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RESOLUTION NO. 23-338

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONE) TO CS
MERIDIAN STORAGE (CS224)

WHEREAS, Meridian Storage, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 17, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 28, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

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6. That the proposed land use will be compatible with existing and permitted land uses in the area.
7. That 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. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to 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, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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 Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Meridian Storage, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

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 CS, Commercial Service zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 28th day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By Camie Brewer
Chair



EXHIBIT A

A parcel of land being all of Lots 1, 2, and 14, together with a portion Owl Place, a 60-foot public right-of-way, Falcon Ranchettes as recorded in Plat Book V-2, Page 15 of the records of El Paso County, Colorado, and further being situated in the Southeast One-Quarter of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado, being more particularly described as follows:

BASIS OF BEARINGS:

All bearings referred to herein are based on the south line of Lots 2, 3, and 4 of said Falcon Ranchettes, recorded to bear N 89°49'54" W. Said line being defined by found monuments as follows: a found 1/2" rebar with a 1 1/4" yellow plastic cap stamped "LS 2372" at the southeast corner of Lot 2 and a found 1/2" rebar with a 1 1/4" yellow plastic cap stamped "LS 2372" at the southwest corner of Lot 4.

BEGINNING at the northeast corner of said Lot 1;

Thence N 89°49'54" W, coincident with the north line of said Falcon Ranchettes, a distance of 661.74 feet to the northwest corner of said Lot 2;

Thence S 00°10'06" W, coincident with the west line of said Lot 2 and the prolongation thereof, a distance of 661.39 feet to a point on the centerline of said Owl Place;

Thence S 89°49'54" E, coincident with said centerline, a distance of 1.59 feet to the prolongation of the west line of said Lot 14;

Thence S 00°10'06" W, coincident with the west line of said Lot 14 and the prolongation thereof, a distance of 660.54 feet to the southwest corner of said Lot 14;

Thence S 89°45'33" E, coincident with the south line of said Lot 14, a distance of 345.30 feet to the southeast corner of said Lot 14;

Thence N 00°10'06" E, coincident with the east line of said Lot 14 and the prolongation thereof, a distance of 660.98 feet to a point of the centerline of said Owl Place;

Thence S 89°49'54" E, coincident with said centerline, a distance of 316.80 feet to the prolongation of the east line of said Lot 1;

Thence N 00°00'00" E, coincident with the east line of said Lot 1 and the prolongation thereof, a distance of 661.39 feet to the POINT OF BEGINNING.

The above described parcel contains a total of 15.30 acres, more or less.