

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-20-002

WATERVIEW EAST RM-12

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

WHEREAS, a public hearing was held by this Commission on January 6, 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 Frank W. Howard #2 Limited 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-12 (Residential Multi-Dwelling) zoning district 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-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 map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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 that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution.

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

Commissioner Bailey	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Blea-Nunez	aye
Commissioner Merriam	aye
Commissioner Brittain Jack	aye
Commissioner Schuettpelz	aye

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: January 6, 2022



Brian Risley, Chair

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.