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RESOLUTION NO. 24-88

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

**APPROVAL OF A MAP AMENDMENT (REZONING)
STERLING RANCH EAST FILING NO. 5 REZONE (P237)**

WHEREAS Classic SRJ Land, LLC, did file an application with the El Paso County Planning and Community Development Department for a Map Amendment (Rezoning) of the El Paso County Zoning Map 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 RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on February 1, 2024, 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 February 22, 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, 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 the 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 ("Code") (as amended), in approving this Map Amendment (Rezoning) of 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 Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Classic SRJ Land, 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 RS-5000 (Residential Suburban) zoning district;

BE IT FURTHER RESOLVED the following conditions and notation 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 RS-5000 (Residential Suburban) zoning district as described in the legal description for the Map Amendment, and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.

NOTATION

1. Map Amendment (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 22 day of February 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Canis Brewer
Chair

ATTEST

By: _____

County Clerk & Recorder

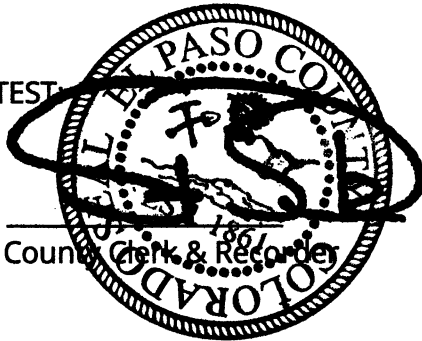


EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE CENTER-EAST ONE-SIXTEENTH CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E, A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST ONE-SIXTEENTH CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO, SAID POINT BEING THE SOUTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE S07°13'18"E, A DISTANCE OF 6440.55 FEET TO A POINT ON CURVE SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF STERLING RANCH ROAD AS PLATTED IN HOMESTEAD NORTH AT STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 223715150 SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE EASTERLY RIGHT OF WAY LINE OF SAID STERLING RANCH ROAD THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N38°03'24"W, HAVING A DELTA OF 38°28'07", A RADIUS OF 1540.00 FEET AND A DISTANCE OF 1033.96 FEET TO A POINT OF TANGENT;
2. N13°28'29"E, A DISTANCE OF 203.00 FEET;

THENCE S76°31'31"E, A DISTANCE OF 770.18 FEET;

THENCE S13°28'29"W, A DISTANCE OF 312.80 FEET;

THENCE S11°50'41"W, A DISTANCE OF 117.53 FEET;

THENCE S02°44'13"W, A DISTANCE OF 116.36 FEET;

THENCE S00°46'00"E, A DISTANCE OF 1,487.66 FEET;

THENCE S89°14'00"W, A DISTANCE OF 681.43 FEET;

THENCE N00°46'00"W, A DISTANCE OF 757.66 FEET;

THENCE S89°14'00"W, A DISTANCE OF 7.06 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 54°34'00", A RADIUS OF 575.00 FEET, AND A DISTANCE OF 547.61 FEET TO A POINT OF TANGENT;

THENCE N36°12'00"W, A DISTANCE OF 163.72 FEET;

THENCE N08°06'02"E, A DISTANCE OF 35.78 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 42.033 ACRES (1,830,966 SF).