

MAP AMENDMENT (REZONING) (RECOMMEND DENIAL)

Commissioner Curry moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-18-006
Winsome Residential Rezone**

WHEREAS, McCune Ranch, 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 RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on June 4, 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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. That 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. The proposed map amendment (rezoning) 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 not 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 McCune Ranch, LLC for an amendment to the El Paso County Zoning Map to rezone the following described 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:

See Exhibit A

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

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 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Approval of the map amendment (rezone) is contingent upon the subsequent approval by the Board of County Commissioners of a preliminary plan with an overall density no greater than one dwelling unit per five acres. If no such preliminary plan is approved within five (5) years of the date of the map amendment (rezone), the Board of County Commissioners may, after a public hearing and notice to the property owner, rezone the property to return to the RR-5 (Residential Rural) zoning district.

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.

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

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

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

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

DATED: June 4, 2019



Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION: 2.5 ACRE

A TRACT OF LAND BEING A PORTION OF SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PORTION OF SECTION 24, RANGE 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S00°14'17"W ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 1,684.27 FEET TO THE POINT OF BEGINNING; THENCE S89°41'23"E, A DISTANCE OF 820.25 FEET; THENCE N29°41'56"E, A DISTANCE OF 813.42 FEET; THENCE S69°47'08"E, A DISTANCE OF 419.52 FEET TO A POINT ON CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N69°47'08"W, HAVING A DELTA OF 02°06'42", A RADIUS OF 1,790.00 FEET AND A LENGTH OF 65.97 FEET TO A POINT OF TANGENT; THENCE N18°06'10"E, A DISTANCE OF 383.72 FEET; THENCE N19°13'35"E, A DISTANCE OF 60.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N19°13'35"E HAVING A DELTA OF 67°24'01", A RADIUS OF 1,470.00 FEET, AND A LENGTH OF 1,729.25 FEET TO A POINT OF TANGENT; THENCE N41°49'33"E, A DISTANCE OF 207.94 FEET A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 48°27'40", A RADIUS OF 1,384.00 FEET, AND A LENGTH OF 1,170.60 FEET TO A POINT OF TANGENT; THENCE S89°42'46"E, A DISTANCE OF 118.09 FEET; THENCE N00°17'14"E, A DISTANCE OF 922.06 FEET TO A POINT ON THE BOUNDARY LINE OF SAID PARCEL 4; THENCE ON THE BOUNDARY LINE OF SAID PARCEL 4, THE FOLLOWING THREE (3) COURSES:

1. S89°15'17"E, A DISTANCE OF 613.35 FEET
2. S89°15'18"E, A DISTANCE OF 1,158.32 FEET
3. S00°17'06"W, A DISTANCE OF 3,378.41 FEET

THENCE N89°31'37"W, A DISTANCE OF 756.62 FEET; THENCE S00°17'14"W, A DISTANCE OF 457.57 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 4; THENCE ON THE SOUTHERLY AND WESTERLY LINE OF SAID PARCEL 4, THE FOLLOWING THREE (3) COURSES:

1. S89°55'06"W, A DISTANCE OF 417.99 FEET
2. S89°30'15"W, A DISTANCE OF 5,238.49 FEET
3. N00°14'17"E, A DISTANCE OF 912.65 FEET

CONTAINING A CALCULATED AREA OF 15,255,901 SQUARE FEET OR 350.227 ACRES.