

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

MORAES moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-22-004

MERIDIAN STORAGE REZONE

WHEREAS, Meridian Storage, 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 CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 17, 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. That proper posting, publication, and public notice was 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. That all exhibits were received into evidence;
5. That 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. That 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. That 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 (as amended) ("Code"):

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 Planning Commission recommends that the petition of James Hagan 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 CS (Commercial Service) 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 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 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 / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / <u>absent</u>

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

DONE THIS 17th day of August 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, 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.