

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

SMITH moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P247

MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI

WHEREAS, CS 2005 Investments III LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the PUD (Planned Unit Development) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 1, 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, 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 were 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 and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an 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. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. 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.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County 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 Planning Commission recommends that the petition of CS 2005 Investments III LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the RM-30 (Residential Multi-Dwelling) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### 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 RM-30 (Residential Multi-Dwelling) Zoning District and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. A updated Traffic Impact Study addressing comments from Colorado Department of Transportation (CDOT) comment letter dated June 26, 2024, and City of Fountain comment letter dated June 26, 2024, shall be submitted at the time of Final Plat.
4. A Development Agreement in accordance with the terms described in the comment letter dated June 26, 2024, shall be satisfied at the time of Final Plat.

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 El Paso County Board of County Commissioners for its consideration.

BRITAIN - JACK seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettepelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 1st day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, RECORDS OF EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SOUTH ACADEMY HIGHLANDS FILING NO. 4 RECORDED UNDER RECEPTION NO. 222714970, EL PASO COUNTY, COLORADO; THENCE N 53° 59' 29" E, ALONG THE NORTHERLY LINE OF OF SAID SOUTH ACADEMY HIGHLANDS FILING NO. 4 (BASIS OF BEARING), A DISTANCE OF 226.24 FEET TO THE POINT OF BEGINNING;

THENCE N 36° 03' 36" W, A DISTANCE OF 155.65 FEET;  
THENCE N 21° 58' 47" W, A DISTANCE OF 272.69 FEET;  
THENCE N 02° 32' 04" W, A DISTANCE OF 127.26 FEET;  
THENCE N 21° 58' 47" W, A DISTANCE OF 284.99 FEET;  
THENCE N 08° 14' 28" W, A DISTANCE OF 450.13 FEET;  
THENCE N 18° 57' 10" E, A DISTANCE OF 224.76 FEET;  
THENCE N 68° 01' 13" E, A DISTANCE OF 452.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF VENETUCCI BOULEVARD;

THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID VENETUCCI BOULEVARD, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

- 1) THENCE S 05° 08' 43" W, A DISTANCE OF 273.53 FEET TO A POINT OF CURVATURE;
- 2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 605.23 FEET, A CENTRAL ANGLE OF 27° 13' 21" AND AN ARC LENGTH OF 287.56 FEET, THE CHORD OF WHICH BEARS S 08° 29' 34" E, A DISTANCE OF 284.86 FEET;
- 3) THENCE S 22° 05' 07" E, A DISTANCE OF 501.69 FEET TO A POINT OF CURVATURE;
- 4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 559.98 FEET, A CENTRAL ANGLE OF 21° 34' 55", AND AN ARC LENGTH OF 210.93 FEET, THE CHORD OF WHICH BEARS S 11° 17' 40" E, A DISTANCE OF 209.68 FEET;
- 5) THENCE S 00° 30' 13" E, A DISTANCE OF 51.77 FEET;
- 6) THENCE S 89° 29' 47" W, A DISTANCE OF 17.00 FEET;
- 7) THENCE S 00° 30' 13" E, A DISTANCE OF 162.77 FEET TO A POINT ON THE NORTH LINE OF LOT 1, SAID SOUTH ACADEMY HIGHLANDS FILING NO. 4;

THENCE ALONG THE NORTH LINES OF SAID LOT 1, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) THENCE S 89° 29' 47" W, A DISTANCE OF 62.19 FEET TO A POINT OF CURVATURE;
- 2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.00 FEET, A CENTRAL ANGLE OF 35° 28' 54", AND AN ARC LENGTH OF 147.39 FEET, THE CHORD OF WHICH BEARS S 71° 44' 23" W, A DISTANCE OF 145.04 FEET;
- 3) THENCE S 53° 59' 29" W, A DISTANCE OF 190.95 FEET TO THE POINT OF BEGINNING.

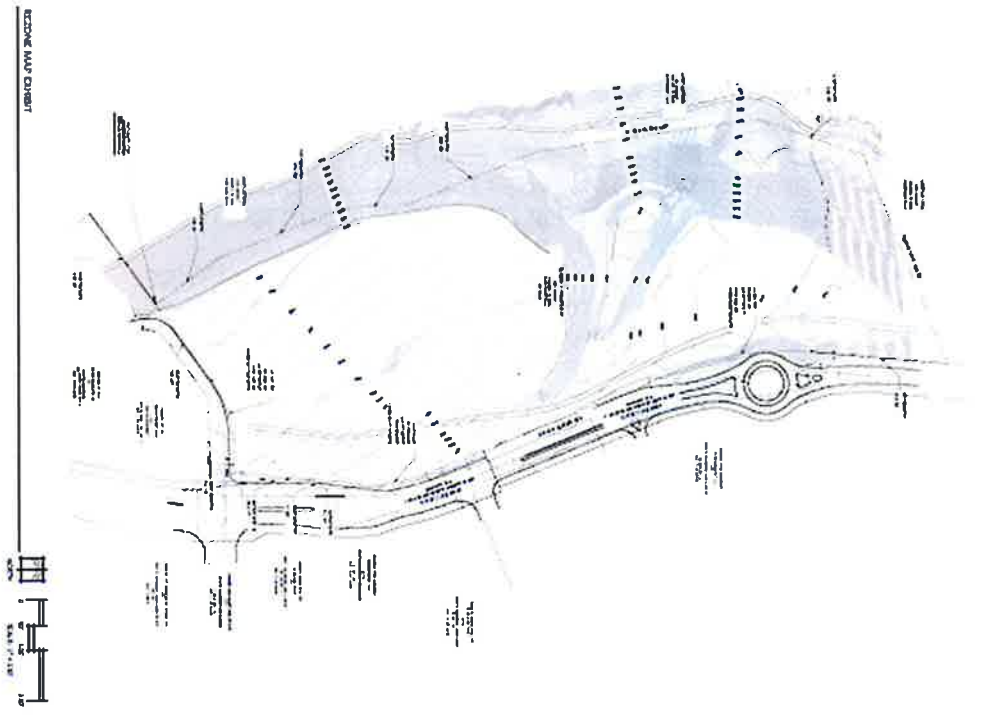
CONTAINING AN AREA OF 706,949 SQUARE FEET OR 16.229 ACRES, MORE OR LESS.

EXHIBIT B

LEGAL DESCRIPTION

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ZONING MAP  
THOMPSON THRIFT - VENETUCCI  
COMMENCING AT THE NORTH/WESTERLY CORNER OF SOUTH ACADEMY HIGHLANDS BLVD. & 4 RECORDED UNDER  
RECEPTION NO. 222714970, EL PASO COUNTY, COLORADO



SITE DATA

PROJECT TEAM  
 PROJECT NO. 1  
 PROJECT NAME  
 PROJECT ADDRESS  
 PROJECT CITY  
 PROJECT STATE  
 PROJECT ZIP

NCS  
NORTHWEST CONSULTANTS  
1000 17th Street, Suite 1000  
Boulder, Colorado 80502  
Phone: 303.440.1000  
Fax: 303.440.1001  
www.northwestconsultants.com

THOMPSON  
THRIFT  
VENETUCCI  
ZONING MAP  
10/1/2013

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ZONING MAP