Area Master Plan while recommending that future development should be primarily residential. This development does not propose any open space areas and proposes to pay a reasonable Park Fee in lieu of providing open space. The location of this development should act as a suitable transition between zones of higher and lower density development as well as possible future commercial development on adjacent parcels.

Judge Orr Ranchettes is planned as a rural residential (RR-5) subdivision consisting of single-family lots. Each lot will be a minimum of 5 acres accessed from internal roadways coordinated with the requirements of the Stapleton Corridor Study. The tributary of the Haegler Basin running from northwest to southeast through the site will be preserved in a platted no-build area. The floodplain will be platted in easements on private lots

Relevant Code Policies-
El Paso County Policy Plan (1998):

Policy 6.1.3

Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access

Policy 6.1.8

Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.14

Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Policy 6.2.9

Discourage high volume traffic through neighborhoods by use of innovative techniques including traffic calming.

Policy 6.2.11

Encourage compatible physical character, density and scale in existing neighborhoods.

Policy 6.4.3

Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.

Policy 6.4.4

Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.

Policy 11.1.8

Promote planning approaches which allow for interim solutions for drainage problems in less developed basins.

Policy 11.3.1

Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions.

Policy 11.4.8

Encourage "prudent line" approaches which adequately set structures back from flood-plain boundaries, especially in areas which may be prone to bank erosion.

Falcon/Peyton Small Area Master Plan:

- 1.3.1.3 Although the Plan may create an indirect impetus for future changes to the El Paso County Land Development Code, the Plan generally assumes the provisions of the current zoning and subdivision regulations as limiting conditions (for example- no new lots of less than 2.5 acres can be created on individual well and septic systems and, correspondingly, subdivision of non-PUD lots of 2.5 acres or greater can not be unilaterally denied on the basis of lack of central water and sewer services).

- 4.5.1.1 Require long term density transitions and buffering where developing urban areas abut existing or designated rural residential or rural areas. These transition zones are intended to protect the integrity of both urban and rural areas. The transition zone should be wide enough to meaningfully reduce the negative visual, traffic, noise, and other impacts of urban areas on rural areas as well the negative impacts of rural agricultural uses on urban residential areas (noise, dust, chemical sprays, etc.).

- 4.5.1.5 Identify basic land use expectations in the Plan, but allow for the market and the detailed site planning process to specify detailed uses within the overall character, density and timing parameters established by the Plan.

- 4.5.1.6 Avoid hard-line boundaries between designated areas for particular uses and densities unless there are sub-area characteristics that support these boundaries

- 4.5.5.4 Recognize the case-by-case utility of reducing local roadway interconnections if necessary either to avoid the need for multiple crossings of stream corridors and/or sensitive areas or to reduce the number of access points on major transportation corridors

- .5.11.1 Integrate development with natural features and natural systems with special attention toward preserving floodplains and riparian corridors

Transportation

Access to the Judge Orr Ranchettes will be from Stapleton Road and From Judge Orr Road. A rural residential roadway has been proposed along the westerly boundary of the subdivision coincident with the approved alignment in the Stapleton Corridor Study. Temporary access to Stapleton is proposed along the subdivisions northerly boundary until El Paso County can procure right-of-way for preferred connection point from northerly adjacent landowner and develop full rural residential connection to Stapleton Road.

Although continual right-of-way along the westerly property boundary will be granted with subdivision platting, the proposed improvements will terminate in cul-de-sac bulbs north and south of the floodplain. Channelization and improvements necessary to extend the roadway in

the Stapleton Corridor Study preferred location across the floodplain are not proposed with the development.

Districts Serving the Property

Upper Black Squirrel Ground Water Management District

Falcon School District 49

Mountain View Electric Association

Falcon Fire Protection District

Wildfire

There are no wildfire hazard areas associated with this site.

Vegetation/Wildlife

The site is characterized as prairie grasslands. There are 2 volunteer deciduous trees associated with the existing roadside ditch along the north side of Judge Orr Road. Wildlife species which may be encountered include Pronghorn Antelope and Prairie Falcons, as indicated by the Colorado Division of Wildlife maps. There are no known Prairie Falcon nest sites in the area. There are no critical habitats or refuges within the Judge Orr Ranchettes project area.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Risley moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-17-015

WHEREAS, John and Linda Jennings 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 19, 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, 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 was 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 were heard at that hearing.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.
6. 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

7. 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. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of John and Linda Jennings for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends 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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Lots 3, 4, 5 and 6 shall grant the temporary and permanent easements necessary for El Paso County or a future developer to construct the future connection between Jae Lynn Drive and Bailiff Drive at no cost to El Paso County at the time the connection becomes needed.

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 Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Friedman	aye
Commissioner Bailey	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

March 19, 2019

Jim Egbert, Chair

EXHIBIT A

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, BOTH OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO EXCEPT THOSE TRACTS OF LAND DESCRIBED IN INSTRUMENTS AT RECEPTION NUMBERS 215067235 AND 216044524, BOTH OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°58'12" E, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 362.17 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 215067235 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE S 43°20'31" E, ALONG THE SOUTHERLY LINE THEREOF, SAID LINE BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF STAPLETON DRIVE, 15.01 FEET; THENCE S 66°01'31" E, ALONG SAID SOUTHERLY LINE, 110.00 FEET; THENCE S 43°33'49" E, (BASIS OF BEARING) ALONG SAID SOUTHERLY LINE, 539.12 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY LINE AND ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1455.00 FEET AND A CENTRAL ANGLE OF 10°34'41", AN ARC DISTANCE OF 268.62 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 33; THENCE N 89°57'45" W, ALONG SAID SOUTHERLY LINE, 347.70 FEET TO THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 00°12'22" E, ALONG THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1968.89 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°57'23" W, ALONG THE SOUTHERLY LINE THEREOF, 656.66 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°17'32" W, ALONG THE WESTERLY LINE THEREOF, 2626.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,771,394 SQUARE FEET (40.6656 ACRES), MORE OF LESS.

RESOLUTION NO. 19-

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

**APPROVAL OF THE JUDGE ORR RANCHETTES MAP AMENDMENT
(REZONING) (P-17-015)**

WHEREAS John and Linda Jennings 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 A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 19, 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 April 9, 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 John and Linda Jennings 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 A-35 (Agricultural) zoning district to the RR-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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Lots 3, 4, 5 and 6 shall grant the temporary and permanent easements necessary for El Paso County or a future developer to construct the future connection between Jae Lynn Drive and Bailiff Drive at no cost to El Paso County at the time the connection becomes needed.

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.

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.

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

DONE THIS 9th day of April, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, BOTH OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO EXCEPT THOSE TRACTS OF LAND DESCRIBED IN INSTRUMENTS AT RECEPTION NUMBERS 215067235 AND 216044524, BOTH OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°58'12" E, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 362.17 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 215067235 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE S 43°20'31" E, ALONG THE SOUTHERLY LINE THEREOF, SAID LINE BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF STAPLETON DRIVE, 15.01 FEET; THENCE S 66°01'31" E, ALONG SAID SOUTHERLY LINE, 110.00 FEET; THENCE S 43°33'49" E, (BASIS OF BEARING) ALONG SAID SOUTHERLY LINE, 539.12 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY LINE AND ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1455.00 FEET AND A CENTRAL ANGLE OF 10°34'41", AN ARC DISTANCE OF 268.62 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 33; THENCE N 89°57'45" W, ALONG SAID SOUTHERLY LINE, 347.70 FEET TO THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 00°12'22" E, ALONG THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1968.89 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°57'23" W, ALONG THE SOUTHERLY LINE THEREOF, 656.66 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°17'32" W, ALONG THE WESTERLY LINE THEREOF, 2626.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,771,394 SQUARE FEET (40.6656 ACRES), MORE OF LESS.