

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

BAILEY moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-012
STERLING RANCH EAST REZONE

WHEREAS, Classic SRJ Land, LLC, 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 RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 20, 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, when 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 Classic SRJ Land, LLC 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 RS-5000 (Residential Suburban) 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 use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district as described in the legal description for this map amendment, and with the applicable sections of the El Paso County Land Development Code and 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

MERRIAM seconded the adoption of the foregoing Resolution.

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

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

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 20th day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley
BRIAN RISLEY, Chair

DATED: April 20, 2023

EXHIBIT A

LEGAL DESCRIPTION: STERLING RANCH ZONING EXHIBIT

THREE (3) PARCELS OF LAND BEING A PORTION OF SECTIONS 33 AND 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY THE SOUTHWEST CORNER OF SAID SECTION 34, BY A 3-1/2" ILLEGIBLE CAP AND AT THE EAST END BY THE SOUTH QUARTER CORNER OF SAID SECTION 34 BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "UP&E 11624", IS ASSUMED TO BEAR S89°14'14"W, A DISTANCE OF 2722.56 FEET.

PARCEL 1

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO SAID POINT BEING ALSO THE SOUTHWEST QUARTER CORNER OF SECTION 34;

THENCE ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 THE FOLLOWING TWO (2) COURSES:

1. S89°13'48"W, A DISTANCE OF 1401.41 FEET;
2. S89°04'30"W, A DISTANCE OF 1230.59 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S89°04'30"W, ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 416.25 FEET TO THE SOUTHWESTERLY CORNER OF STERLING RANCH FILING NO. 3 RECORDED UNDER RECEPTION NO. 222714995;

THENCE ON THE EASTERLY BOUNDARY OF SAID STERLING RANCH FILING NO. 3 THE FOLLOWING SEVEN (7) COURSES:

1. N35°56'43"E, A DISTANCE OF 113.88 FEET;
2. N78°47'17"E, A DISTANCE OF 182.32 FEET;
3. N54°45'26"E, A DISTANCE OF 199.63 FEET;
4. N30°01'21"W, A DISTANCE OF 151.07 FEET;
5. N05°59'19"W, A DISTANCE OF 253.00 FEET;
6. N17°59'13"E, A DISTANCE OF 156.80 FEET;
7. N40°32'14"W, A DISTANCE OF 55.23 FEET;

THENCE N13°40'40"W, A DISTANCE 15.90 FEET;

THENCE N76°19'20"E, A DISTANCE OF 1779.03 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 23°26'55", A RADIUS OF 1540.00 FEET AND A DISTANCE OF 630.26 FEET TO A POINT ON CURVE;

THENCE S36°12'00"E, A DISTANCE OF 188.74 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 54°34'00", A RADIUS OF 575.00 FEET AND A DISTANCE OF 547.61 FEET TO A POINT OF TANGENT;

THENCE N89°14'00"E, A DISTANCE OF 7.06 FEET;

THENCE S00°46'00"E, A DISTANCE OF 757.66 FEET;

THENCE S89°14'00"W, A DISTANCE OF 1632.66 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 12°54'40", A RADIUS OF 500.00 FEET AND A DISTANCE OF 112.67 FEET TO A POINT OF TANGENT;

THENCE S76°19'20"W, A DISTANCE OF 104.34 FEET;
THENCE N82°20'03"W, A DISTANCE OF 36.32 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N65°00'00"E, HAVING A DELTA OF 34°52'44", A RADIUS OF 60.00 FEET AND A DISTANCE OF 36.52 FEET TO A POINT ON CURVE;
THENCE S65°00'00"W, A DISTANCE OF 112.04 FEET;
THENCE N90°00'00"W, A DISTANCE OF 624.68 FEET;
THENCE S31°00'00"W, A DISTANCE OF 351.85 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 55.043 ACRES.

PARCEL 2

COMMENCING AT THE CENTER-EAST ONE-SIXTEENTH CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO, SAID POINT BEING THE SOUTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE S02°29'39"E, A DISTANCE OF 3615.96 FEET TO THE POINT OF BEGINNING;
THENCE S50°26'12"E, A DISTANCE OF 400.80 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 26°05'19", A RADIUS OF 2065.000 FEET AND A DISTANCE OF 940.26 FEET TO A POINT OF TANGENT;
THENCE S76°31'31"E, A DISTANCE OF 232.57 FEET;
THENCE S31°31'31"E, A DISTANCE OF 49.50 FEET;
THENCE S13°28'29"W, A DISTANCE OF 1168.84 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 62°50'51", A RADIUS OF 1460.00 FEET AND A DISTANCE OF 1601.47 FEET TO A POINT OF TANGENT;
THENCE S76°19'20"W, A DISTANCE OF 1779.03 FEET;
THENCE N13°40'40"W, A DISTANCE OF 44.22 FEET;
THENCE N58°40'40"W, A DISTANCE OF 19.87 FEET;
THENCE S70°06'35"W, A DISTANCE OF 170.61 FEET;
THENCE S01°19'20"W, A DISTANCE OF 7.43 FEET TO A POINT ON THE EASTERLY BOUNDARY OF STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714161;
THENCE ON THE EASTERLY BOUNDARY OF SAID STERLING RANCH FILING NO. 1 THE FOLLOWING TWENTY-FIVE (25) COURSES:

1. N76°13'42"W, A DISTANCE OF 207.54 FEET;
2. N17°53'47"W, A DISTANCE OF 105.91 FEET;
3. N46°52'24"E, A DISTANCE OF 128.28 FEET;
4. N15°27'56"W, A DISTANCE OF 241.77 FEET;
5. N00°53'19"W, A DISTANCE OF 131.63 FEET;
6. N35°47'33"E, A DISTANCE OF 139.61 FEET;
7. N46°04'45"E, A DISTANCE OF 252.38 FEET;
8. N60°18'33"E, A DISTANCE OF 166.84 FEET;
9. N65°39'18"E, A DISTANCE OF 252.42 FEET;
10. N02°44'27"E, A DISTANCE OF 452.46 FEET;
11. N26°06'12"W, A DISTANCE OF 393.42 FEET;
12. N04°22'24"W, A DISTANCE OF 296.69 FEET;
13. N13°28'59"E, A DISTANCE OF 371.46 FEET;
14. S88°53'18"E, A DISTANCE OF 56.14 FEET;

15. S19°39'33"E, A DISTANCE OF 163.51 FEET;
16. S50°40'25"E, A DISTANCE OF 72.52 FEET;
17. N50°58'40"E, A DISTANCE OF 94.24 FEET;
18. N40°27'16"E, A DISTANCE OF 150.60 FEET;
19. N65°02'48"E, A DISTANCE OF 632.56 FEET;
20. N87°30'37"E, A DISTANCE OF 117.08 FEET;
21. N59°31'52"E, A DISTANCE OF 178.71 FEET;
22. N00°14'13"E, A DISTANCE OF 243.48 FEET;
23. N31°50'18"E, A DISTANCE OF 229.19 FEET;
24. N42°37'17"E, A DISTANCE OF 138.57 FEET;
25. N14°40'14"W, A DISTANCE OF 12.64 FEET;
THENCE S79°16'20"E, A DISTANCE OF 122.46 FEET;
THENCE N39°33'48"E, A DISTANCE OF 14.16 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 161.525 ACRES.

PARCEL 3

COMMENCING AT THE CENTER-EAST ONE-SIXTEENTH CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO, SAID POINT BEING THE SOUTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ON THE SOUTHERLY, WESTERLY AND SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 THE FOLLOWING THREE (3) COURSES:

1. N89°08'28"E, A DISTANCE OF 1326.68 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 28;
2. S00°53'18"E, A DISTANCE OF 1316.78 FEET;
3. N87°35'00"E, A DISTANCE OF 73.64 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N87°35'00"E, ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1, A DISTANCE OF 619.76 FEET;

THENCE CONTINUING N87°35'00"E, A DISTANCE OF 639.38 FEET;

THENCE S00°54'30"E, A DISTANCE OF 1401.50 FEET;

THENCE S77°09'45"W, A DISTANCE OF 226.32 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 63°41'16", A RADIUS OF 770.00 FEET AND A DISTANCE OF 855.90 FEET TO A POINT OF TANGENT;

THENCE S13°28'29"W, A DISTANCE OF 121.71 FEET;

THENCE N76°31'31"W, A DISTANCE OF 326.10 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 26°05'19", A RADIUS OF 175.00 FEET AND A DISTANCE OF 79.68 FEET TO A POINT OF TANGENT;

THENCE N50°26'12"W, A DISTANCE OF 587.17 FEET;

THENCE S39°33'48"W, A DISTANCE OF 980.00 FEET;

THENCE N50°26'12"W, A DISTANCE OF 501.54 FEET;

THENCE N39°33'48"E, A DISTANCE OF 138.78 FEET;

THENCE N35°23'49"W, A DISTANCE OF 25.33 FEET;

THENCE N78°59'19"W, A DISTANCE OF 116.25 FEET;

THENCE N03°04'57"W, A DISTANCE OF 108.15 FEET;

THENCE N14°57'52"E, A DISTANCE OF 155.36 FEET;

THENCE N41°47'19"E, A DISTANCE OF 88.37 FEET;
THENCE N32°15'45"E, A DISTANCE OF 71.66 FEET
THENCE N19°42'21"E, A DISTANCE OF 185.56 FEET;
THENCE N12°38'34"E, A DISTANCE OF 55.41 FEET;
THENCE N27°12'58"E, A DISTANCE OF 75.48 FEET;
THENCE N01°04'54"E, A DISTANCE OF 49.42 FEET;
THENCE N87°04'53"E, A DISTANCE OF 91.55 FEET;
THENCE N12°28'27"E, A DISTANCE OF 90.70 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 85°24'40", A RADIUS OF 85.46 FEET AND
A DISTANCE OF 127.39 FEET TO A POINT OF REVERSE CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°27'48", A RADIUS OF 208.41 FEET AND
A DISTANCE OF 78.07 FEET TO A POINT OF REVERSE CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 66°07'59", A RADIUS OF 43.53 FEET AND
A DISTANCE OF 50.24 FEET TO A POINT ON CURVE;
THENCE S63°10'02"E, A DISTANCE OF 59.72 FEET;
THENCE S82°52'49"E, A DISTANCE OF 82.74 FEET;
THENCE N82°29'37"E, A DISTANCE OF 85.63 FEET;
THENCE N51°10'06"E, A DISTANCE OF 86.23 FEET;
THENCE N56°06'51"E, A DISTANCE OF 68.55 FEET;
THENCE N29°35'35"E, A DISTANCE OF 198.68 FEET;
THENCE N51°16'10"E, A DISTANCE OF 361.44 FEET;
THENCE N27°44'47"E, A DISTANCE OF 82.16 FEET;
THENCE N07°20'33"E, A DISTANCE OF 248.45 FEET;
THENCE N17°58'09"E, A DISTANCE OF 105.84 FEET;
THENCE N23°30'33"E, A DISTANCE OF 96.02 FEET;
THENCE N04°00'08"E, A DISTANCE OF 38.97 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 84.465 ACRES.

CONTAINING A TOTAL CALCULATED AREA OF 301.033 ACRES.

