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RESOLUTION NO. 20- 394

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE PAINT BRUSH HILLS 14 MAP AMENDMENT (REZONING) (P-18-005)

WHEREAS Aeroplaza Fountain, LLC and Heidi, 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 RS-20000 (Residential Suburban) zoning district to the RS-6000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 15, 2020, 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 November 10, 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, 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 Aeroplaza Fountain, LLC and Heidi, 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 RS-20000 (Residential Suburban) zoning district to the RS-6000 (Residential Suburban) 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 RS-6000 (Residential Suburban) 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 10th day of November, 2020, at Colorado Springs, Colorado.

ATTEST:

By: _____

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____

Chair

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line. The signature is positioned to the right of the 'By:' label and above the 'Chair' title.

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, T12S, R65W OF THE 6TH P. M., EL PASO COUNTY, COLORADO, SAID PARCEL BEING A PORTION OF TRACT E, "PAINT BRUSH HILLS FILING NO. 13E", RECORDED UNDER RECEPTION NO. 219714420 IN THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BASIS OF BEARING: THE SECTION LINE BEING THE NORTH LINE OF TRACT A, TRACT E, AND A PORTION OF TRACT F "PAINT BRUSH HILLS FILING NO. 13E", AS RECORDED UNDER RECEPTION NO. 219714420, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T12S, R65W OF THE 6TH P. M. WITH A 2.5" ALUMINUM CAP ON NO. 6 REBAR STAMPED "1/4 COR, S23 S26, 1999, PLS 4842", AND AT THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26 WITH A 1.5" ALUMINUM CAP ON NO. 5 REBAR STAMPED "(PARTIALLY ILLEGIBLE) LS 9646", SAID LINE BEARS N88°44'51"E A DISTANCE OF 2640.30 FEET.

COMMENCING AT A POINT ON THE SOUTHERLY BOUNDARY OF SAID TRACT E, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 2, "PAINT BRUSH HILLS FILING NO. 12" AS RECORDED UNDER RECEPTION NUMBER 205077511 IN THE RECORDS OF EL PASO COUNTY, COLORADO, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;
THENCE N15°35'00"E A DISTANCE OF 76.76 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 13°23'30" (THE CHORD OF WHICH BEARS N22°16'45"E A DISTANCE OF 123.59 FEET), AN ARC DISTANCE OF 123.88 FEET TO THE POINT OF COMPOUND CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 861.00 FEET, A CENTRAL ANGLE OF 1°45'29" (THE CHORD OF WHICH BEARS N29°51'14"E A DISTANCE OF 26.42 FEET), AN ARC DISTANCE OF 26.42 FEET TO THE POINT OF BEGINNING;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 11°06'05" (THE CHORD OF WHICH BEARS N69°26'58"W A DISTANCE OF 58.04 FEET), AN ARC DISTANCE OF 58.13 FEET TO A POINT OF TANGENT;
THENCE N75°00'00"W A DISTANCE OF 18.91 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 29°00'00" (THE CHORD OF WHICH BEARS N89°30'00"W A DISTANCE OF 200.30 FEET), AN ARC DISTANCE OF 202.46 FEET TO A POINT OF TANGENT;

THENCE S76°00'00"W A DISTANCE OF 86.98 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 103°25'00" (THE CHORD OF WHICH BEARS N52°17'30"W A DISTANCE OF 470.92 FEET), AN ARC DISTANCE OF 541.49 FEET TO A POINT OF TANGENT;

THENCE N00°35'00"W A DISTANCE OF 1422.70 FEET;

THENCE N89°25'00"E A DISTANCE OF 973.05 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 47°05'00" (THE CHORD OF WHICH BEARS S67°02'30"W A DISTANCE OF 319.53 FEET), AN ARC DISTANCE OF 328.70 FEET TO A RADIAL LINE;

THENCE N46°30'00"E A DISTANCE OF 66.14 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 26°30'00" (THE CHORD OF WHICH BEARS N59°45'00"W A DISTANCE OF 229.20 FEET), AN ARC DISTANCE OF 231.26 FEET TO A POINT OF TANGENT;

THENCE N73°00'00"E A DISTANCE OF 235.00 FEET;

THENCE S74°29'50"W A DISTANCE OF 55.00 FEET;

THENCE N89°36'37"E A DISTANCE OF 206.47 FEET;

THENCE S00°23'24"E A DISTANCE OF 597.27 FEET;

THENCE N60°40'00"W A DISTANCE OF 136.45 FEET;

THENCE N75°42'49"W A DISTANCE OF 136.63 FEET;

THENCE S82°53'20"W A DISTANCE OF 58.52 FEET;

THENCE S74°48'43"W A DISTANCE OF 68.80 FEET;

THENCE S25°20'00"W A DISTANCE OF 45.27 FEET;

THENCE N64°40'00"W A DISTANCE OF 56.93 FEET;

THENCE S25°20'00"W A DISTANCE OF 50.00 FEET;

THENCE S64°40'00"E A DISTANCE OF 16.93 FEET;

THENCE S25°20'00"W A DISTANCE OF 823.76 FEET TO A POINT ON CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 32°16'35" (THE CHORD OF WHICH BEARS S41°28'18"W A DISTANCE OF 261.28 FEET), AN ARC DISTANCE OF 264.77 FEET TO A POINT OF REVERSE CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 861.00 FEET, A CENTRAL ANGLE OF 26°52'37" (THE CHORD OF WHICH BEARS S44°10'17"W A DISTANCE OF 400.19 FEET), AN ARC DISTANCE OF 403.89 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 2,434,903 S.F. (55.898 ACRES) MORE OR LESS.