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RESOLUTION NO. 17-277

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE ALBRECHT REZONE MAP AMENDMENT (REZONING) (P-17-003)

WHEREAS Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farling, Clyde Trees and Judge Orr Properties, 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 PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 5, 2017, 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 this Board on October 10, 2017; 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. The application was properly submitted for consideration by the Board of County Commissioners.
2. 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 of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. Changing conditions clearly require amendment to the Zoning Resolutions.
8. 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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farling, Clyde Trees and Judge Orr Properties, 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 PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district ;

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

CONDITIONS OF APPROVAL

1. The property owners 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 A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual. Approval of this rezoning request has the effect of nullifying the previously approved PUD zoning as identified in BoCC resolution 04-406, which, therefore,

also nullifies any previously approved preliminary plan or final plat as referenced by BoCC Resolutions 04-407 and 09-136, respectively.


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.

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

DONE THIS 10th day of October, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Darryl Glenn, President

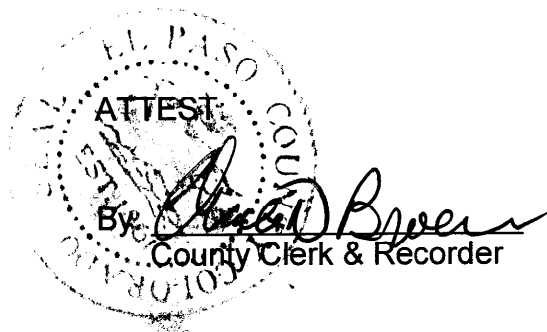


EXHIBIT A

Parcel No. 32000-00-705

Legal Description: Tract 1

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the W¹/₄ corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.00°54'17"E. coincident with the West line of the NW¹/₄ of said Section 36, a distance of 663.88 feet; thence S.89°09'25"E., a distance of 2,611.94 feet; thence S.00°46'58"W. coincident with the North-South centerline of said Section 36, a distance of 552.24 feet; thence N.89°17'07"W., a distance of 488.73 feet; thence N.89°17'10"W., a distance of 835.16 feet; thence N.89°17'03"W., a distance of 528.65 feet; thence N.20°44'01"W., a distance of 32.68 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S.20°44'01"E., a radial distance of 270.00 feet; thence southwesterly along the arc, through a central angle of 06°10'35", a distance of 29.11 feet; thence S.63°05'24"W., a distance of 286.99 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N.26°54'39"W., a radial distance of 330.00 feet; thence westerly along the arc, through a central angle of 27°49'08", a distance of 160.23 feet; thence N.89°05'31"W., a distance of 254.27 feet; thence N.89°05'28"W., a distance of 60.00 feet; thence N.00°54'39"E. coincident with the West line of the SW¹/₄ of said Section 36, a distance of 45.51 feet to the POINT OF BEGINNING. Containing 1,531,106.01 square feet or 35.1494 acres, more or less.

Parcel No. 32000-00-721

Legal Description: Tract 2

A parcel of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 36; thence S00°54'39"W. coincident with the West line of the SW¹/₄ of Section 36, a distance of 45.51 feet to the POINT OF BEGINNING of a parcel of land described herein; thence S.89°05'31"E., a distance of 314.27 feet to a point of curve to the left having a radius of 330.00 feet and a central angle of 27°49'08"; thence Easterly along the arc, a distance of 160.23 feet; thence N.63°05'24"E., a distance of 286.99 feet to a point of curve to the right having a radius of 270.00 feet and a

central angle of $06^{\circ}10'35''$; thence Northeasterly along the arc a distance of 29.11 feet; thence $S.20^{\circ}44'01''E.$, a distance of 32.68 feet; thence $S.89^{\circ}17'03''E.$, a distance of 528.65 feet; thence $S.00^{\circ}50'31''W.$, a distance of 1,569.44 feet; thence $N.89^{\circ}09'29''W.$, a distance of 1,291.10 feet; thence $N.00^{\circ}54'39''E.$ coincident with the West line of the SW1/4, a distance of 1,415.29 feet to the POINT OF BEGINNING, County of El Paso, State of Colorado.

Parcel No. 32000-00-718

Legal Description: Tract 3

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the SW corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence $N.00^{\circ}54'39''E.$ coincident with the West line of the SW1/4 of said Section 36, a distance of 1,194.83 feet; thence $S.89^{\circ}09'29''E.$, a distance of 1,291.10 feet; thence $S.00^{\circ}50'31''W.$, a distance of 1,181.45 feet; thence $N.89^{\circ}45'04''W.$ coincident with the South line of said SW1/4, a distance of 1,292.61 feet to the POINT OF BEGINNING.

Containing 1,534,855.69 square feet or 35.2354 acres, more or less.

Parcel No. 32000-00-717

Legal Description: Tract 4

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the SW corner of said Section 36; thence $N.00^{\circ}54'39''E.$ coincident with the West line of said SW1/4, a distance of 1,194.83 feet; thence $S.89^{\circ}09'29''E.$, a distance of 1,291.10 feet to the POINT OF BEGINNING of a tract of land described herein; thence $N.00^{\circ}50'31''E.$, a distance of 1,569.44 feet; thence $S.89^{\circ}17'10''E.$, a distance of 835.16 feet; thence $S.00^{\circ}34'59''W.$, a distance of 1,119.79 feet; thence $S.89^{\circ}25'01''E.$, a distance of 482.27 feet; thence $S.00^{\circ}48'51''W.$ coincident with the North-South centerline of said Section 36, a distance of 453.72 feet; thence $N.89^{\circ}09'29''W.$, a distance of 1,322.70 feet to the POINT OF BEGINNING. Containing 1,534,975.67 square feet or 35.2382 acres, more or less.

Subject to a 10 ft. for Ingress Egress Access Easement along the East line of Tract

Parcel No. 32000-00-715

Legal Description: Tract 5

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the South Quarter corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'04"W. coincident with the South line of the SW1/4, a distance of 1,323.34 feet; thence N.00°50'31"E., a distance of 1,181.45 feet; thence S.89°09'29"E., a distance of 1,322.70 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence S.00°48'51"W., a distance of 280.78 feet; (2) thence continue southerly along said line, a distance of 886.97 feet to the POINT OF BEGINNING. Containing 1,553,979.63 square feet or 35.6745 acres, more or less.

Subject to a 10 ft. Ingress Egress Access Easement along the East side of Tract 5.

Parcel No. 32000-00-719

Legal Description: Tract 6

A tract of land being a portion of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Center Quarter of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence S.00°52'31"W. coincident with the Northsouth centerline of said Section 36, a distance of 260.01 feet; thence S.89°16'39"E., a distance of 1,307.19 feet; thence S.00°50'01"W., a distance of 755.38 feet; thence N.89°09'29"W., a distance of 1,308.67 feet; thence N.89°25'01"W., a distance of 482.27 feet; thence N.00°34'59"E., a distance of 1,119.79 feet; thence S.89°17'07"E., a distance of 488.73 feet; thence S.00°46'58"W. coincident with the Northsouth centerline of said Section 36, a distance of 106.02 feet to the POINT OF BEGINNING.

Containing 1,529,849.28 square feet or 35.1205 acres, more or less.

Parcel No. 32000-00-720

Legal Description: Tract 7

Tract 7A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the Southeast Corner of said Section 36; thence N.00°49'31"E. coincident with the East line of the SE1/4 of said Section 36, a distance of 860.57 feet to the POINT OF BEGINNING of a tract of land described herein; thence N.89°10'29"W., a distance of 2,615.96 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence N.00°48'51"E., a distance of 280.78 feet; (2) thence continue northerly along said line, a distance of 453.72 feet; thence S.89°09'29"E., a distance of 1,308.67 feet; thence S.00°49'33"W., a distance of 296.31 feet; thence S.89°31'08"E., a distance of 1,307.46 feet; thence S.00°49'30"W. coincident with the East line of the SE1/4 of said Section 36, a distance of 445.66 feet to the POINT OF BEGINNING.

Containing 1,538,457.37 square feet or 35.3181 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 7, Also see attached Access and Well Easement.

Parcel No. 32000-00-720

Legal Description: Tract 8

A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'11"W. coincident with the South line of said SE1/4, a distance of 2,615.93 feet; thence N.00°48'51"E. coincident with the Northsouth centerline of said Section 36, a distance of 886.97 feet; thence S.89°10'29"E., a distance of 2,615.96 feet; thence S.00°49'31"W. coincident with the East line of the said SE1/4, a distance of 860.57 feet to the POINT OF BEGINNING.

Containing 2,285,667.83 square feet or 52.4717 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 8.