

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Fuller

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.

3. Any future or subsequent subdivision and/or use of the property shall have a minimum lot size of 4 acres within the RR-2.5 zoning district.

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.

Carlson seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Brandy Merriam	aye / no / abstain / <u>absent</u>
Eric Moraes	<u>aye</u> / no / abstain / absent
Kara Offner	<u>aye</u> / no / abstain / 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 1 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 18<sup>th</sup> day of May 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, 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.