

BOCC

RESOLUTION NO. 25-118

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

APPROVAL OF MAP AMENDMENT (REZONING)
Esteban Rodriguez Rezone CC (CC241)

WHEREAS, Esteban Rodriguez 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 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 A-35 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 3, 2025, 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 April 24, 2025; 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 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;

6. That changing conditions clearly require amendment to the Zoning Resolutions;
7. 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, when approving a Map Amendment (Rezoning), the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the Land Development Code (as amended):

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 Esteban Rodriguez 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 A-35 (Agricultural) zoning district to the CC (Commercial Community) 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 CC (Commercial Community) 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.

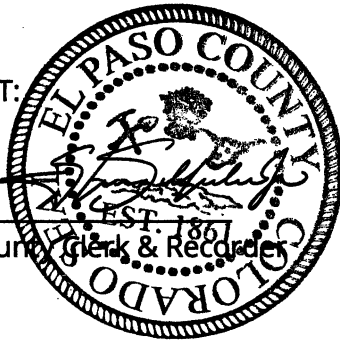
DONE THIS 24th day of April 2025, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

County Clerk & Recorder



By: _____

Chair

A handwritten signature in black ink, appearing to be "Carmy", is written over a horizontal line. Below the line, the word "Chair" is printed.

EXHIBIT A

A Parcel Of Land Being A Portion Of The Northwest Quarter Of Section 2, Township 13 South, Range 64 West Of The 6th Principal Meridian, County Of El Paso, State Of Colorado, Being More Particularly Described As Follows:

Basis Of Bearings: The North Line The Northwest Quarter Of Section 2, Township 13 South, Range 64 West Of The 6th Principal Meridian, Being Monumented At The West End By A 3.25" Aluminum Cap Stamped "Ls 17496" And At The East End By A 2" Aluminum Cap Stamped "Pls 11624", Assumed To Bear N89°53'34"E.

Beginning At The North Quarter Corner Of Section 2, Township 13 South, Range 64 West Of The 6th Principal Meridian;

Thence On The East Line Of The West Half Of Said Section 2, S00°40'17"E A Distance Of 491.14 Feet;

Thence Departing Said East Line The Following Nine (9) Courses:

1. N90°00'00"W A Distance Of 631.38 Feet;
2. N19°38'36"E A Distance Of 167.59 Feet;
3. N89°57'52"W A Distance Of 338.31 Feet, To A Point Of Curve;
4. On The Arc Of A Curve To The Left, Having A Radius Of 160.00 Feet, A Central Angle Of 18°31'40" And An Arc Length Of 51.74 Feet, To A Point Of Reverse Curve;
5. On The Arc Of A Curve To The Right Having A Radius Of 305.00 Feet, A Central Angle Of 18°00'55" And An Arc Length Of 95.90 Feet, To A Point Of Tangent;
6. S89°31'23"W A Distance Of 824.31 Feet, To A Point Of Curve;
7. On The Arc Of A Curve To The Left, Having A Radius Of 1154.50 Feet, A Central Angle Of 15°44'29" And An Arc Length Of 317.19 Feet, To A Point Of Non-Tangent;
8. N16°13'07"W A Distance Of 30.00 Feet;
9. N00°28'37"W A Distance Of 376.92 Feet, To A Point On The North Line Of The Northwest Quarter Of Said Section 2;

Thence On Said North Line, N89°53'34"E A Distance Of 2201.29 Feet, To The Point Of Beginning.

Containing A Calculated Area Of 863,628 Square Feet Or 19.8262 Acres