

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Brittain Jack moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. CR-19-001  
Falcon Field Map Amendment (Rezone)**

WHEREAS, Falcon Field, 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 CR (Commercial Regional) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 7, 2020; 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. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. 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.
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 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 Falcon Field, LLC 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 CR (Commercial Regional) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends 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 CR (Commercial Regional) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to initiating any land disturbing activities, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.

#### **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 Board of County Commissioners for its consideration.

Commissioner Moraes seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Brittain Jack	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: April 21, 2020

  
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Brian Risley, Chair

EXHIBIT A

PARCEL A:

A PARCEL OF LAND SITUATE IN SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202131510 OF THE RECORDS OF SAID COUNTY, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT THE WEST END BY A 3" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17664, AND MONUMENTED AT THE EAST END BY A 2" ALUMINUM CAP STAMPED WITH A COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE ASSUMED TO BEAR N 89° 08' 49" W.)

BEGINNING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO. 1" AS DESCRIBED IN PLAT BOOK Y-3 AT PAGE 39 OF THE RECORDS OF SAID COUNTY, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 13, OF SAID "ARROWHEAD ESTATES FILING NO. 1";

THENCE S 00° 46' 12" W, 197.28 FEET ALONG THE WESTERLY LINE OF SAID LOT 13 TO A POINT THEREON;

THENCE N 41° 58' 50" W, 798.01 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 840 AT PAGE 258 OF SAID RECORDS; (THE FOLLOWING TWO (2) COURSES ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE)

- 1.) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING AND DISTANCE OF N 47° 22' 56" E, 193.52 FEET, A CENTRAL OF 1° 54' 42", A RADIUS OF 5800.00 FEET, FOR AN ARC DISTANCE OF 193.53 FEET;
- 2.) THENCE N 46° 25' 11" E, 760.04 FEET (760.22 FEET RECORDED) TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE WITH THE WESTERLY RIGHT OF WAY LINE OF RIO ROAD, A 60 FOOT RIGHT OF WAY SHOWN ON "FALCON RANCH ESTATES SUBDIVISION" AS RECORDED IN PLAT BOOK T-2 AT PAGE 47 OF SAID RECORDS; ( THE FOLLOWING TWO (2) COURSE ARE ALONG SID WESTERLY RIGHT OF WAY LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF RIO ROAD.)
  - 1.) THENCE S 22° 22' 28" E, 219.81 FEET (219.73 FEET RECORDED)
  - 2.) THENCE S 89° 10' 21" E, 1071.23 FEET (1071.46 FEET RECORDED) TO THE NORTHWEST CORNER OF LOT 14 OF SAID "FALCON RANCH ESTATES SUBDIVISION";

THENCE S 00° 10' 51" E, 705.04 FEET ALONG THE WESTERLY LINE OF SAID LOT 14 AND OF LOT 13 OF SAID "FALCON RANCH ESTATES SUBDIVISION" TO THE MOST NORTHERLY CORNER OF SAID "ARROWHEAD ESTATES FILING NO.1", SAID CORNER

ALSO BEING THE MOST NORTHERLY NORTHWEST CORNER OF LOT 10 OF SAID "ARROWHEAD ESTATES FILING NO.1, (THE FOLLOWING TWO (2) COURSES ARE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID "ARROWHEAD ESTATE FILING NO.1").

- 1.) THENCE CONTINUE S 00° 10' 51" E, 151.74 FEET (152.43 FEET RECORDED);
- 2.) THENCE N 88° 55' 44" W, 1314.29 FEET (1314.59 FEET RECORDED) TO THE POINT OF BEGINNING.

PARCEL CONTAINS 33.14 ACRES MORE OR LESS

PARCEL B:

A PARCEL OF LAND SITUATE IN SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202131510 OF THE RECORDS OF SAID COUNTY, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT THE WEST END BY A 3" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17664, AND MONUMENTED AT THE EAST END BY A 2" ALUMINUM CAP STAMPED WITH A COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE ASSUMED TO BEAR N 89° 08' 49" W.)

COMMENCING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO. 1" AS DESCRIBED IN PLAT BOOK Y-3 AT PAGE 39 OF THE RECORDS OF SAID COUNTY, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 13, OF SAID ARROWHEAD ESTATES FILING NO. 1"; (THE FOLLOWING FOUR (4) COURSES ARE ALONG THE WESTERLY AND NORTHERLY BOUNDARY LINE OF SAID "ARROWHEAD ESTATES FILING NO.1".)

- 1.) THENCE S 00° 46' 12" W, 197.28 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;
- 2.) THENCE CONTINUE S 00° 46' 12" W, 988.14 FEET;
- 3.) THENCE S 86° 00' 46" W, 327.52 FEET (327.53 FEET RECORDED)
- 4.) THENCE S 00° 25' 05" W, 68.17 FEET (67.53 FEET RECORDED) TO THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 20209702;

THENCE N 89° 59' 43" W, 430.45 FEET (430.08 FEET RECORDED) ALONG SAID NORTHERLY LINE TO THE SOUTHWESTERLY CORNER OF VERBURG SUBDIVISION WAIVER, A TRACT OF LAND AS DESCRIBED UNDER RECEPTION NO. 201000639 OF SAID RECORDS;

THENCE N 00° 14' 15" E. 1475.39 FEET (1475.79 FEET RECORDED) ALONG THE EASTERLY LINE OF SAID "VERBURG SUBDIVISION WAIVER" TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S. HIGHWAY NO. 24 AS

DESCRIBED IN BOOK 840 AT PAGE 258 OF SAID RECORDS: (THE FOLLOWING TWO (2) COURSES ARE ALONG SAID SOUTHWESTERLY RIGHT OF WAY)

- 1.) THENCE N 50° 05' 41" E, 125.34 FEET (125.38 FEET RECORDED);
- 2.) THENCE ALONG THAT ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING AND DISTANCE OF N 49° 13' 05" E, 178.19 FEET, A CENTRAL ANGLE OF 1° 45' 37", A RADIUS OF 5800.00 FEET, FOR AN ARC DISTANCE OF 178.20 FEET;

THENCE S 41° 58' 50" E, 798.01 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 24.53 ACRES MORE OR LESS