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RESOLUTION NO. 26-321

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

APPROVAL OF MAP AMENDMENT (REZONING)
HILLPOINTE APARTMENTS REZONE (P265)

WHEREAS, Vertex Consulting Services, 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 CR (Commercial Regional) and CAD-O (Commercial Airports Overlay District) zoning district to the RM-30 (Residential Multi-Dwelling) and CAD-O (Commercial Airports Overlay District) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 3, 2026, 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 the El Paso County Board of County Commissioners on September 24, 2026; 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. That the application was properly submitted for consideration by the Board of County Commissioners;
2. That 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;
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings;
4. That all exhibits were received into evidence;

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5. That 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;
6. That changing conditions clearly require amendment to the Zoning Resolutions;
7. That 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; and

WHEREAS, this Board further finds that the request meets the criteria for approval outlined in Section 5.3.5.B of the Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Board of County Commissioners hereby approves the petition of Vertex Consulting Services, 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 CR (Commercial Regional) and CAD-O (Commercial Airports Overlay District) zoning district to the RM-30 (Residential Multi-Dwelling) and CAD-O (Commercial Airports Overlay District) zoning district.

BE IT FURTHER RESOLVED that 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) and CAD-O (Commercial Airport Overlay) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. Airport Activity Notice and Disclosure shall be recorded with the approval resolution.

NOTATIONS

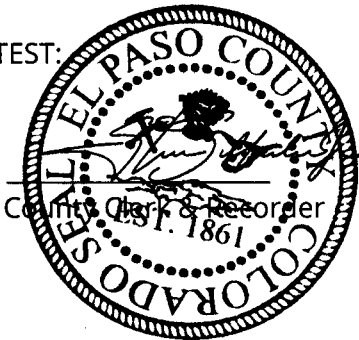
1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. 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.

DONE THIS 24th day of September 2026, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____



County Clerk & Recorder

By: _____

Chair

A handwritten signature in black ink, appearing to read "Carmen", is written over a horizontal line. Below the line, the word "Chair" is printed.

EXHIBIT A

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, BEING MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER BY A 3.25" ALUMINUM CAP STAMPED "LS 22573" IN RANGE BOX AND MONUMENTED AT THE WEST QUARTER CORNER OF SAID SOUTHWEST QUARTER BY A 3.25" ALUMINUM CAP STAMPED "BUREAU OF LAND MANAGEMENT U.S. DEPT. OF THE INTERIOR", AS BEARING OF NORTH 00°23'14" WEST, A DISTANCE OF 2,641.77 FEET;

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 00°23'14" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 449.46 FEET; THENCE NORTH 89°36'46" EAST, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SOFTBALL WEST SUBDIVISION NO. 2, THENCE NORTH 89°36'45" EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 634.38 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°23'14" WEST, A DISTANCE OF 209.00 FEET; THENCE SOUTH 89°36'45" WEST, A DISTANCE OF 131.18 FEET;

THENCE NORTH 00°23'14" WEST, A DISTANCE OF 665.83 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 440.00 FEET;

THENCE NORTHEASTERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 52°26'35", AN ARC DISTANCE OF 402.73 FEET AND HAVING A CHORD THAT BEARS NORTH 58°40'55" EAST, A DISTANCE OF 388.82 FEET;

THENCE NORTH 32°27'38" EAST, A DISTANCE OF 40.86 FEET TO A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET;

THENCE NORTHEASTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 56°28'31", AN ARC DISTANCE OF 354.84 FEET AND HAVING A CHORD THAT BEARS NORTH 60°41'53" EAST, A DISTANCE OF 340.65 FEET TO THE EAST LINE OF SAID SOFTBALL WEST SUBDIVISION NO. 2;

THENCE SOUTH 03°28'07" WEST, COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 1,227.76 FEET TO THE SOUTHEAST CORNER OF SAID SOFTBALL WEST SUBDIVISION NO. 2 AND A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,780.00 FEET;

THENCE COINCIDENT WITH THE SOUTH LINE OF SAID SOFTBALL WEST SUBDIVISION NO. 2, THE FOLLOWING TWO (2) COURSES:

S:\24.1382.003 Peterson Road and Meadowbrook Parkway Overall Development\400 Survey\400 CADD\407 LEGAL DESCRIPTIONS\LOT 1\1382-LOT 1-LD.docx

LAND DESCRIPTION CONT.

1. WESTERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF $13^{\circ}33'05''$, AN ARC DISTANCE OF 421.00 FEET AND HAVING A CHORD THAT BEARS SOUTH $82^{\circ}56'54''$ WEST, A DISTANCE OF 420.02 FEET;
2. SOUTH $89^{\circ}36'45''$ WEST, A DISTANCE OF 22.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 613,849 SQUARE FEET OR (14.09 ACRES), MORE OR LESS.

ALEXANDER AGUILAR, PLS 38858

PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP 2435 RESEARCH PARKWAY, SUITE 300
COLORADO SPRINGS, CO. 80920

EXHIBIT B

