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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission

FROM: Kylie Bagley, Planner II
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: P-22-019
Project Name: 6385 Vessey Rd Rezone RR-5 to RR-2.5
Parcel Number: 52060-00-065

| OWNER: | REPRESENTATIVE: |
|--|---|
| Pawel Posorski 9533 Newport Court Colorado Springs, CO 80920 | SMH Consultants Brett Louk 411 S Tejon St., Suite I Colorado Springs, CO 80903 |

Commissioner District: 1

| | |
|--|------------------|
| Planning Commission Hearing Date: | 5/18/2023 |
| Board of County Commissioners Hearing Date: | 6/20/2023 |

EXECUTIVE SUMMARY

A request by SMH Consultants for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 14-acre property is located 0.37 miles west of the intersection of Vessey Road and Black Forest Road and 0.15 miles south of the intersection of Vessey Road and Pine Castle Drive.

A. 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 (2022):

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OFFICE: (719) 520 – 6300



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PLNWEB@ELPASOCO.COM

- 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.

B. LOCATION

| | | |
|--------|--------------------------|-----------------------------|
| North: | RR-5 (Residential Rural) | Single Dwelling Residential |
| South: | RR-5 (Residential Rural) | Single Dwelling Residential |
| East: | RR-5 (Residential Rural) | Single Dwelling Residential |
| West: | RR-5 (Residential Rural) | Single Dwelling Residential |

C. BACKGROUND

The subject property was initially zoned A-1 (Garden Home District) on September 20, 1965, when zoning was first initiated in this part of the County. Due to nomenclature changes, the zoning district was renamed RR-5 (Residential Rural). The applicant has also submitted a minor subdivision application in addition to the rezoning application. The applicant is proposing a three-lot subdivision which will exceed the 2.5-acre minimum requirement per lot, with each lot being 4 acres or greater. The minor subdivision application is currently in review and has not been scheduled for a public hearing.

D. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) Section 3.2 of the Code states the following as the intent of the RR-2.5 zoning district:

The RR-2.5 zoning district is a 2.5-acre district intended to accommodate low-density, rural, single-family residential development.

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The applicant intends to use the property for low-density, rural, single-family residential purposes, which is consistent with the intent of the RR-2.5 zoning district.

2. Zoning Compliance

The applicant is requesting to rezone 14.0 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5(Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-2.5(Residential Rural) zoning district are as follows:

- Minimum lot size: 2.5 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 15 feet³
- Maximum lot coverage: None
- Maximum height: 30 feet

³ Agricultural stands shall be setback a minimum of 35 feet from all property lines.

The applicant has also submitted a subdivision application in addition to the rezoning application. The subdivision will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

In order to initiate any new residential uses on the property, the subdivision will need to be approved and the applicant will need to obtain site plan approval for each future building site.

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural

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areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC1-5 – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

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Objective HC2-6 – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

The proposed rezone would reallocate approximately 14-acres of underdeveloped land from the RR-5 zoning district to the RR-2.5 zoning district, which would support single-family detached residential with 2.5-acre lots or larger as a primary use. The applicant currently has an application in review with El Paso County for a minor subdivision which is proposing a three-lot subdivision with the smallest lot being 4-acres in size.

The subject property is surrounded by smaller lots, some 2.5-acres in size, which would keep the RR-2.5 zoning district compatible with the existing rural feel in the area. Half a mile to the east of the subject property was rezoned to PUD in 2001, as part of the Cathedral Pines Subdivision. The PUD has a minimum lot size of 2.5 acres. Between the subject property and Cathedral Pines Subdivision eight of the eleven properties that front the southern portion of Vessey Road are less than two acres in size.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

Analysis:

The minimal change: undeveloped area of change states that these areas will experience some redevelopment but will be limited in scale. The applicant is proposing to rezone the subject property to RR-2.5 (Residential Rural) in order to create two additional lots for single-family development. Each lot will be a minimum of 4-acres which is consistent with the lot size in the immediate vicinity of the subject property. The lot to the south, southwest and west along Vessey Road contain 2.5 acres and 3.5 acres respectively.

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c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is not within a development area.

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.*

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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 property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

A finding of water sufficiency is not required with a map amendment; however, it is required with any future subdivision request.

3. 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, Colorado State Forest Service and the US Forest Service were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no significant resources 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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

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Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridors Plan Update (MTCP).

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of this rezone application.

2. Floodplain

The site is not located within a defined floodplain as determined by staff upon review of the FEMA Flood Insurance Rate Map Panel No. 08041C0315G, effective on December 7, 2018.

3. Drainage and Erosion

The property is located within the Kettle Creek Drainage Basin. Drainage basin and bridge fees are applicable at the time of plating. A drainage report will be required with the proposed minor subdivision. No public drainage improvements are proposed or required with the rezone or plat.

4. Transportation

The property is accessed from Vessey Road, currently classified as a county maintained paved unimproved local road. Vessey Road is identified in the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) for future road improvements as a collector road. County road impact fees are applicable at the time of building permit. A traffic impact study is not required with the rezone or minor subdivision.

G. SERVICES

1. Water

Water is provided by an existing onsite well.

2. Sanitation

Wastewater is provided by an existing onsite water treatment system.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no comments regarding the proposed rezone.

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4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy will provide natural gas service. MVEA and Black Hills Energy were sent a referral for the rezone; MVEA and Black Hills Energy have no outstanding comments.

5. Metropolitan Districts

The subject property is not located within 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.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues as part of this rezone application.

J. 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:

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.

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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-2.5 zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

K. PUBLIC COMMENT AND NOTICE

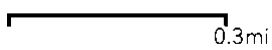
The Planning and Community Development Department notified 17 adjoining property owners on May 1, 2023 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

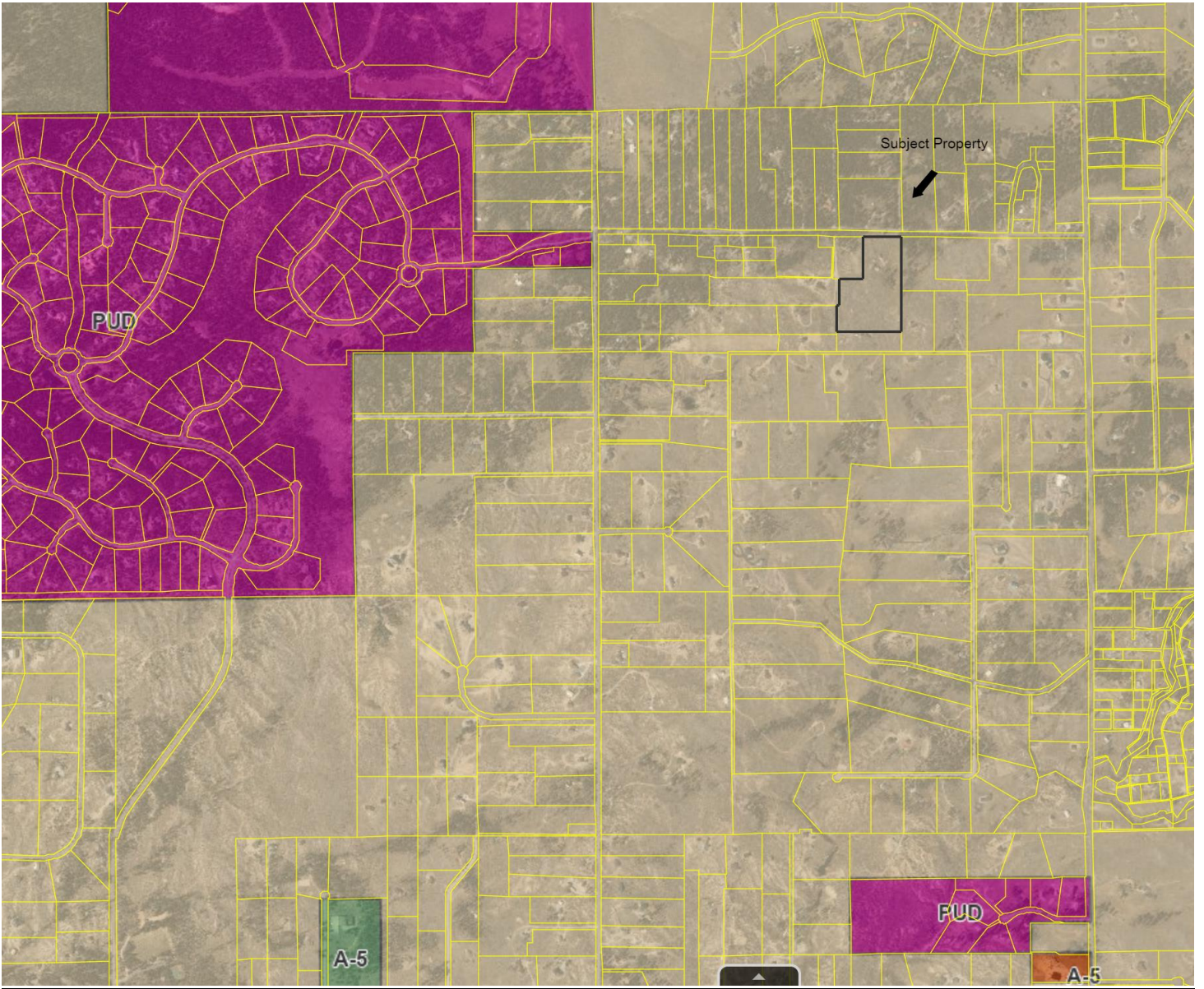
- Map Exhibit
- Vicinity Map
- Letter of Intent
- Rezone Map
- Draft Resolution



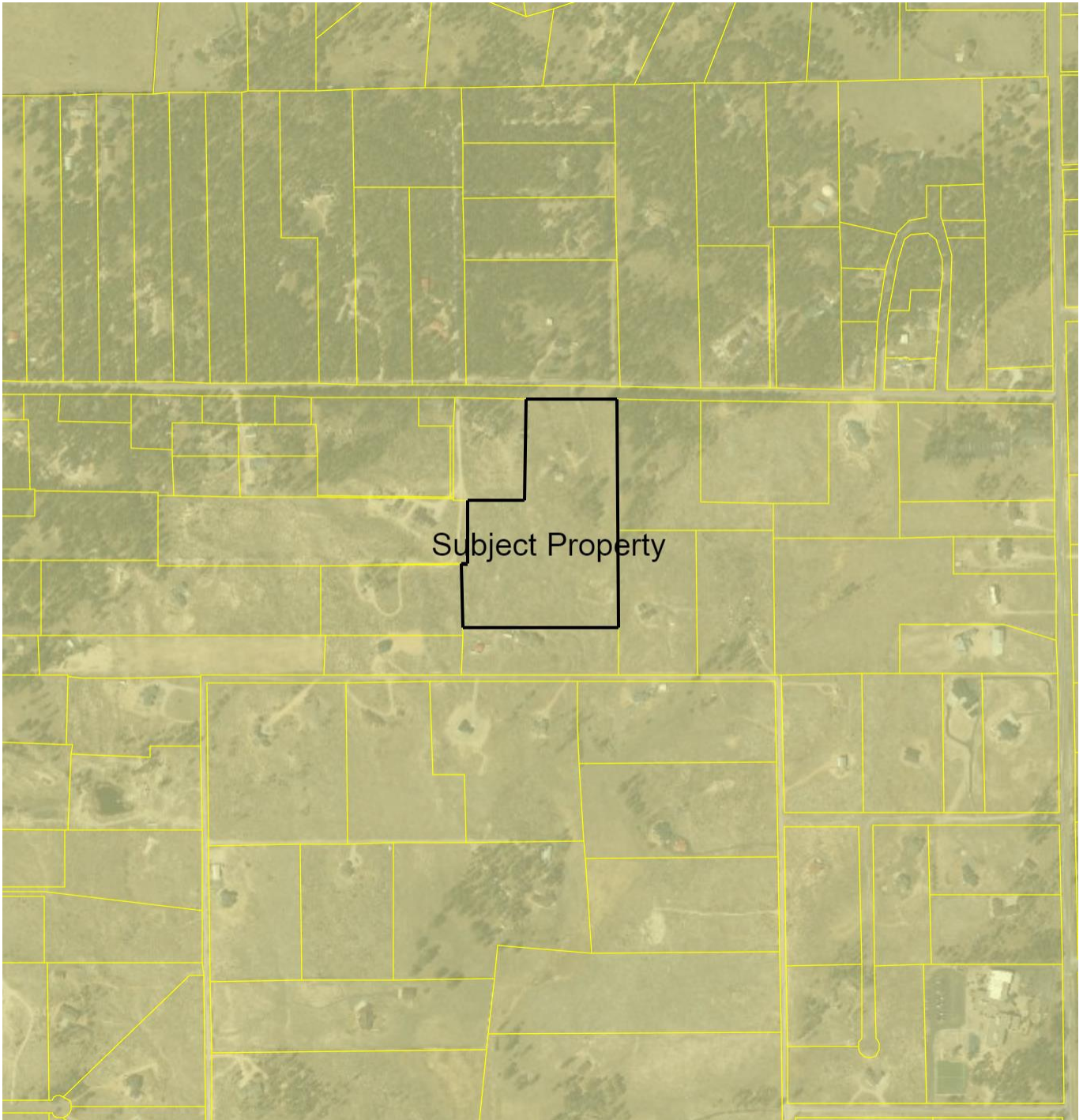
Map Exhibit #1: Aerial



Map Exhibit #2: Zoning















Map Exhibit #3: Placetype

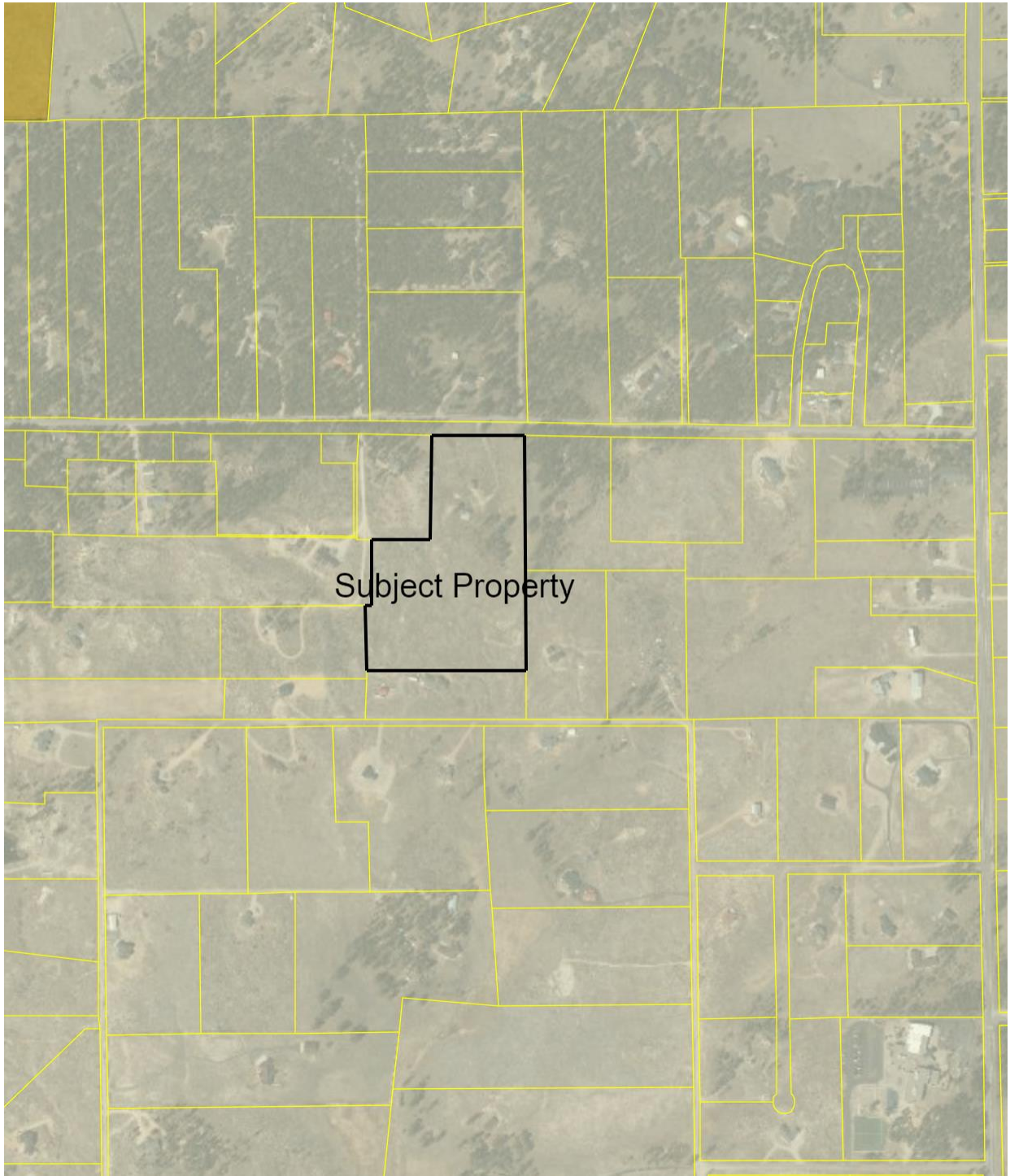


0.3mi






Legend

- | | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |

Map Exhibit #4: Area of Change



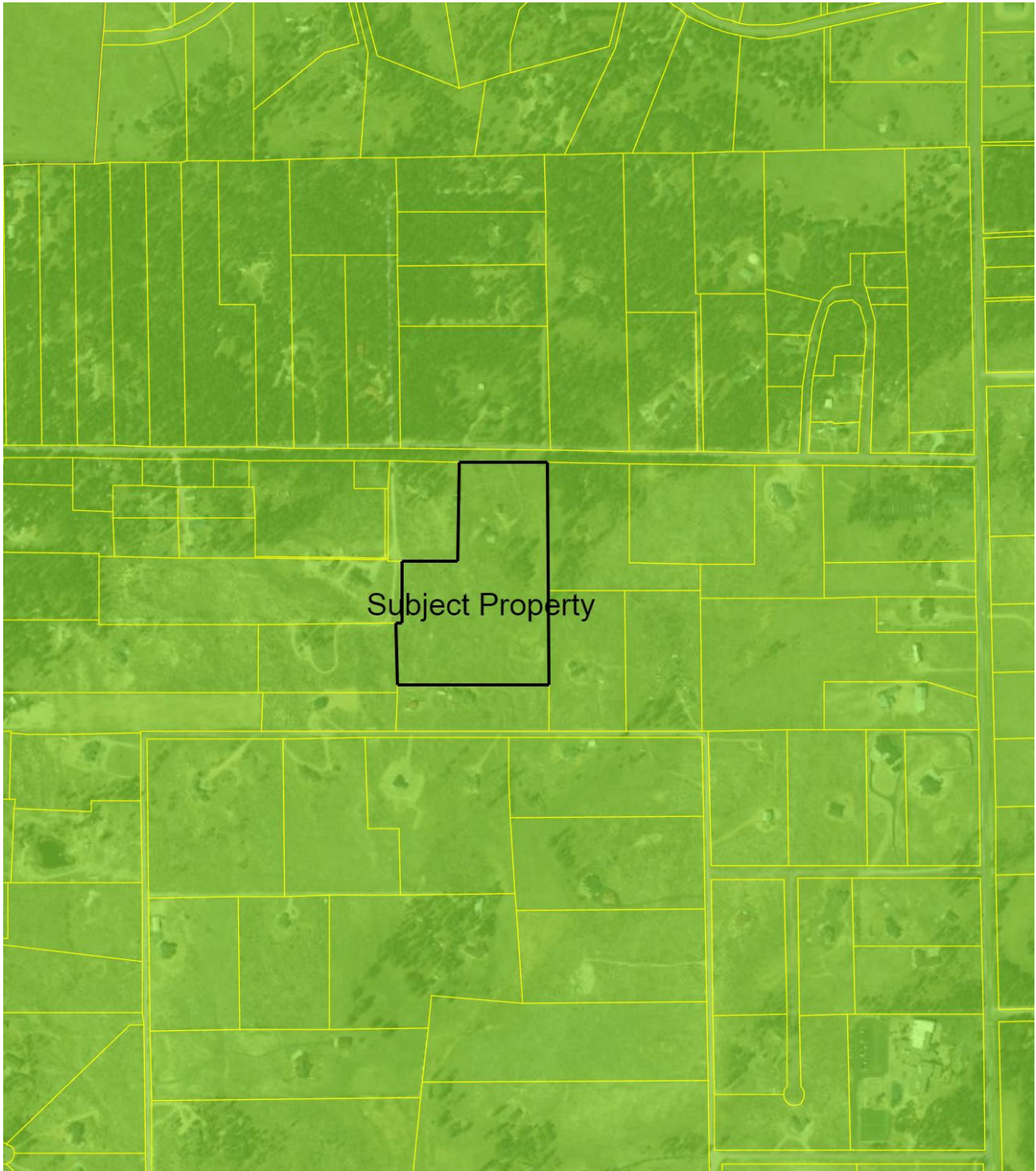
Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition



0.3mi

Map Exhibit #4: Key Areas













Subject Property



0.3mi

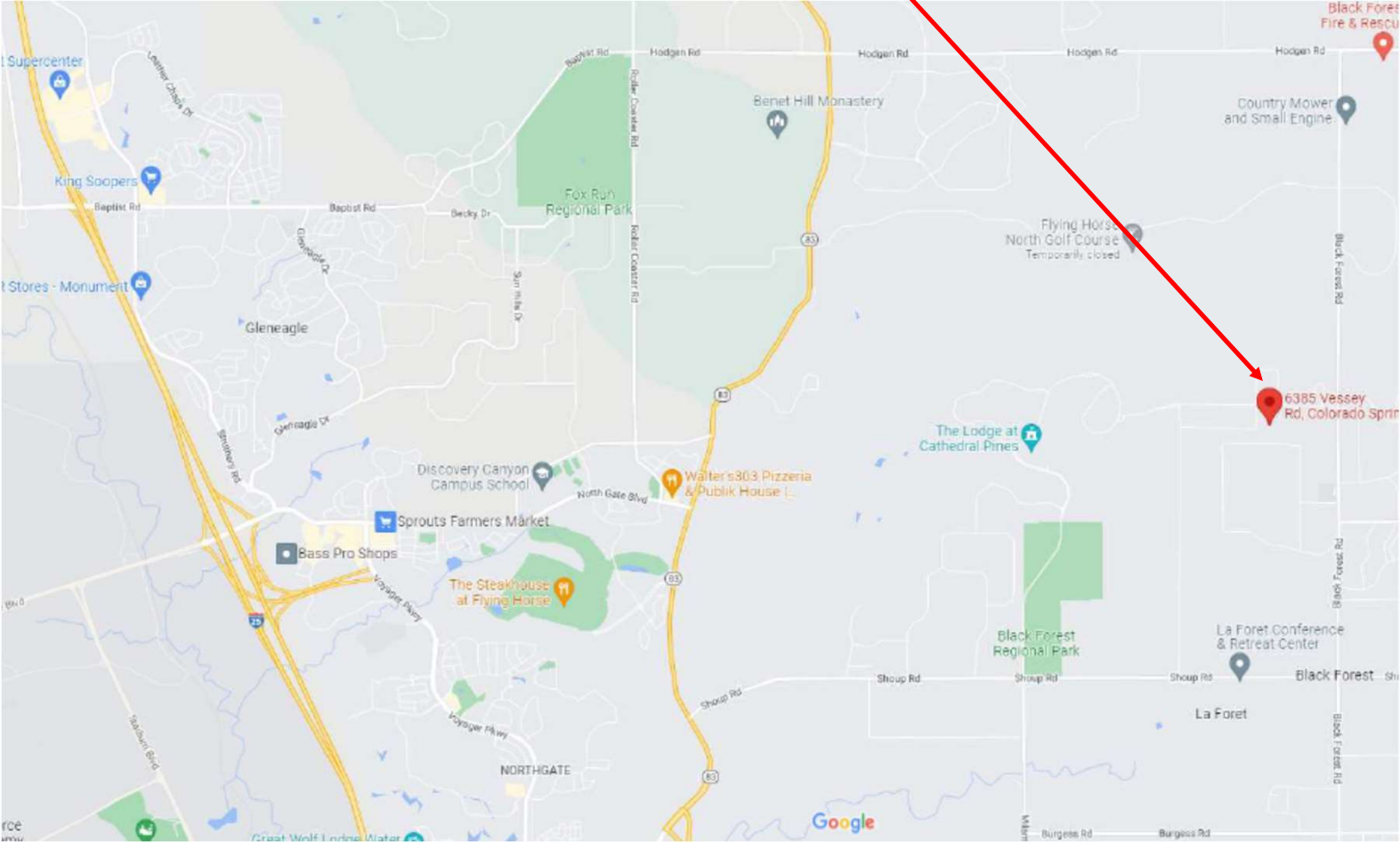
Legend

- | | |
|--|---|
|  Military Installations |  Forested Area |
|  Potential Areas for Annexation |  Pikes Peak Influence Area |
|  Enclaves or Near Enclaves |  Tri-Lakes Area |
|  Small Towns & Rural Communities |  Colorado Springs Airport/Peterson Field |
|  Fountain Creek Watershed Flood Control & Greenway District |  Uncommon Natural Resources |

Vicinity Map

Not to Scale

Project Site
Parcel ID#: 5206000065
6385 Vessey Rd Colorado Springs, CO 80908





March 10, 2023

Kylie Bagley, Planner
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: PCD File #P2219 - Ivilo Rezone Letter of Intent

Dear Mr. Howser:

The property owner would like to request approval of a rezoning for 6385 Vessey Road, Colorado Springs, CO 80908. The parcel number is 5206000065. A separate minor subdivision application has been submitted requesting the property to be subdivided into 3 single-family residential lots of the following sizes: Lot 1: 5.33 acres, Lot 2: 4.05 acres and Lot 3: 4.53 acres. The site is 14 acres and is currently zoned RR-5 with no current overlay zones and would like to be rezoned to RR-2.5 with no overlay zones with the approval of the rezoning. The proposed rezoning meets the following criteria for approval of a rezone, as outlined in the El Paso County Land Development Code.

- The zoning request complies with each of the Criteria of Approval in Chapter 5.
 - This area is shown as Large-lot Residential Placetype in the El Paso County Master Plan adopted in 2021. Large-Lot Residential Placetype is defined in the Master Plan as single-family detached typically 2.5-acres or larger. The subdivision is proposing lots greater than 2.5-acres. The proposed subdivision is located in the Forested Key Area and an area of minimal change in the Areas of Change Section. Development in the Forested Key Area and Area of Minimal change allows for development of undeveloped land with minimal change to the prioritized rural and natural environments. The proposed subdivision meets this by proposing large-lot residential and maintaining large areas of undisturbed property to maintain the rural and natural environment. The proposed development fits within the 2040 Major Transportation Corridor Plan. Vessey Road is shown as being upgraded to a collector road by 2040. Sufficient right-of-way has been provided along the north property line of the proposed subdivision to accommodate the future improvements of Vessey Road. The proposed subdivision also fits within the Water Master Plan. The proposed subdivision will be served by individual wells. This is an acceptable method of providing water to a subdivision per the Water Master Plan.
 - The rezoning is in compliance with all applicable statutory provisions.
 - The proposed land use or zone district is compatible with the existing and

- permitted land uses and zone districts in all directions
 - The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5, for the intended zone district.
- Goal 8 of the 2022 El Paso County Parks Master Plan advocates to create a continuous, connected system of regional trails. The proposed project falls along the Palmer Divide Regional Trail, a proposed Primary Regional Trail in the Masterplan. Once completed, this trail will connect the Black Forest Regional Trail with the Rock Island Trail connecting Black Forest Regional Park, the Pineries Open Space, Homestead Ranch Regional Park and the Ramah State Wildlife Area. To comply with this proposed masterplan, the project will provide a 25-foot-wide public easement along the south side of the dedicated right-of-way for Vessey Road for the construction of Palmer Divide Regional Trail. The project will also be paying fees to help fund future development.
- The water rights and augmentation plan in place for the existing parcel are adequate to meet the needs of three (3) lots proposed for the subdivision on a 300-year basis. According to Water Court Decree Case Number 18CW3077, the property has water rights adjudicated in the Dawson Aquifer, the Denver Aquifer, the Arapahoe Aquifer, and the Laramie-Fox Hills Aquifer. The proposed water source for the development would be the Dawson Aquifer, for which the replacement plan contained in Water Court Decree Case Number 21CW3048 was prepared for (thus revising an existing plan for augmentation originally contained in Decree No. 18CW3035) allowing the property to set aside sufficient amounts from the Laramie-Fox Hills and Arapahoe groundwater to replace post-pumping depletions. Results from the water quality test have been submitted with the final plat application. These items satisfy the requirements outlined in the El Paso County Water Master Plan.
- The proposed request is in compliance with the applicable requirements of the Land Development Code.
- The proposed request complies with the definition of the proposed use. The proposed use is RR-2.5, Residential Rural District. This zoning district is a 2.5 acre district intended to accommodate low-density, rural, single family residential development. There are no use specific standards being requested at this time.
- Service commitment letters have been provided by Black Forest Fire, Black Hills Energy, and Mountain View Electric Association fulfilling the necessary services to be provided. The project is located on Vessey Road, so no new transportation systems are required by the project. A 25-ft. easement is being provided for the future construction of Palmer Divide Regional Trail providing recreational opportunities.
- There are no potentially sensitive natural or physical features within the area included within the request
- On April 8, 2022 the applicant mailed notification letters to all adjacent property owners describing the proposed development.
- The proposed rezoning will generate approximately 9 trips in the A.M. peak hour, 4 trips in the P.M. peak hour and 40 daily trips. Per the El Paso Engineering Criteria Manual, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10.

Questions regarding the proposed minor subdivision can be directed to the following individuals:

Consultant

Brett Louk, P.E.
SMH Consultants
411 S. Tejon Street, Suite I
Colorado Springs, CO 80903
719-465-2145
blouk@smhconsultants.com

Owner

Pawel Posorski
6385 Vessey Road
Colorado Springs, CO 80908
630-302-7308
posorski@sbcglobal.net

The property owner would greatly appreciate your consideration of this request.

Sincerely,



Brett Louk, PE
SMH Consultants

REZONE MAP IVILO SUBDIVISION

PART OF THE NORTH 1/2, SECTION 6, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

TO WIT (DEED DESCRIPTION):

That portion of the North Half of Section 6 in Township 12 South, Range 65 West of the 6th P.M., described as follows;

Commencing at the Northeast corner of said Section 6; thence South 0°27'18" East 1400.36 feet to the East line of said Section 6; thence West 2035.80 feet to the Point of Beginning of the tract to be described hereby; thence South 0°27'18" East 1095.03 feet to the Northeast corner of the tract secondly described in deed recorded in Book 1792 at Page 599 of the records of El Paso County, Colorado under Reception No. 145357; thence West 710.39 feet on the North line of said tract to the Northwest corner thereof; thence North 0°07'30" East to intersect the Southerly line of the tract described in deed to Blanche L. Hardesty recorded in Book 1792 at Page 597 of said records under Reception No. 145356; thence Easterly on the South line of said Hardesty tract 304 feet, more or less to the Southeast corner thereof; thence North 495 feet on the East line of said Hardesty tract to intersect a line drawn North 88°18' West from the Point of Beginning; thence South 88°18' East to the Point of Beginning, EXCEPT a right of way for road purposes over the most Northerly 30 feet and the Easterly 15 feet thereof and the extreme West 15 feet, County of El Paso, State of Colorado.

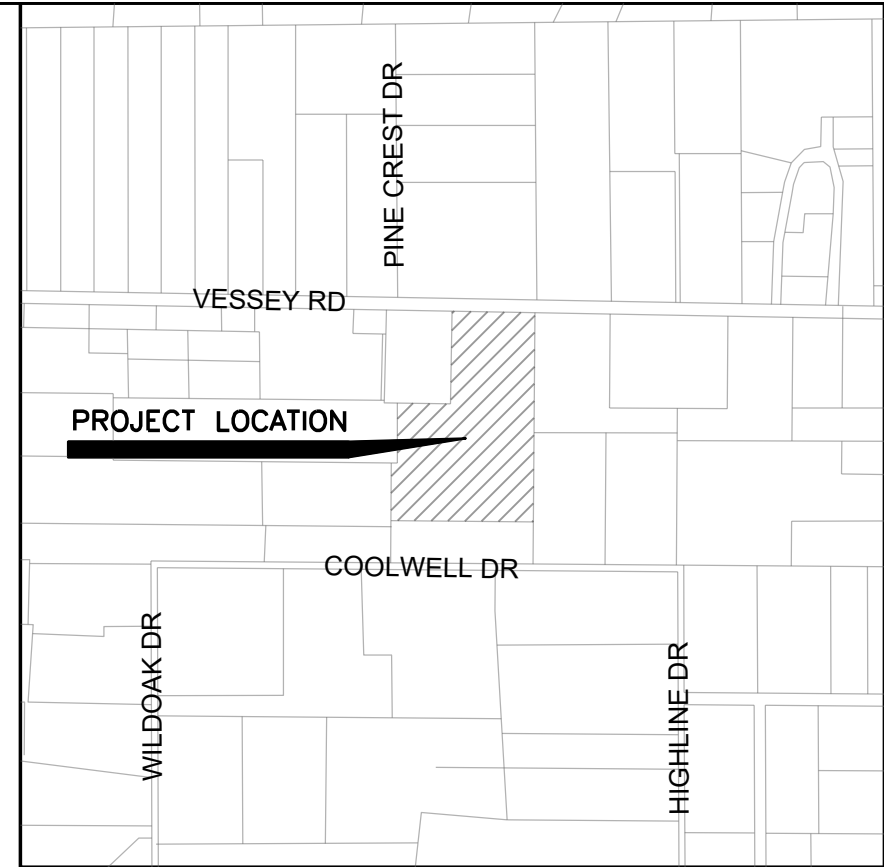
Subject to easements and restrictions of record.

TO WIT (SURVEYED DESCRIPTION):

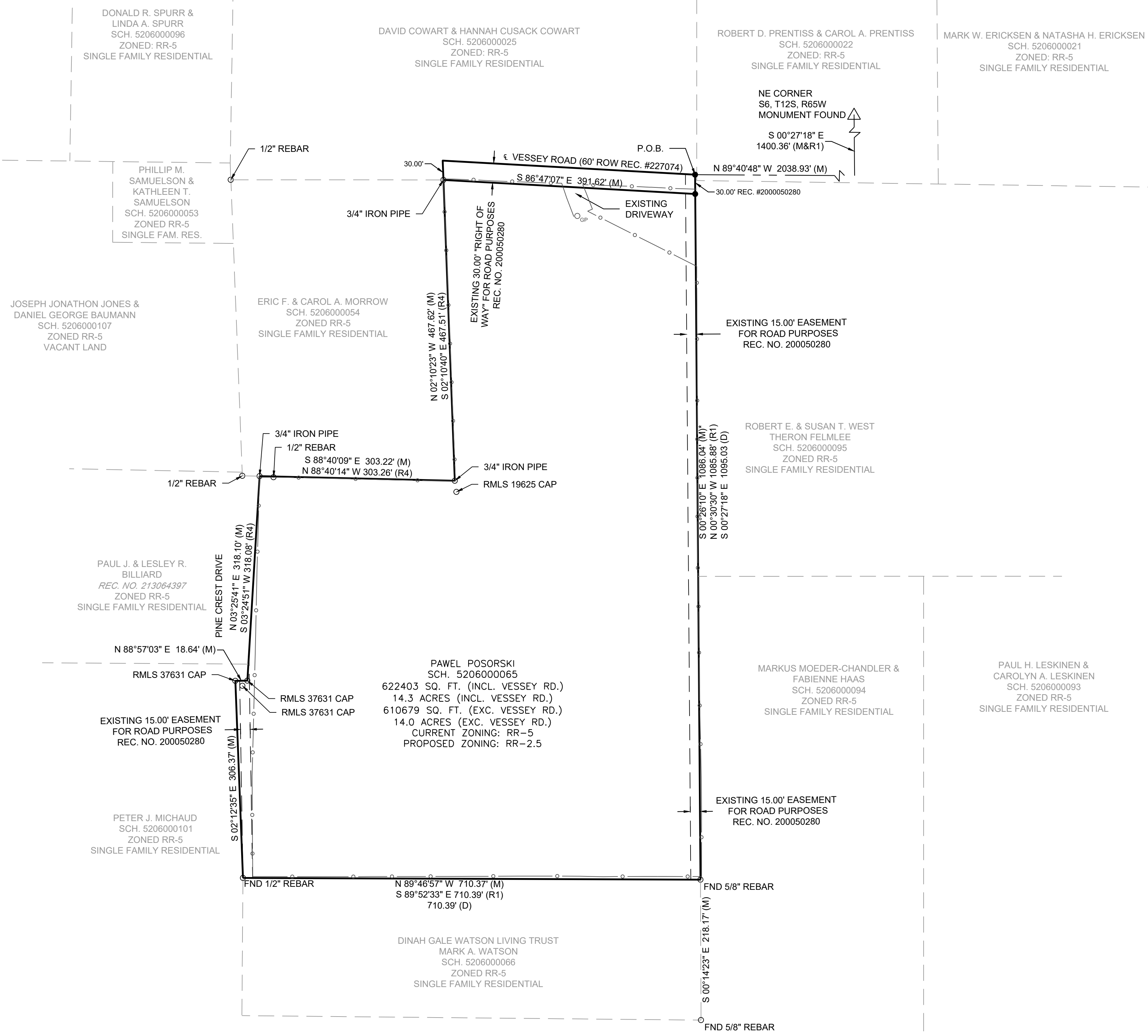
That portion of the North Half of Section 6 in Township 12 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado described as follows;

Beginning at a point that is S 00°27'18" E 1400.36 feet and N 89°55'58" W 2038.83 feet from the Northeast Corner of the North Half of said Section 6; thence S 00°26'10" E 1086.04 feet to a found 5/8" rebar; thence N 89°50'38" W 697.38 feet to a found 1/2" rebar; thence N 01°09'00" W 307.34 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence N 03°25'41" E 318.10 feet to the South Line of the Eric F. and Carol A. Morrow tract recorded in the El Paso County Clerk and Recorder's Office, Reception No. 20112554, and a found 3/4" iron pipe; thence S 88°40'09" E 303.22 feet to the Southeast Corner of the said Morrow tract and a found 3/4" pipe; thence N 02°10'23" W 467.62 feet to the Northeast Corner of the said Morrow tract and a found 3/4" pipe; thence S 89°51'34" E 390.85 feet to the point of beginning, containing 14.0 acres.

Subject to easements and restrictions of record.



VICINITY MAP
(NOT TO SCALE)



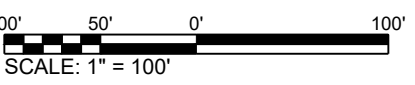
OWNER & PETITIONER:
PAWEL POSORSKI
6385 VESSEY ROAD
COLORADO SPRINGS, CO 80908
630-302-7308

SURVEYOR:
TIM SLOAN, VICE-PRESIDENT
SMH CONSULTANTS, P.A.
411 SOUTH TEJON STREET, SUITE 1
COLORADO SPRINGS, CO 80903
719-465-2145

ENGINEER:
BRETT LOUK
SMH CONSULTANTS, P.A.
411 SOUTH TEJON STREET, SUITE 1
COLORADO SPRINGS, CO 80903
719-465-2145

LEGEND

- Monument Found (1/2" Rebar),
Origin unknown unless otherwise noted
- 1/2"x24" Rebar w/PLS38374 Cap Set
- △ Section Corner. NOTE: All section corner monument origins are unknown unless otherwise noted.
- Assumed Bearing
- (C) Calculated Dimension
- (M) Measured Dimension
- (R) Recorded Dimension - Land Survey Plat by Rocky Mountain Land Services dated December 14, 2015
- (R⁴) Recorded Dimension - Land Survey Plat by Crossed Paths Surveying Services dated June 28, 2022



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Drawn By: JTH Project #2107-0301 DD #TDS86

MARCH 2023

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-019
6385 VESSEY RD REZONE RR-5 TO RR-2.5

WHEREAS, SMH Consultants 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 RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on May 18, 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, 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.B (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 SMH Consultants 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 RR-2.5 (Residential Rural) 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 RR-2.5 zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

_____ seconded the adoption of the foregoing Resolution.

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

| | |
|---------------------|-----------------------------|
| Thomas Bailey | aye / no / abstain / absent |
| Sarah Brittain Jack | aye / no / abstain / absent |
| Jay Carlson | aye / no / abstain / absent |
| Becky Fuller | aye / no / abstain / absent |
| Brandy Merriam | aye / no / abstain / absent |
| Eric Moraes | aye / no / abstain / absent |
| Kara Offner | aye / no / abstain / absent |
| Joshua Patterson | aye / no / abstain / absent |
| Bryce Schuettpeiz | aye / no / abstain / absent |
| Tim Trowbridge | aye / no / abstain / absent |
| Christopher Whitney | aye / no / abstain / absent |

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

DONE THIS 18th day of May 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

DATED: May 18, 2023

EXHIBIT A

A tract of land in the North Half of Section 6, Township 12 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 00° 27' 18" E 1400.36 feet and N 89° 55' 58" W 2038.83 feet from the Northeast Corner of the North Half of said Section 6; thence
S 00° 26' 10" E 1086.04 feet to a found 5/8" rebar; thence
N 89° 50' 38" W 697.38 feet to a found 1/2" rebar; thence
N 01° 09' 00" W 307.34 feet to a found 1/2" rebar with Surveyor's Cap, P.L.S. #37631; thence
N 03° 25' 41" E 318.10 feet to the South Line of the Eric F. and Carol A. Morrow tract recorded in the El Paso County Clerk and Recorder's Office, Reception No. 20112554, and a found 3/4" iron pipe;
thence
S 88° 40' 09" E 303.22 feet to the Southeast Corner of the said Morrow tract and a found 3/4" pipe;
thence
N 02° 10' 23" W 467.62 feet to the Northeast Corner of the said Morrow tract and a found 3/4" pipe;
thence
S 89° 51' 34" E 390.85 feet to the point of beginning, containing 14.0 acres.

Subject to easements and restrictions of record.