

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. P-21-007  
FALCON FIELD RESIDENTIAL**

**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 and Exhibit B, which is attached hereto and incorporated herein by reference from the CR (Commercial Regional) zoning district to RM-12 (Residential, Multi-Dwelling) and RS-5000 (Residential Suburban) zoning districts; and

**WHEREAS**, a public hearing was held by this Commission on February 17, 2022; 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 CR (Commercial Regional) zoning district to the RM-12 (Residential, Multi-Dwelling) and RS-5000 (Residential Suburban) zoning districts 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 RS-5000 (Residential Suburban) zoning district for the portion of the property rezoned to RS-5000 and the RM-12 (Residential Multi-Dwelling) zoning district for the portion of the property rezoned to RM-12 and with the applicable sections of the El Paso County Land Development Code and Engineering Criteria Manual.
3. A Colorado Department of Transportation (CDOT) access permit shall be required for the proposed development. The applicant shall comply with all CDOT access permit requirements.

#### **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. 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**, that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Lucia-Treese 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 Lucia-Treese	aye
Commissioner Merriam	aye
Commissioner Moraes	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: February 17, 2022



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Brian Risley, Chair

## EXHIBIT "A"

### RESIDENTIAL PROPERTY [ZONE: RM-12]

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 13 SOUTH, AND RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, 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 REFERED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT HE 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 COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE IS ASSUMED TO BEAR N89°08'49"W)

BEGINNING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO.1" AS DESCRIBED IN PLAT BOOK Y-3, 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 (3) THREE COURSES ARE ON THE WESTERLY AND NORTHERLY LINES OF SAID "ARROWHEAD ESTATES FILING NO.1";

- 1) THENCE S00°46'01"W A DISTANCE OF 1,185.50 FEET;
- 2) THENCE S86°02'56"W A DISTANCE OF 327.55 FEET;
- 3) THENCE S00°19'57"W A DISTANCE OF 68.25 FEET TO THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202090702 OF SAID RECORDS;

THENCE N89°59'12"W A DISTANCE OF 430.50 FEET ON SAID NORTHERLY LINE TO THE SOUTHWESTERLY CORNER OF "VERBURG SUBDIVISION WAIVER", A TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 201000639 OF SAID RECORDS;

THENCE N00°14'16"E A DISTANCE OF 784.95 FEET ON THE EASTERLY LINE OF SAID "VERBURG SUBDIVISION WAIVER";

THENCE N50°03'23"E, DEPARTING SAID EASTERLY LINE, A DISTANCE OF 517.17 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,181.70 FEET, A DELTA ANGLE OF 07°26'01", AN ARC LENGTH OF 283.06 FEET, WHOSE LONG CHORD BEARS N46°20'23"E A DISTANCE OF 282.86 FEET;

THENCE S78°00'01"E A DISTANCE OF 172.92 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 808,035 SQUARE FEET OR 18.550 ACRES, MORE OR LESS.

## EXHIBIT "B"

### RESIDENTIAL PROPERTY [ZONE: RS-5000]

Date: September 17, 2021

#### DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 13 SOUTH, AND RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, 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 REFERED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT HE 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 COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE IS ASSUMED TO BEAR N89°08'49"W)

COMMENCING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO.1" AS DESCRIBED IN PLAT BOOK Y-3, 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 S88°55'09"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 415.41 FEET TO THE POINT OF BEGINNING;

THENCE N16°00'57"W A DISTANCE OF 361.04 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET, A DELTA ANGLE OF 05°30'50", AN ARC LENGTH OF 54.37 FEET, WHOSE LONG CHORD BEARS N78°42'31"E A DISTANCE OF 54.35 FEET;

THENCE N08°32'04"W A DISTANCE OF 26.64 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON THE ARC OF SAID REVERSE CURVE, HAVING A RADIUS OF 700.00 FEET, A DELTA ANGLE OF 15°31'41", AN ARC LENGTH OF 189.71 FEET, WHOSE LONG CHORD BEARS N16°17'54"W A DISTANCE OF 189.13 FEET TO A POINT OF REVERSE CURVE;

THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 500.00 FEET, A DELTA ANGLE OF 24°55'00", AN ARC LENGTH OF 217.44 FEET, WHOSE LONG CHORD BEARS N11°36'14"W A DISTANCE OF 215.73 FEET;

THENCE N00°51'15"E A DISTANCE OF 78.63 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RIO ROAD, A 60 FOOT WIDE RIGHT OF WAY SHOWN ON "FALCON RANCH ESTATES SUBDIVISION" AS RECORDED IN PLAT BOOK T-2 AT PAGE 47 OF SAID RECORDS;

THENCE S89°08'45"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1041.23 FEET:

THENCE S00°13'30"E A DISTANCE OF 856.92 FEET TO THE NORTHERLY LNE OF SAID "ARROWHEAD ESTATES FILING NO.1";

THENCE N88°55'09"W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 899.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 839,151 SQUARE FEET OR 19.265 ACRES, MORE OR LESS.