

MAP AMENDMENT (REZONING) (RECOMMEND DENIAL)

Mr. Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P242

APEX VILLAGE REZONE

WHEREAS, Richard Holmes did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

- 1. The application was not properly submitted for consideration by the Planning Commission.
- 2. Proper posting, publication, and public notice were not provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
- 3. The hearings before the Planning Commission and the Board of County Commissioners were not extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
- 4. All exhibits were not received into evidence.

- 5. The proposed land use does permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
- 6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have not been submitted, reviewed, and/or found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
- 7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is not in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, 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.B of the El Paso County Land Development Code (as amended):

- 1. The application is not in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- 2. The rezoning is not in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
- 3. The proposed land use or zone district is not compatible with the existing and permitted land uses and zone districts in all directions; and
- 4. The site is not suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Richard Holmes for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district be denied by the Board of County Commissioners.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Merriam seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye	no	non-voting / recused / absent
Sarah Brittain Jack	aye	no	non-voting / recused / absent
Jim Byers	aye	no	non-voting / recused / absent
Jay Carlson	aye	no	non-voting / recused / absent
Becky Fuller	aye	no	non-voting / recused / absent
Jeffrey Markewich	aye	no	non-voting / recused / absent
Brandy Merriam	aye	no	non-voting / recused / absent
Bryce Schuettepelz	aye	no	non-voting / recused / absent
Wayne Smith	aye	no	non-voting / recused / absent
Tim Trowbridge	aye	no	non-voting / recused / absent
Christopher Whitney	aye	no	non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 2 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

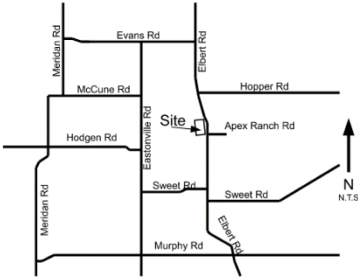
TRACT IN SW4NW4 AND IN NW4SW4 SEC 22-11-64 DES AS FOLS; COM AT NW COR OF SD SEC, TH S 0<31'30" E 1288.35 FT, N 89<27'15" E 646.84 FT, S 17<27'16" E 160.0 FT, S 84<51'16" E 63.60 FT TO A PT ON W R/W LN OF HWY 217, S 19<13' E ALG SD R/W LN 939.83 FT FOR POB, TH ALG SD R/W LN S 15<37'30" E 197.8 FT, TH ALG A CUR TO R WHOSE CHORD BEARS S 8<49'30" E CHORD DIST 440.46 FT, HAVING A RAD OF 1860.0 FT AN ARC DIST OF 441.4 FT, S 3<48'30" E 197.8 FT, S 0<05' W 711.1 FT, S 87<21'30" W 1021.0 FT, N 4<57' W 1539.95 FT, N 87<21' E 1021.0 FT TO POB

EXHIBIT B

APEX VILLAGE ON ELBERT ROAD

SECTION 22, IN TOWNSHIP 11, RANGE 64 WEST OF THE 6TH
PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO
CC REZONE

VICINITY MAP



SITE DATA

OWNER:
Richard & Winifred Holmes
16888 Elbert Rd
Peyton, CO 80831

PREPARED BY:
Holmes Enterprises LLC
16888 Elbert Rd
Peyton, CO 80831

Tax ID Number: 4122000002
Current Zoning: A-35

Proposed Zoning: CC
Total Area: 37.45 ac

LEGAL DESCRIPTION

A tract of land in the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 22, Township 11 South, Range 64 West of the 6th P.M., described as follows:
Commencing at the Northwest corner of said Section 22;
thence S 0° 31' 30" E, 1288.35 feet;
thence N 69° 27' 15" E, 546.84 feet;
thence S 17° 27' 18" E, 180 feet;
thence S 64° 51' 19" E, 63.30 feet to a point on the West R.O.W. line of State Highway #217;
thence S 19° 13' E along said R.O.W. line of State Highway #217;
thence S 19° 13' E along said R.O.W., 326.65 feet to the Point of Beginning of the tract to be described;
thence along said R.O.W., S 15° 37' 30" E, 197.8 feet, to a point of curve;
thence along a curve to the right whose chord bears S 8° 49' 30" E, a chord distance of 440.46 feet, having a radius of 1560 feet and an arc distance of 441.4 feet;
thence continuing along said R.O.W., S 3° 48' 30" E, 197.8 feet;
thence along said R.O.W., S 0° 00' W, 711.1 feet;
thence S 67° 21' 30" W, 1021 feet;
thence N 4° 57' W, 1539.95 feet;
thence N 27° 21', 1021 feet to the Point of Beginning.

LINE LEGEND

- Property Boundary
- Adjacent Parcels
- Surrounding Parcels

