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RESOLUTION NO. 22-43

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE WATERVIEW NORTH RM-12 MAP AMENDMENT (REZONING) (P-20-002)

WHEREAS Frank W. Howard #2 Limited, 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-12 (Residential, Multi-Dwelling) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 6, 2022, 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 February 8, 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 Frank W. Howard #2 Limited 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 CS (Commercial Service) zoning district to the RM-12 (Residential, Multi-Dwelling) 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. A 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-12 (Residential, Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. A Colorado Department of Transportation (CDOT) access permit will be required with improvements to the Powers Boulevard and Bradley Road intersection. The applicant shall comply with all CDOT access permit requirements.

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. Map amendment (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 8th day of February, 2022 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 'Stan VanderWey', is written over a horizontal line. Below the line, the word 'Chair' is printed.

EXHIBIT A

LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS:

THAT CPR Entitlements LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT INCLUDES: A TRACT OF LAND LOCATED IN A PORTION OF SECTION 19, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 65th P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9; THENCE S00°19'32"E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY R.O.W. LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY AND A POINT ON A NON-TANGENT CURVE TO THE LEFT:

THE FOLLOWING 2 COURSES ARE ALONG THE SAID SOUTHERLY R.O.W. LINE OF BRADLEY ROAD.

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 2759.79 FEET, A DELTA ANGLE OF 15°09'41", 730.29' ALONG THE SAID SOUTHERLY R.O.W. LINE;

THENCE S74°20'48"W A DISTANCE OF 385.54 FEET ALONG THE SAID SOUTHERLY R.O.W. LINE TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE S15°39'12"E A DISTANCE OF 470.00 FEET;

THENCE S74°20'48"W A DISTANCE OF 484.60 FEET;

THENCE N15°39'12"W A DISTANCE OF 470.00 FEET TO A POINT ON THE SOUTHERLY R.O.W. LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THENCE N74°20'48"E A DISTANCE OF 484.60 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 5.23 ACRES, MORE OR LESS.