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El Paso County, CO



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**RESOLUTION NO. 22-193**

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO**

**APPROVAL OF CITIZEN ON CONSTITUTION MAP AMENDMENT (REZONING) (P-21-008)**

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

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on May 5, 2022, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application; and

**WHEREAS**, a public hearing was held by this Board on June 7, 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, 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. 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

**NOW, THEREFORE, BE IT RESOLVED** the El Paso County Board of County Commissioners hereby approves the petition of Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.54 acres from CS (Commercial Service) to RM-30 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport District Overlay). The parcel is located at the southwestern corner of the Constitution Avenue and Marksheffel Road intersection, and are within Section 5, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54051-04-075) (Commissioner District No. 2) and;

**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 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** the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

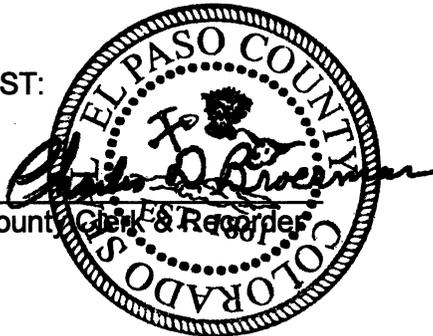
DONE THIS 7<sup>th</sup> day of June, 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

County Clerk & Recorder



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

Chair

*Alan T. VanderWeil*

**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.**

**EXHIBIT "B"**

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

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 13 SOUTH, AND RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202131510 OF THE RECORDS OF SAID COUNTY, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT HE WEST END BY A 3" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17664, AND MONUMENTED AT THE EAST END BY A 2" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE IS ASSUMED TO BEAR N89°08'49"W)

COMMENCING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO.1" AS DESCRIBED IN PLAT BOOK Y-3, PAGE 39 OF THE RECORDS OF SAID COUNTY; SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 13, OF SAID "ARROWHEAD ESTATES FILING NO.1";

THENCE S88°55'09"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 415.41 FEET TO THE POINT OF BEGINNING;

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

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

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

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

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

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

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

**THENCE S00°13'30"E A DISTANCE OF 856.92 FEET TO THE NORTHERLY LNE OF SAID "ARROWHEAD ESTATES FILING NO.1";  
THENCE N88°55'09"W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 899.08 FEET TO THE POINT OF BEGINNING.**

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