

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-21-008

CITIZEN ON CONSTITUTION

WHEREAS, Feathergrass Investments, 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 CS (Commercial Service) zoning district to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay); and

WHEREAS, a public hearing was held by this Commission on May 5, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Feathergrass Investments, 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 CS (Commercial Service) zoning district to the RM-30 (Residential, Multi-Dwelling) and and is subject to the CAD-O (Commercial Airport District Overlay) zoning districts be approved by the Board of County Commissioners:

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) 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 Carlson seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Lucia-Treese	aye
Commissioner Merriam	aye
Commissioner Schuettpelz	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye

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

Dated: May 5, 2022

 (VICE CHAIR)
Brian Risley, Chair

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

A parcel of land located in Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, described as follows:

Commencing at the Northeast corner of said Section 5; thence South 89°53'50" West, 30.00 feet along the North line of the Northeast Quarter of said Section 5 to a point on the westerly right-of-way line of Marksheffel Road; thence South 00°20'42" West, 60.00 feet along said westerly right-of-way line to a point on the southerly right-of-way line of proposed 120.00 foot wide right-of-way of Constitution Avenue to the point of beginning of the tract of land herein described; thence South 00°20'42" West, 435.00 feet along said westerly right-of-way line of Marksheffel Road to the Southeast corner of the tract of land described in Book 2083 at Page 587 of the Records of said county; thence South 89°53'50" West, 1292.28 feet along the South line of said tract to the Southwest corner thereof; thence North 00°20'41" East, 435.00 feet the West line of said tract to a point on said proposed southerly right-of-way line of Constitution Avenue; thence North 89°53'50" East 1292.28 feet along said southerly right-of-way line to the point of beginning, El Paso County, Colorado.

Except that portion described as follows: that portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M., situate in El Paso County, Colorado, and more particularly described as follows: Commencing at the Northeast corner of said Section 5 thence South 89°53'50" West on the North line thereof, 1322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 00°20'41" West on the West line of said Northeast One-quarter of Section 5, 60.00 feet to a point on the southerly right-of-way line of proposed 120.00 foot right-of-way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on the last mentioned course 435.00 feet; (2) North 89°53'50" East, 172.42 feet; (3) North 00°20'41" East 435.00 feet to a point on said southerly right-of-way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right-of-way line of proposed Constitution Avenue, 172.42 feet to the point of beginning.

Except that portion conveyed to the Board of County Commissioner, El Paso County, Colorado in Warranty Deed recorded June 9, 2010 under Reception No. 210054574.

County of El Paso,
State of Colorado.

Parcel B:

That portion of the Northeast one-quarter of the Northeast one-quarter of Section 5, Township 14 South, Range 65 West of the 6th Principal Meridian, situate in County El Paso, State of Colorado and more particularly described as follows:

Commencing at the Northeast corner of said Section 5, thence South 89°53'50" West on the North line thereof, 1,322.28 feet to the Northwest corner of said Northeast one-quarter of the Northeast one-quarter of Section 5, thence South 0°20'41" West on the West line of said Northeast one-quarter of Section 5, 60.00 feet to a point on the southerly right of way line of proposed 120.00 foot right of way of Constitution Avenue and the point of beginning of the tract of land herein described, thence (1) continue on last mentioned course, 435.00 feet; (2)

North 89°53'50" East, 172.42 feet; (3) North 0°20'41" East, 435.00 feet to a point on said southerly right of way line of proposed Constitution Avenue; (4) South 89°53'50" West on said southerly right of way line of proposed Constitution Avenue, 172.42 feet to a point of beginning,

County of El Paso,
State of Colorado.

(Per Title Commitment File No. NCS-1074278-INDY as provided by First American Title Insurance Company.)

Address of Record: Nothing posted or visible at the time of survey.