


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
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**CAMI BREMER**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners**  
**Mark Waller, Chair**

**FROM: Lindsay Darden, Planner II**  
**Gilbert LaForce, PE Engineer III**  
**Craig Dossey, Executive Director**

**RE: Project File #: P-18-005**  
**Project Name: Paint Brush Hills 14 Rezone**  
**Parcel No.: 52261-01-009**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Aeroplaza Fountain, LLC and Heidi, LLC 212 N. Wasatch Avenue, Suite 301 Colorado Springs, CO 80903-3476	Matrix Design Group, Inc. 2435 Research Parkway, Suite 300 Colorado Springs, CO 80920

**Commissioner District: 2**

Planning Commission Hearing Date:	10/15/2020
Board of County Commissioners Hearing Date:	11/10/2020

**EXECUTIVE SUMMARY**

A request by Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a map amendment (rezoning) of 55.898 acres from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). The property is located approximately 1.06 miles west of the Meridian Road and Londonderry Drive intersection at the northwest corner of Keating Drive and Devoncove Drive and is within Section 26, Township 12 South, Range 65 West of the 6th P.M. The property is located within both the Falcon/Peyton Small Area Master Plan (2008) and the Black Forest Preservation Plan (1987).

2880 INTERNATIONAL CIRCLE, SUITE 110  
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
 FAX: (719) 520-6695

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a map amendment (rezoning) of 55.898 acres from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban).

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this application.

**Authorization to Sign:** There are no documents associated with this application that require signature.

**B. Planning Commission Summary**

Request Heard: As a Consent item at the October 15, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Advertised in Shopper’s Press on October 21, 2020.

**C. APPROVAL CRITERIA**

In approving a map amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

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.

**D. LOCATION**

North:	RR-2.5 (Residential Rural)	Paint Brush Hills Filing No. 3
South:	RS-20000 (Residential Suburban)	Paint Brush Hills Filing No. 12
East:	RS-6000 (Residential Suburban)	Paint Brush Hills Filing No. 13E
West:	RR-5 (Residential Rural)	Vacant Land

## **E. BACKGROUND**

The subject parcel was initially zoned A-4 (Agricultural) on September 20, 1965 when that portion of El Paso County was zoned. In 1984, the property was rezoned from the A-4 (Agricultural) to the R (Residential) zoning district (PCD File No. P84026Z). Over the years, the nomenclature in the Code has changed, and the R zoning district has been renamed to the RS-20000 (Residential Suburban) zoning district. In 2004, the property was included in the Paint Brush Hills 2 Preliminary Plan (PCD File No. SP-04-006), which depicted residential lot sizes ranging from approximately 20,000 square feet to 46,000 square feet. The 88.63 acre parcel is currently platted as Tract E of Paint Brush Hills Filing No.13E (SF-18-009). The applicants are requesting to rezone a 55.898-acre portion of the 88.63-acre Tract from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). If the map amendment (rezone) is approved, then the applicants anticipate submitting subsequent preliminary plan(s) and a final plat(s).

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

The applicants are proposing to rezone a 55.898 acre portion of the Tract to the RS-6000 zoning district and to leave the remainder of the Tract as RS-20000. The Tract is surrounded on three sides by other phases of the Paint Brush Hills Development. Parcels to the north (Paintbrush Hills Filing No. 3) are zoned RR-2.5 (Residential Rural) with lot sizes of approximately 3.4 acres. Lots to the south (Paintbrush Hills Filing No. 12) are zoned RS-20000 (Residential Suburban) with lot sizes averaging 20,000 square feet. Lots to the east (Paintbrush Hills Filing No. 13E) are zoned RS-20000 (Residential Suburban) and RS-6000 (Residential Suburban) with lot sizes ranging from approximately 10,000-20,000 square feet. To the west of the subject parcel are two vacant unplatted parcels that comprise approximately 62 acres and are currently zoned RR-5 (Rural Residential). The proposed map amendment (rezone) area will be surrounded by the RS-20000 remainder parcel of Tract E to the north and west and RS-6000 to the east and south due to only a portion of Tract E being included in this map amendment (rezoning) request.

The subject parcel was originally included in the Paint Brush Hills Phase 2 Preliminary Plan (SP-04-006) which was approved on December 6, 2004. Although the minimum lot size permitted within the RS-20000 (Residential Suburban) zoning district is 20,000 square feet, the preliminary plan showed lot sizes within the requested map amendment area ranging from approximately 20,000 square feet to approximately 40,000 square feet. The larger 40,000 square foot lots were located along the north and west to provide a transition to

the adjacent lower density residential lots while the smaller lots were depicted in the central portion of the development.

The current request is to rezone 55.898 acres of the 88.63-acre Tract E to RS-6000 (Residential Suburban). The remainder of the Tract E (approximately 32.73 acres) will retain its current RS-20000 (Residential Suburban) zoning designation and, per the applicants' letter of intent, will retain the larger lots averaging 40,000 square feet. This will provide a lower density residential buffer that is approximately 300 feet wide between the proposed RS-6000 zoning area and the lower density rural residential zoned lots to the north and west of Tract E. Using the minimum lot size for the RS-6000 (Residential Suburban) zoning district, the 55.898 acre area proposed for rezoning could yield as many as 405 residential lots as compared to 121 lots, which is the number of lots that would be allowed with the current RS-20000 (Residential Suburban) zoning designation. While the zoning map submitted by the applicants does not show the lot sizes proposed for each zoning area of the Tract, the applicants' letter of intent describes and depicts a total of 224 residential lots. Per the conceptual lot layout provided in the letter of intent, 30 lots are proposed on the portion of the tract that would retain the RS-20000 (Residential Suburban) zoning designation. The applicants are proposing 194 lots within the 55.898 acre rezone area (3.47 dwelling units per acre) with this request. This would result in an overall density of 2.53 dwelling units per acre for Tract E with lot sizes averaging 47,530 square feet for the RS-20000 (Residential Suburban) zoned portion of the tract and lot sizes averaging 12,551 square feet for the portion of the tract to be rezoned to RS-6000.

The densities allowed within the RS-6000 (Residential Suburban) zoning district would not be compatible if it were not for the applicants proposing to retain an approximately 300 foot wide portion of the RS-20000 (Residential Suburban) zoning district which will act as a density transition from the adjacent RR-2.5 (Rural Residential) and RR-5 (Rural Residential) zoned parcels. Similar to the layout shown on the Paintbrush Hills Phase 2 Preliminary Plan that was referenced above, the proposed layout will allow for the smaller lots to be located in the central portion of the development and would retain larger lots along the north and west portion of the development in order to ensure a transition from the higher density suburban residential development.

The allowed uses within the RS-6000 (Residential Suburban) zoning district and the RS-20000 (Residential Suburban) zoning are the same with the exception that agricultural structures are not permitted in the RS-6000 zoning district and attached single-family dwellings are permitted where central services are

available. Retaining the RS-20000 (Residential Suburban) zoned portion of Tract E with creates a density transition, therefore, the proposed RS-6000 map amendment (rezone) is generally compatible with the surrounding area regarding use and density.

## 2. Zoning Compliance

The applicants are requesting to rezone 55.898 acres to the RS-6000 (Residential Suburban) zoning district. The RS-6000 (Residential Suburban) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RS-6000 (Residential Suburban) zoning district are as follows:

- Minimum lot size – 6,000 square feet
- Minimum width at the front lot line - 50 feet
- Setbacks - 25 in the front and rear, 5 on the sides
- Maximum height - 30 feet

A preliminary plan and final plat will be required to subdivide the 55.89-acre area into individual lots. The applicants will be required to demonstrate compliance with the RS-6000 (Residential Suburban) zoning district dimensional standards in association with each of the future preliminary plan and final plat applications.

## 3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***Policy 6.1.3-*** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

***Policy 6.2.1*** – Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

***Policy 6.1.11-*** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The subject parcel is currently zoned RS-20000 (Residential Suburban) and is surrounded by other RS-6000 (Residential Suburban) zoned parcels to the east (Paintbrush Hills Filing No.13E), vacant RR-5 (Rural Residential) zoned parcels to the west, RR-2.5 (Residential Rural) zoned parcels to the north (Paintbrush Hills Filing No. 3), and RS-20000 (Residential Suburban) zoned parcels to the south (Paintbrush Hills Filing No. 12). The area included with this rezone request is a 55.898 acre portion of Tract E. The remainder of Tract E that is not included in the rezone request is located to the north and west of the area to be rezoned which allows for a density buffer between the proposed area of RS-6000 (Residential Suburban) zoning and the adjacent lower density rural residential development.

The proposed development is a continuation of the existing Paint Brush Hills Development and, if approved, the rezoning would expand the acreage allocated to RS-6000 (Residential Suburban) zoning within the development. As shown on the lot layout concept plan included in the letter of intent, the minimum lot size for the RS-6000 (Residential Suburban) is 6,000 square feet; however, the applicants are proposing to limit the number of lots proposed within the rezone area to 194 lots. This would make the average lot size 12,551 square feet which is consistent with the lot sizes to the east of the subject parcel included in the Paintbrush Hills Filing No. 13E final plat which are zoned RS-6000 (Residential Suburban) and RS-20000 (Residential Suburban) with lot sizes ranging from approximately 10,000-20,000 square feet.

The 32.73-acre remainder of the parcel that is not included in this rezoning will retain the RS-20000 (Residential Suburban) zoning designation and provide an approximately 300 foot buffer of larger lots that are adjacent to the rural residential zoned parcels to the west and north. With the retention of the 300 foot RS-20000 buffer and transition, the proposed map amendment (rezone) can be found to be in general conformance with the Policy Plan.

#### **4. Small Area Plan Analysis**

The property is located within both the Falcon/Peyton Small Area Master Plan (2008) and the Black Forest Preservation Plan (1987).

##### **Falcon/Peyton Small Area Master Plan (2008):**

The property is located within the Black Forest Cooperative Planning Area as depicted on the Falcon/Peyton Small Area Master Plan (2008)

Recommendations Map. This means that the subject parcel is within the boundaries of both the Falcon/Peyton Small Area Master Plan and the Black Forest Preservation Plan and development should be consistent with both plans.

The Falcon/Peyton Plan - (Page 1) Figure 4-5 - Recommendations Plan, shows this area as being recommended for urban density development. The Plan defines “Urban Density” as: “Parcel sizes are less than 2.5 acres, typically less than 1 acre. These areas are served by urban level infrastructure, including roadways, water distribution, and wastewater treatment.” The proposed rezoning to RS-6000 (Residential Suburban) with lots being served with water and sewer by the Paint Brush Hills Metropolitan District is compliant with the development pattern envisioned in the Falcon/Peyton Small Area Master Plan.

**Black Forest Preservation Plan (1987):**

Map 12 of the Black Forest Preservation Plan designates the subject parcel as being within Sub-area 9 – Southeastern Mixed-Use Area. The Concept Plan designates this area to be a “balanced mix of urban density uses phased from south to north” and recommends that “adequate buffers be provided around existing low-density residential development”. Relevant policies are as follows:

- Policy 9.12 - Encourage the joint utilization of regional water and sanitation systems in urban density areas and discourage the proliferation of small individual systems.
- Policy 1.2 - Allow nodes of higher density residential, commercial, and industrial development only in those area specifically designated on the Concept Plan and described in the Land Use Scenario.

Water and sewer is proposed to be provided by the Paint Brush Hills Metropolitan District. The land use scenario for the Southeastern Mixed-Use area recommends that the urban densities be buffered from the surrounding lower density residential development. This project is a continuation of the existing Paint Brush Hills RS-6000 rezone area that is located adjacent to the east of the proposed rezone area. (Filing No. 13E) The applicants are proposing to limit the number of lots proposed within the rezone area within Tract E to 194 lots for an average lot size of 12,551 square feet which is consistent with the lot sizes for the existing RS-6000 zoned area to the east. The remainder of Tract E will retain the lower density RS-20000 zoning designation and provide a buffer of approximately 300 feet between the proposed area of RS-6000 zoning and the lower density residential rural zoning to the north and west of Tract E. The proposed map amendment (rezone) is generally compatible with the Black Forest Preservation Plan.

**5. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies

that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

- Policy 5.5.1 Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central water system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.
- Policy 6.0.11 Continue to limit urban level development to those areas served by centralized utilities.

The subject property is located within Region 3, Falcon Area, which is anticipated to experience significant growth through 2060. Specifically, the Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch.”

The subject parcel is located within one of those areas specified as being anticipated to experience growth by the year 2040.

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the projected demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year, whereas the demand is anticipated to be 8,307-acre feet per year, therefore, there is projected be a shortage of supply of water for this region.

The plan identifies that the majority of the water for this region comes from non-renewable water sources:

“Denver Basin water comprises a large share of future supplies for Regions 2, 3, 4a, 4b, 4c, 5, 6, and 8. As previously discussed, heavy use of Denver Basin supplies is not expected to be economically sustainable over the long term. Water supplies in these regions may need to be diversified in the years ahead, depending on local aquifer conditions. (page 68)”



The applicants are proposing to connect with the Paint Brush Hills Metropolitan District for water and wastewater and the District has provided commitment letters for both water and wastewater for the proposed development. A finding of sufficiency regarding water quantity, quality, and dependability is not required for a map amendment (rezone).

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Community Services, Environmental Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicants indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There are no hazards identified with this project at time of rezone request.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

### **3. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0535G, which has an effective date of December 7, 2018 indicates the subject parcel is located within Zone X, areas outside of the 500-year floodplain.

### **4. Drainage and Erosion**

A drainage report is not required nor was one provided with this map amendment (rezone) application. The next phase of development for this site, which will be the preliminary plan stage, will require the submittal of a preliminary drainage report. The development is in the Falcon drainage basin (CHWS1400) which is

included in the El Paso County Drainage Basin Fee program. Applicable drainage and bridge fees shall be paid at the time of plat recordation.

Grading and erosion control are not required with map amendment (rezone) request. At the preliminary plan stage of development, a grading and erosion control plan will be required if the applicants request pre-development grading.

## **5. Transportation**

The El Paso County Major Transportation Corridors Plan Update (2016) does not depict roadway improvement projects in the immediate vicinity of the development.

Per the applicants' traffic impact study, this development is expected to generate 2,115 vehicle trips on the average weekday. The study projects a 2040 level of service (LOS) D or better along Londonderry Drive and Towner Avenue. The threshold for acceptable LOS in the Engineering Criteria Manual is D or better.

The El Paso County Transportation Impact Fee will be applicable to final plats within this development. Per the traffic impact study, the development is intending to be included in the 10-mill public improvement district (PID).

## **H. SERVICES**

### **1. Water**

Water is provided by the Paint Brush Hills Metropolitan District. The district has provided a commitment letter to provide central water service to the rezone area.

### **2. Sanitation**

Wastewater is provided by the Paint Brush Hills Metropolitan District. The district has provided a commitment letter to provide wastewater service to the rezone area.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no remaining comments but will require that final plat and fire hydrant plans be submitted to the District for future review.

### **4. Utilities**

Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

## **5. Metropolitan Districts**

The subject parcel is within the Paint Brush Hills Metropolitan District. The district has provided a commitment letter to provide central water and wastewater service. The combined mill levy for the metropolitan district is 58.537 mills.

## **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. Per the El Paso County Parks Master Plan (2013), there are no El Paso County parks in vicinity of the subject parcel; however, Paintbrush Hills Filing 13E has provided a 25 foot wide regional trail easement which is located along the north property line of Tract E.

## **7. Schools**

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

## **I. APPLICABLE RESOLUTIONS**

See attached Resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no outstanding major issues.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends 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 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.

## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 32 adjoining property owners on September 24, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Rezone Map  
Planning Commission Draft Minutes  
Planning Commission Resolution  
Board of County Commissioners' Resolution

# El Paso County Parcel Information

File Name: P-18-005

PARCEL	NAME
5226101009	AEROPLAZA FOUNTAIN LLC

Zone Map No. --

Date: September 24, 2020



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



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# Paint Brush Hills Filing 14 Rezone Letter of Intent



VICINITY MAP

**Developer:**

Aeroplaza Fountain LLC  
212 N Wahsatch Ave., Suite 301  
Colorado Springs, Colorado 80903  
Ph: (719) 635-3200

**Planners:**

Matrix Design Group  
2435 Research Pkwy, Suite 300  
Colorado Springs, CO 80920  
Ph: (719) 575-0100

**Civil Engineers:**

M&S Civil Consultants, Inc.  
20 Boulder Crescent, Suite 110  
Colorado Springs, CO 80903  
Ph: (719) 955-5485

**Site Location, History, Size, Zoning:**

Aeroplaza Fountain LLC, is submitting a request for a Rezone to permit a minimum size 6,000 square foot lots on 56 acres as part of the Paint Brush Hills Filing 14 development. This proposed zoning request is part of the overall Paintbrush Hills Sketch Plan completed in 1984 and will be a continuation of the existing Paint Brush Hills community. The approved densities for this area of Paint Brush Hills offers a mix from 1 DU/ Acre up to 6 DU/ Acre for the Paint Brush Hills Phase 2 area of which this proposed rezoning is located.

The Paint Brush Hills subdivision encompasses approximately 300 acres and illustrates over 500 residential units. The previously approved 2006 preliminary plan for Paint Brush Hills Filing 14 illustrated approximately 124 residential units and was zoned entirely RS-20,000. As part of this 2006 approval the perimeter lots to the north and west were a minimum 1 acre in size to act as a transitional buffer from the adjacent larger rural lots. These perimeter lots along the northern and western boundary will remain zoned RS-20,000 with a minimum lot size of 1-acre. The interior portion of Filing 14 is the area proposed for rezoning to RS-6,000 to permit lot sizes of 6,000 square feet and larger.

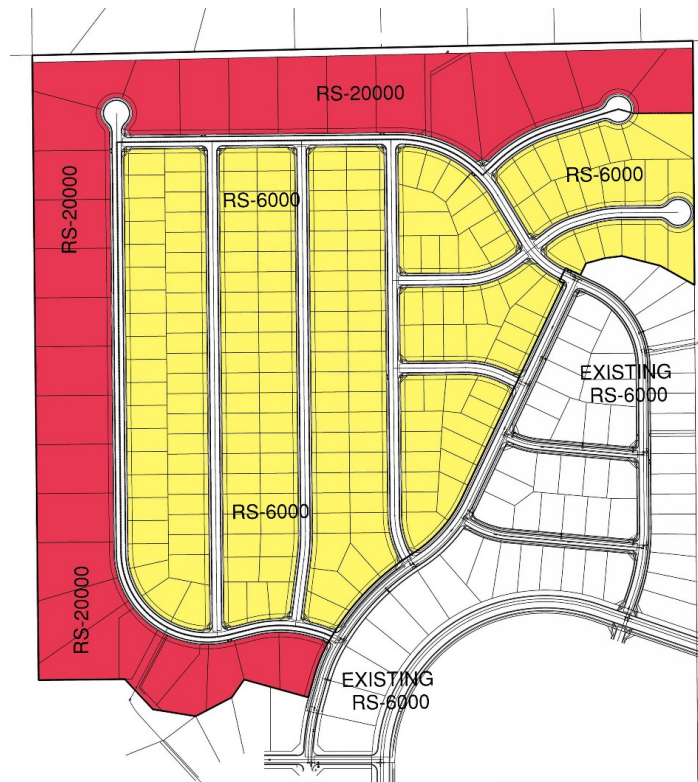
The Paint Brush Hills Filing 14 is an 88-acre site in total located at the far northwest corner of Londonderry Drive, west of Meridian Road and north of Stapleton Drive. The site is currently vacant and does not contain any natural features such as streams, creek corridors, rock outcroppings, and does not contain any significant stands of vegetation.



**Request & Justification:**

The purpose of this application is to request approval of a Rezone for the Paint Brush Hills Filing 14 project. The proposed submittal seeks to rezone 55.898 acres of the total 88.632 acres from RS-20,000 to RS-6,000 to permit a minimum size lot of 6,000 square feet. The remaining 32.734 acres will remain zoned RS-20,000 with a minimum lot size of 20,000 square feet of which most are one acre in size.

A preliminary concept layout shown illustrates approximately 224 units on the 88.63 acres for a density of 2.53 Dwelling Units per Acre. This concept plan will be the basis for future preliminary plan submittals pending approval of this rezone application. The perimeter lots, shaded red in the exhibit below, remain shown as originally approved of which these lots are a minimum 1-acre in size following the original 2006 plans. The portions shaded in yellow indicates the area to be rezoned to RS-6,000 permitting the smaller lot size.

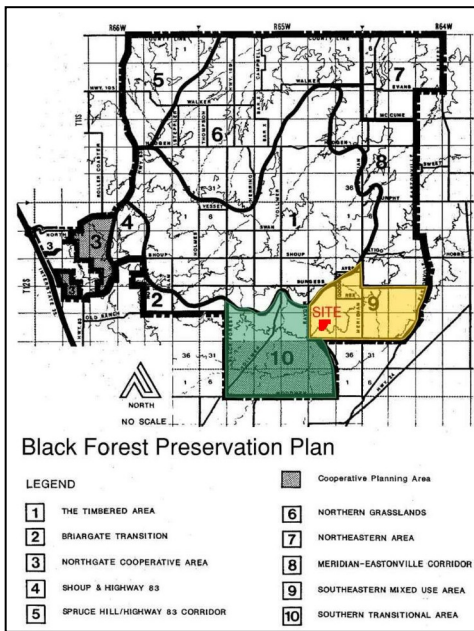


**Proposed RS-6000 Zoning  
Shown in Yellow**

The site is located within the Falcon/ Peyton Small Area Master Plan and per section 4.4.10 is part of the Black Forest Boundary Area. The project type and intensity of land uses in the vicinity of the shared boundary with Black Forest should be compatible with the long- standing policies of the Black Forest Preservation Plan.



The proposed Paintbrush Hills Filing 14 is located within the southern area of the Black Forest Preservation Plan, Planning Unit 9. The Black Forest Preservation Plan was adopted in 1987 and several key planning units are based upon the unique features of Black Forest. The Black Forest Preservation Plan Unit 9 is known as the Southeastern Mixed-Use Area. The southern portion of this planning unit, including the Paint Brush Hills site, recommends a balanced mix of urban density uses if compatible with adjacent existing development. Any existing rural residential uses should be provided with an adequate buffer. The proposed preliminary site plan meets this provision by retaining the originally approved 1-acre sized lots along the perimeter to the north and west.



In addition, the site is bordered to the west by The Black Forest Preservation Plan Unit 10 identified as the Southern Transitional and Cooperative Planning Area. Key elements of this planning area relate to major transportation corridors and density transitions. One element of this unit is low density residential buffer areas. Overall densities are expected to decrease closer to the Timber Area Edge and large lot clusters should be used to maximize open space. As with the buffering to Unit 9 described above, the proposed preliminary site plan meets this provision by retaining the originally approved 1-acre sized lots along the perimeter to the north and west.

The existing topography is gently rolling, draining to the south/ southwest where an existing off-site detention facility will capture stormwater runoff from this development. A small natural drainage way flows in a southwesterly direction; however, this drainage way is minor in nature and will not be utilized to capture stormwater runoff nor does this drainageway prevent development of this parcel. The review and approval of the utility construction drawings will be provided as part of the future final plat submittals.

The proposed rezone will not have a negative impact upon the existing and future development of the area, but rather continue with the planned sequencing of phasing and development. This design approach supports *Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses* and *Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*

The proposed single family residential use will not overburden the capacities of existing or planned roads, utilities or other public features, drainage, police protection,

emergency services, and water/ wastewater services as these services have been planned for in advance and are adequately sized to meet the demands of this phase and other future phases. Water and wastewater sufficiency will be provided with future preliminary plan submittals. By providing open space areas and extending existing utility services already approved and in place, the proposed rezone supports *Policy 6.1.5: Support the development of well-planned mixed-use projects* and *Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

The geotechnical investigation prepared by ENTECH Engineering, Inc. from March 5, 2004 identified no geologic hazards that would preclude development of the site for construction of residential structures; however, the report identified existing geologic and engineering geologic conditions that will impose constraints on some development and construction. The most notable constraints that may affect development include shallow bedrock and on-site surface drainage. It is noted that these conditions can be mitigated with engineering design and construction methods commonly employed in the area. Conventional methods can be used to accomplish site grading for rapid conveyance of surface runoff to storm sewer systems, utility installation, and foundation spread footings.

**Total Number of Residential Units, Density, and Lot Sizes:** 224 Single Family Detached Residential Units with a Gross Density of 2.53 DU/ Acre. The minimum lot size shall be 6,000 SF and 20,000 SF as required under the zoning guidelines.

**Types of Proposed Recreational Facilities:**

There are no recreational facilities being proposed with this application for Filing 14. Potential trail corridors within the proposed project limits will be coordinated during the preliminary plan and final plat submittals as part of the detailed lot layout. Any recreational facilities being provided are within the overall Paint Brush Hill development.

**Total Number of Industrial or Commercial Sites:**

There are no proposed commercial or industrial sites proposed as a part of the plan.

**Traffic and Proposed Access Locations:**

Primary access to Filing 14 will be via existing Londonderry Drive providing connections to the site from Devoncove Drive and Keating Drive which are being constructed with previous filings of Paint Brush Hills. All roadways are to be public utilizing the residential local cross-section. There are no proposed arterial or collector roadways being provided within Paint Brush Hills Filing 14. Internal streets will provide for a looped circulation pattern through the development. There is no cut-through traffic or additional access beyond the two access points provided.

**Phasing Plan:**

There is no phasing plan for this development as it will be developed in one phase.

**Areas of Required Landscaping:**

The proposed development does not require any landscaping; however, a 25' landscape tract is being provided along the northernmost property line. The primary use of the tract shall be for storm water but may also be used for open space and pedestrian trails.

All tracts shall be owned and maintained by the Paint Brush Hills Metropolitan District.

**Approximate Acres and Percent of Land Set Aside for Open Space:**

There is no open space required with the Rezone. Any land set aside for open space will be illustrated with future preliminary plan submittals.

**Water and Wastewater Services:**

Water and Wastewater municipal services will be supplied by the Paint Brush Hills Metropolitan District. Any required utility easements to be provided on adjacent properties will be acquired as necessary to allow for the proper utility installation. Approval and granting of any required utility easements will be completed as necessary.

**El Paso County Water Master Plan:**

The Paintbrush Hills Filing No. 14 development is located within the Paint Brush Hills Metropolitan District (PBHMD) and will rely upon municipal services for water supply. These municipal services have been provided in previous Paint Brush Hills filings and will be extended to this proposed development. There are no proposed wells or individual septic systems within this development. The Paint Brush Hills Filing No. 14 development will seek the Colorado State Engineer's sufficiency of water finding for both quantity and quality with the Preliminary Plan permitting administrative review of the final plats.

The PBHMD water distribution system is a constant pressure system containing two storage tanks to meet fire flow and peak flow demands. Water supply for the district is provided primarily by the Denver Basin Aquifer; however, the district also utilizes purchased water from Meridian Service Metropolitan District during times of peak demand. The raw water wells are located throughout the district and are equipped with sodium hypochlorite disinfection equipment at each well house. In total PBHMD's water distribution system consists of approximately 46,000 LF of 8-inch finished water pipe; 20,000 LF of 12-inch finished water pipe; 12,700 LF of raw water transmission pipe; eleven wells, and two water storage tanks. The district currently has an annual allocation of 1,010 AF-year.

The Paint Brush Hills Filing No. 14 development meets the stated master plan Goals and Policies:

- Goal 1.2 – Integrate water and land use planning
- Goal 4.2 – Support the efficient use of water supplies
- Goal 6.1.2 – Promote water conservation

through integrated master planning of site planning, landscape and water resource best management practices.

**Master Plan for Mineral Extraction:**

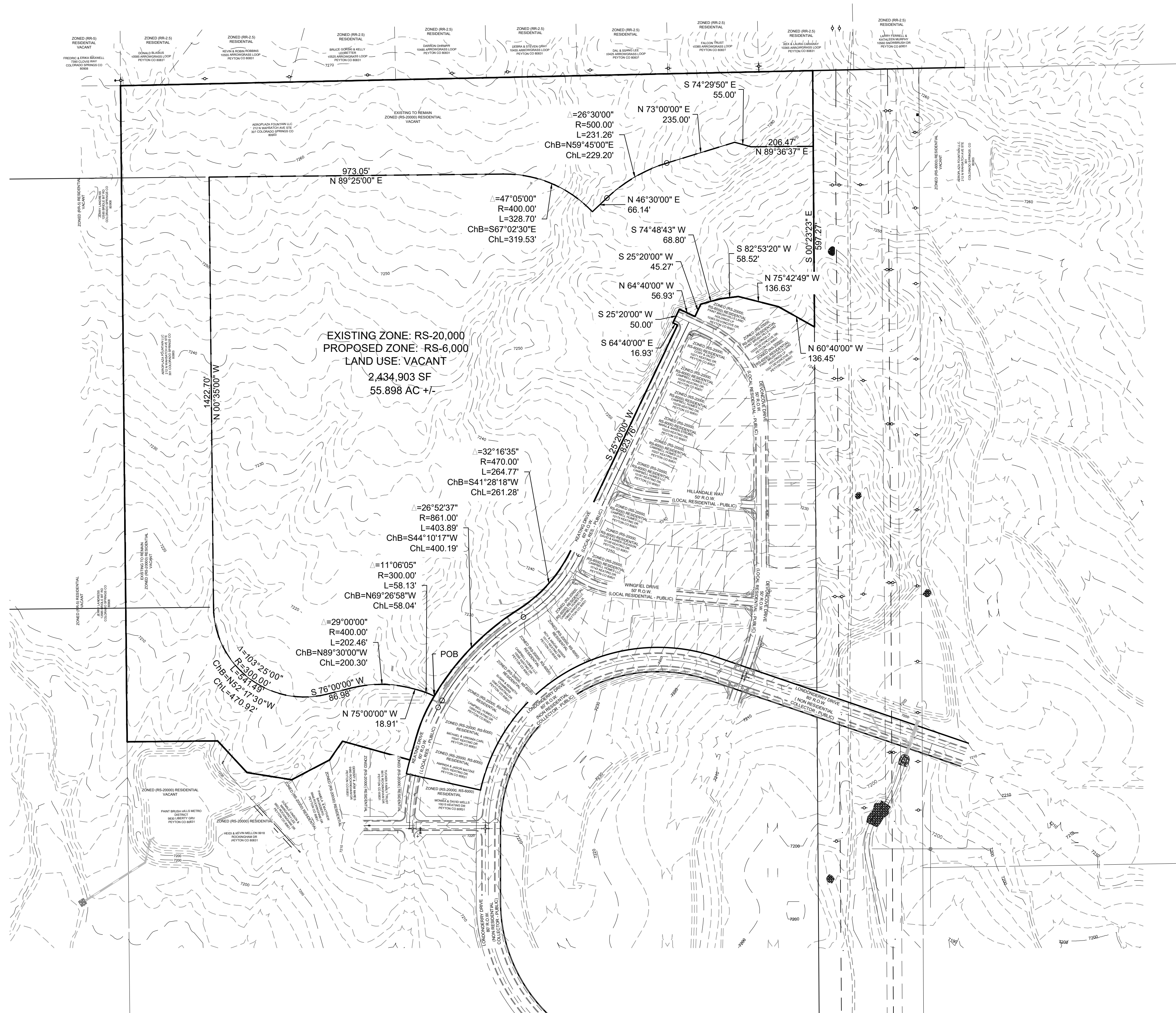
The *1996 Master Plan for Mineral Extraction* updates and supersedes the *1975 El Paso County Master Plan for Mineral Extraction of Commercial Mineral Deposits* as amended in 1978 and 1982. This updated plan has two primary purposes, the first is to facilitate continued compliance with the mineral resource protection mandates outlined in the “Preservation of Commercial Mineral Deposits Act” of 1973 and the second is to provide guidance to the EL Paso County Planning Commission and Board of County Commissioners in evaluating land use proposals involving new or expanded mining and mineral resource processing operations. Per the El Paso County Master Plan for Mineral Extraction Aggregate Resource Maps, this site is identified as ‘Upland Deposits’ containing sand and gravel with silt and clay; remnants of older streams deposited on topographic highs or bench like features. Therefore, the proposed project does not contain any mineral deposits of commercial value and does not permit the use of any area containing a commercial mineral deposit which would unreasonably interfere with the present or future extraction of such deposits.

**Proposed Services:**

- |                       |   |
|-----------------------|---|
| 1. Water:             | Paint Brush Hills Metropolitan District   |
| 2. Wastewater:        | Paint Brush Hills Metropolitan District   |
| 3. Gas:               | Black Hills Energy                        |
| 4. Electric:          | Mountain View Electric Association (MVEA) |
| 5. Fire:              | Falcon Fire Protection District           |
| 6. Police Protection: | El Paso County Sheriff’s Department       |
| 7. School:            | Falcon School District #49                |



# PAINT BRUSH HILLS FILING 14 ZONE CHANGE MAP



### LEGAL DESCRIPTION: PAINT BRUSH HILLS RS-6000

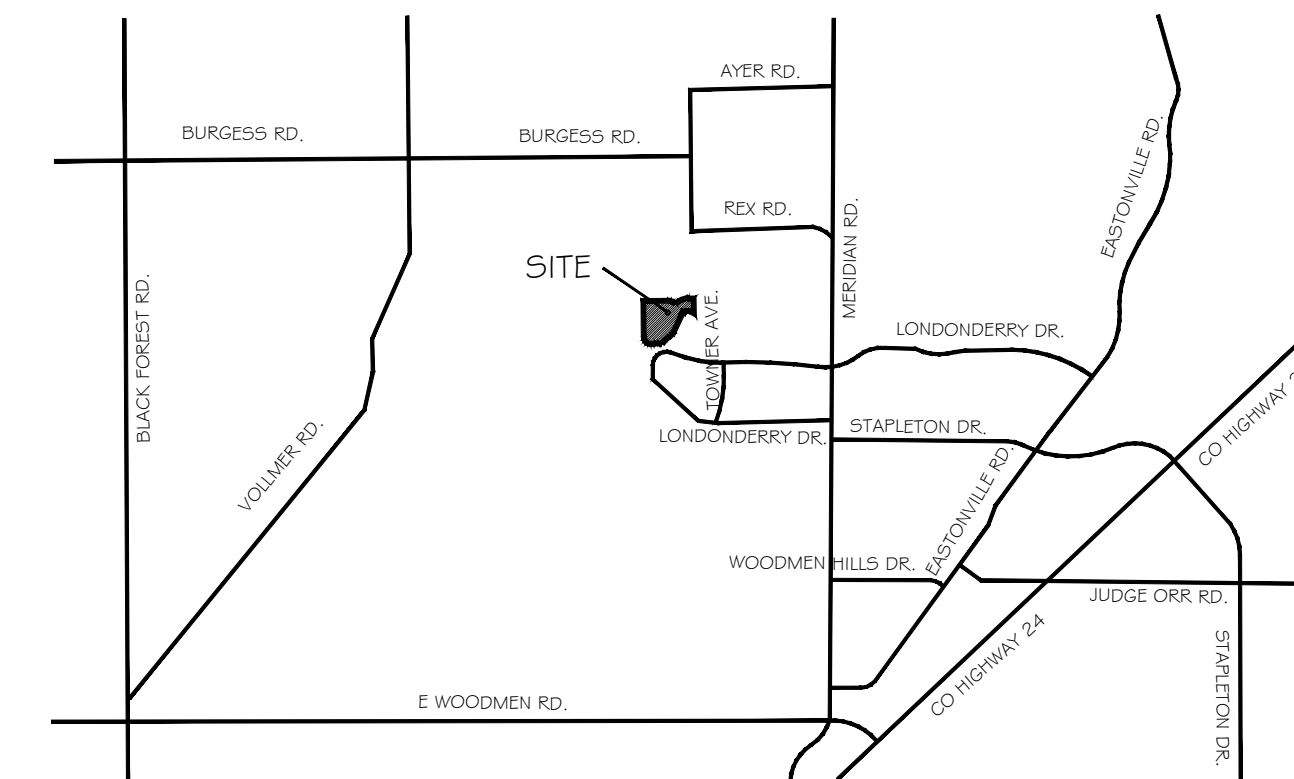
A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, T12S, R65W OF THE 6TH P. M., EL PASO COUNTY, COLORADO, SAID PARCEL BEING A PORTION OF TRACT E, "PAINT BRUSH HILLS FILING NO. 13E", RECORDED UNDER RECEPTION NO. 219714420 IN THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY 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 ILLIGIBLE) LS 9646", SAID LINE BEARS N88°44'51"E A DISTANCE OF 2640.30 FEET.

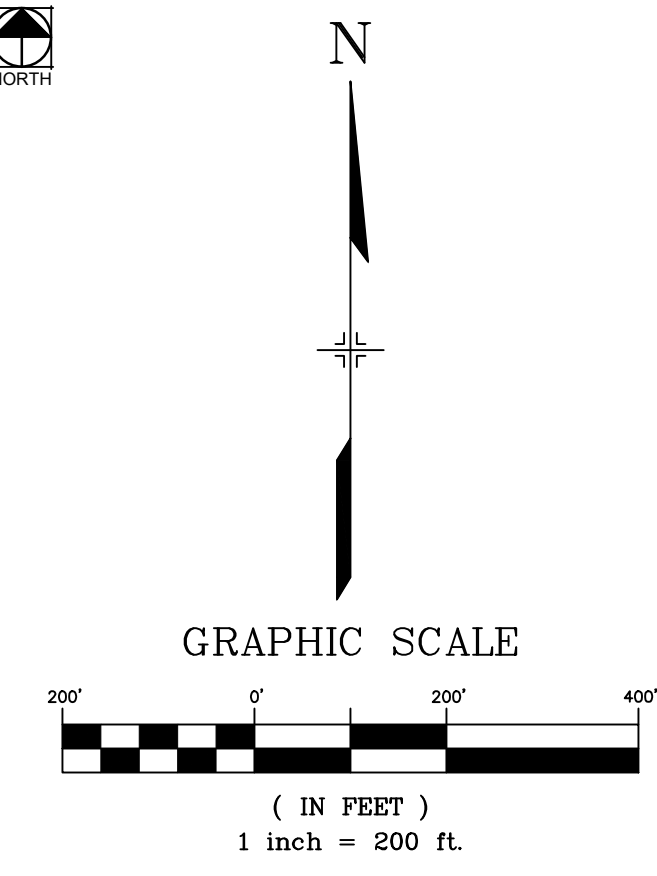
COMMENCING AT A POINT ON THE SOUTHERLY BOUNDARY OF SAID TRACT E, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 2, "PAINT BRUSH HILLS FILING NO. 12" AS RECORDED UNDER RECEPTION NUMBER 205077511 IN THE RECORDS OF EL PASO COUNTY, COLORADO, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, 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 N00°33'24"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 S25°20'00"W A DISTANCE OF 823.76 FEET TO A POINT ON CURVE;  
 THENCE S25°20'00"W A DISTANCE OF 470.92 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 403.89 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.



VICINITY MAP  
N.T.S. NORTH



**Owner/ Developer:**  
AEROPLAZA FOUNTAIN LLC  
212 N WAHSATCH AVE STE 301  
COLORADO SPRINGS CO 80903

**Planners:**  
MATRIX DESIGN GROUP  
2435 RESEARCH PKWY, SUITE 300  
COLORADO SPRINGS, CO 80920

CONSULTANTS:  
**PLANNER:**  
  
 2435 RESEARCH PARKWAY, SUITE 300  
 COLORADO SPRINGS, CO 80920  
 PHONE: (719) 575-0100  
 FAX: (719) 575-0208

**OWNER/DEVELOPER:**  
**AEROPLAZA FOUNTAIN LLC**  
 212 N WAHSATCH AVE, SUITE 301  
 COLORADO SPRINGS, CO 80903  
 PH: (719) 635-3200

**PROJECT:**  
PAINT BRUSH HILLS FIL. NO 14

EL PASO COUNTY, CO  
SEPTEMBER, 2020

REVISION HISTORY:

NO.	DATE	DESCRIPTION	BY

**DRAWING INFORMATION:**  
 PROJECT NO: 20.1129  
 DRAWN BY: JRA  
 CHECKED BY: JRA  
 APPROVED BY: JRA

## ZONE MAP

ZC01  
SHEET 1 OF 1



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Minutes are draft until the  
November 5, 2020 hearing

Planning Commission Meeting  
Thursday, October 15, 2020  
El Paso County Planning and Community Development Department  
200 S. Cascade Ave – Centennial Hall Hearing Room  
Colorado Springs, Colorado

**REGULAR HEARING**

**1:00 p.m.**

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, SARAH BRITTAIN JACK, TIM TROWBRIDGE, JOAN LUCIA-TREESE, AND JAY CARLSON. BECKY FULLER ARRIVED AT 1:25 P.M.**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: THOMAS GREER, AND ERIC MORAES**

**STAFF PRESENT: MARK GEBHART, NINA RUIZ, KARI PARSONS, GILBERT LAFORCE, LINDSAY DARDEN, AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)**

**OTHERS SPEAKING AT THE HEARING: UNIDENTIFIED MALE, JOSE SOTO, DELROY AND JANET JOHNSON, GREGORY SHANER, ED HERLIK, JOHN MILLS**

**Report Items**

- 1. A. Report Items -- Planning and Community Development Department – Ms. Ruiz -- The following information was discussed:**

- a) The next scheduled Planning Commission meeting is for **Thursday, November 5, 2020 at 1:00 p.m.** There will also be an informal work session for the Planning Commission members at **11:30 a.m.**

- b) **Ms. Ruiz** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- c) **Mr. Gebhart** gave an update on the Master Plan process and timeline. The first three chapters have been received. Staff is reviewing those currently. **Mr. Bailey** – This process is ongoing and there is a lot of information available on the County’s webpage. We encourage the public to go there and look into the efforts and provide comment.

**B. Public Input on Items Not Listed on the Agenda - NONE**

**2. Consent Items**

**A. Approval of the Minutes – October 1, 2020**

The minutes were unanimously approved as presented. (7-0)

**B. P-18-005**

**DARDEN**

**MAP AMENDMENT (REZONE)  
PAINT BRUSH HILLS 14**

A request by Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a map amendment (rezoning) of 55.898 acres from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). The property is located approximately 1.06 miles west of the Meridian Road and Londonderry Drive intersection at the northwest corner of Keating Drive and Devoncove Drive and is within Section 26, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52261-01-009) (Commissioner District No. 2)

**PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM 2B, P-18-005, FOR A MAP AMENDMENT (REZONE) FOR PAINT BRUSH HILLS 14 UTILIZING RESOLUTION PAGE NO. 27, CITING 20-043, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).**

**C. WSEO-20-001**

**PARSONS**

**FRONT RANGE-MIDWAY SOLAR ENERGY PROJECT  
WIND AND/OR SOLAR ENERGY GENERATION PLAN AMENDMENT  
OVERLAY DISTRICT MAP AMENDMENT (REZONE)**

A request by Front Range-Midway Solar Project, LLC, and Savion, LLC for approval of an amendment to overlay zoning for the Front Range Midway Solar Energy Project pursuant to Section 4.3.5, Wind and/or Solar Energy Generation Plan Overlay District (WSE-O), of the El Paso County Land Development Code. The approximately 939-acre overlay rezoning area includes multiple existing zoning designations, including the WSE-O (Wind and/or Solar Energy Generation Plan Overlay), RR-5 (Residential Rural), and RR-2.5 (Residential Rural) zoning districts and is generally located north of Rancho Colorado Boulevard, south of Boca Raton Heights, east of Fort Carson Army Base, and west of Interstate 25. The applicant is proposing to amend (via a map amendment/rezoning) the existing overlay area to allow for an approximately 100.2 MW solar energy generation facility. The WSE-O rezoning amendment proposes a reduction in the size of the overall WSE-O boundary, and includes an array site, associated equipment, meteorological monitoring devices, electrical collection devices, energy battery storage, six (6) lay down areas, a substation, and the electrical transmission corridor. The parcels are included within the South Central Comprehensive Plan (1988) area. (Parcel Nos. 57200-00-003, 57200-00-010, 57210-01-019, 57170-07-004, 57170-07-005, 57170-07-006, 57170-07-052, 57170-07-019, 57170-07-047 and 51220-01-002) (Commissioner District 4)

An unidentified male attendee (name inaudible on recording) spoke on his concerns that the project would decrease property values. He purchased his home after the previously approved WSEO was approved and has concerns that property values will be negatively impacted if it is constructed.

**PC ACTION: LUCIA-TREESE MOVED/BAILEY SECONDED TO APPROVE CONSENT ITEM 2C, P-18-005, FOR WIND AND/OR SOLAR ENERGY GENERATION PLAN AMENDMENT OVERLAY DISTRICT MAP AMENDMENT (REZONE) FOR FRONT RANGE-MIDWAY SOLAR ENERGY PROJECT UTILIZING RESOLUTION PAGE NO. 27, CITING 20-044, WITH SIXTEEN (16) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).**

**Ms. Fuller** entered the meeting at 1:25 p.m. She is a voting member for the remaining items on the agenda.

## **Regular Items**



**WAIVER  
D. JOHNSON SUBDIVISION WAIVER**

A request by Delroy and Janet Johnson for approval of a waiver of Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) of the applicable the subdivision regulations in the El Paso County Land Development Code in advance of submitting an application for subdivision to create a four (4) lot minor subdivision. If approved, the waivers being requested would allow for the construction of private roads that would not meet County standards for public roadways as well as allow for a reduction of the 30-foot minimum lot frontage requirement, which would otherwise be required for each of the four (4) proposed lots. The 28.62 acre parcel is located along Highway 83, approximately 0.62 miles north of the Highway 83 and Old North Gate Road intersection and is within Section 34, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-157) (Commissioner District No. 1)

**Ms. Lindsay Darden** gave a brief description of the project and asked **Ms. Lori Seago** to go over the review criteria for a waiver, after which time she gave her full presentation.

**Ms. Darden** introduced the applicant, **Mr. Delroy Johnson and Mrs. Janet Johnson**, to give their presentation.

**Mr. Carlson** – The agenda said that there are two conditions, so it should be one?  
**Ms. Darden** – Yes, just one condition. (error on summary sheet)

**Mr. Trowbridge** – Are there agreements in place that consider what kind of easements would have to be considered in the future? **Ms. Darden** – That would occur at subdivision phase of the project and not with the waiver. **Mr. Risley** – Typically when a shared access easement is proposed the County will request that the maintenance agreement be included or recorded concurrently. **Ms. Darden** – That is correct.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

**DISCUSSION:**

**Mr. Risley** – I commend the applicant for going through the subdivision process and following the proper order of development. It can be a difficult process, but I’m happy to see the applicant took these steps.

**PC ACTION: TROWBRIDGE MOVED/CARLSON SECONDED TO APPROVE  
REGULAR ITEM 3, WV-20-001, FOR A WAIVER FOR D. JOHNSON**

**SUBDIVISION WAIVER UTILIZING RESOLUTION PAGE NO. 43, CITING 20-045, WITH ONE (1) CONDITIONS AND ONE (1) NOTATION AND THREE (3) WAIVERS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

**4. P-19-001**

**RUIZ**

**MAP AMENDMENT (REZONE)  
GRANDWOOD RANCH**

**NOTE: the map amendment (P-19-001) and preliminary plan (SP-19-005) were heard together, but the action was separate.**

A request by Sylvan Vista, Inc., for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 146.84 acre property is located on the north side of Higby Road, at the southernmost terminus of Furrow Road, approximately 1.5 miles northwest of the Baptist Road and Roller Coaster Road intersection and is within Section 19, Township 11, and Range 66 West of the 6th P.M. (Parcel No.61190-00-003) (Commissioner District No.1)

**Ms. Nina Ruiz** gave a brief description of the project and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone) as well as a preliminary plan.

**Ms. Ruiz** introduced the applicant's representative, **Mr. Gregory Shaner**, to give their presentation.

**Ms. Ruiz** gave her full combined presentation to the Planning Commission and **Mr. Gilbert LaForce** gave his engineering findings report.

**Mr. Risley** – With regard to the modified cross section, is that intended to be a bike lane or just a shoulder? **Mr. LaForce** – There isn't a sidewalk, but could the shoulder may be considered multi-modal. I would imagine it could be a walking or bicycle path. Those details have not been fully considered at this phase of development.

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Mr. Jon Mills** – (provided presentation) – **Mr. Mills** has concerns about the 2.5 acres that are adjacent to 5 acre lots. Based on LDC, it requires compatibility. We don't believe it's compatible. There is not enough transition between lots. NEPCO has also asked the developer for a compromise to the lot sizes. The lots are meant to be in harmony and character. We feel that the character of lots is changing due to the smaller lot sizes. Their letter of intent stated they would not negatively impact view corridors and will not generate additional traffic or noise and will not increase drainage

impacts. We believe all these things will be impacted with the new development. **Ms. Fuller** – You indicated you are combining lots that would be equivalent to 4 lots. Where are you in the process? **Mr. Mills** – We are trying to get our lots accepted into Woodmoor Water and we should know by the end of the month. We don't intend to develop that area. There is a steep embankment that doesn't allow development. We are combining for tax purposes as well.

**Ms. Brittain Jack** – You have this rezone before the BoCC? **Mr. Mills** – no, we are not rezoning, we are combining the lots through the Assessor's Office and not Planning and Community Development.

**Mr. Trowbridge** – To be clear, you are not abandoning lot lines, you are combining those administratively for tax purposes. **Mr. Mills** – That's correct.

**Mr. Trowbridge** – what communication have you had with the developer? **Mr. Mills** – I've written two letters, and I've spoken with the developers. I have asked for a compromise, but they state they will go ahead with their plans.

**Mr. Ed Herlik** – I've submitted a letter. The newest homes are about 25 years old. The oldest ones about 40 years old. Those of us who live there have relied on the zoning that was in place and to not be developed. The development would change the character of our existing community. I would ask the developer to live with the zoning that the rest of us have had to.

**Mr. Shaner** had an opportunity for rebuttal. Everyone can understand the concerns that were raised. The Town of Monument has a current PUD along the whole southern border that will be significant for development. This land is creating the transition to the planned PUD. Looking at the perimeter lots, the terrain is really diverse. You get some really unique looking lots because of the terrain. On a peripheral, there are 23 lots and only four of those lots are five acres or more. We are transitional with the 2.5 acre lots

**Mr. Trowbridge** – Can you talk about drainage and fire mitigation? **Mr. Shaner** – There are detention ponds off the property and there are drainage corridors that we've identified. With regard to fire mitigation, I can't speak on that but a member of our team can if needed.

**Ms. Brittain Jack** – You stated in your presentation that you had concerns about the transition. What are your concerns? **Ms. Ruiz** – There isn't really a density transition for the RR-5 parcels. I have discussed with the applicant that alternative to providing larger lots, they could look at an additional setback beyond the required 25 foot in order to provide a buffer.

**Mr. Carlson** – Setbacks against the five-acre lots, if the developer did agree to go with larger lots there, then there is no different setback, correct? **Ms. Ruiz** – That’s correct, there would just be fewer lots in this location. If they are set back further, it may assist in how the adjacent property owners perceive their surroundings as more rural.

**Mr. Carlson** – So the setback is 25 feet, and it would be the same for 2.5 or 5 acre? **Ms. Ruiz** – That is correct, it would be 25 feet regardless.

**Mr. Bailey** – I want to offer a different perspective. I was initially very concerned about the compatibility, but what I see is the RR-5 zoning is an island on a much dense more dense zoning surrounding it. I appreciate seeing the much larger map. It’s given me a different perspective.

**Ms. Fuller** – Is the developer in discussion about the transition or will they just wait to see what the Commissioners say? **Ms. Ruiz** – They looked at their plans and wanted to see if they felt as though there was a significant impact. They determined in their opinion there is not and chose not to amend or to provide a setback. They also discussed with staff that the proposed lots are fairly deep and most people would want to be closer and not have such a long driveway so they did not feel as though a setback would have any impact.

**Mr. Shaner** – The reality if we have a 25 or 50 foot setback doesn’t really impact what we are proposing. The terrain and drainage tracts determine where the houses will be built. They will want to be closer to the roadway.

**Ms. Fuller** – Is his (neighbor to the north) property higher or lower? **Mr. Shaner** – His property is higher.

**DISCUSSION:**

**PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM 4, P-19-001, FOR A MAP AMENDMENT (REZONE) FOR GRANDWOOD RANCH UTILIZING RESOLUTION PAGE NO. 27, CITING 20-046, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

**5. SP-19-005**

**RUIZ**

**PRELIMINARY PLAN  
GRANDWOOD RANCH**

**NOTE: the map amendment (P-19-001) and preliminary plan (SP-19-005) were heard together, but the action was separate.**

A request by Sylvan Vista, Inc., for approval of a preliminary plan to create 48 single-family residential lots as well as for the Board of County Commissioners to authorize pre-development site grading. The 146.84 acre property is zoned RR-5 (Residential Rural). A concurrent request has been submitted for approval of a map amendment (rezone) to change the zoning of the property to RR-2.5 (Residential Rural). The property is located on the north side of Higby Road, at the southernmost terminus of Furrow Road, approximately 1.5 miles northwest of the Baptist Road and Roller Coaster Road intersection and is within Section 19, Township 11, and Range 66 West of the 6th P.M. (Parcel No.61190-00-003) (Commissioner District No.1)

**Mr. Bailey** – In the future, for someone that has concerns about this development, I believe that the process provides safeguards moving forward with regard to roads, water, drainage, etc. The process is very effective, especially when the developer recognizes issues.

**PC ACTION: BRITAIN JACK MOVED/TROWBRIDGE SECONDED TO APPROVE REGULAR ITEM 5, SP-29-005, FOR A MAP AMENDMENT (REZONE) FOR GRANDWOOD RANCH UTILIZING RESOLUTION PAGE NO. 25, CITING 20-047, WITH SEVEN (7) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

- 6. El Paso County Master Plan – Information Update – No Action Needed – Mr. Gebhart** gave an update of the Master Plan during report items. No further information was provided.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at [www.elpasoco.com](http://www.elpasoco.com) to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. P-18-005**

**Paint Brush Hills 14**

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

WHEREAS, a public hearing was held by this Commission on October 15, 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:

The application was properly submitted for consideration by the Planning Commission.

Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.

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.

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.

The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

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

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.

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 Aeroplaza Fountain, LLC, and Heidi, 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 RS-20000 (Residential Suburban) zoning district to the RS-6000 (Residential Suburban) zoning district be approved by the Board of County Commissioners:

**See Exhibit A for Legal Description.**

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-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 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 Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Carlson	aye
Commissioner Lucia-Treese	aye
Commissioner Blea-Nunez	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

Date: October 15, 2020

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Brian Risley, Chair



## 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.

**RESOLUTION NO. 20-**

**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 Aero plaza 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 10<sup>th</sup> day of November, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

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