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El Paso County, CO

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RESOLUTION NO. 21- 473

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

**APPROVAL OF THE WATERVIEW NORTH COMMERCIAL MAP
AMENDMENT (REZONING)(CS-21-001)**

WHEREAS, CPR Entitlements, 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 A-5 (Agricultural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 18, 2021, 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 December 7, 2021; 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 Planning Commission.
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.
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 Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of CPR Entitlements, 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 A-5 (Agricultural) zoning district to the CS(Commercial Service) 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 CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

3. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including, but not necessarily limited to, Powers Boulevard, Bradley Road, and Legacy Hill Drive. The developer's general design and financial responsibilities regarding the Bradley Road and Legacy Hill Drive intersection configuration and improvements, as well as other offsite improvements shall be determined with each subsequent preliminary plan approval.
4. A County access permit will be required for the connection of new roads to Bradley Road or any other County roadway. A 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 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.

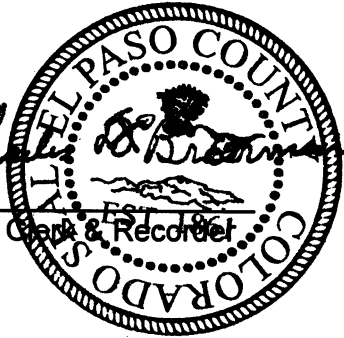
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 7th day of December, 2021 at Colorado Springs, Colorado.

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

ATTEST:

By: Charles A. Brown
County Clerk & Recorder



By: Stan Vanderwey
Chair

EXHIBIT A

LEGAL DESCRIPTION (CS ZONE)

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 8 AND SECTION 9, BOTH IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 9;

THENCE S81°51'23"E ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 331.37 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S81°51'23"E A DISTANCE OF 338.00 FEET;

THENCE S00°00'00"E DEPARTING SAID NORTH LINE, A DISTANCE OF 1195.45 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 489.15 FEET, A DELTA ANGLE OF 47°54'30", WHOSE LONG CHORD BEARS S39°36'27"E A DISTANCE OF 475.03 FEET;

THENCE S15°39'12"E A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF POWESRS BOULEVARD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472 (NOW HIGHWAY 21):

- 1) THENCE S74°20'48"W A DISTANCE OF 81.85 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, AN ARC LENGTH OF 625.43 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS S80°50'19"W A DISTANCE OF 624.10 FEET;
- 3) THENCE S87°19'53"W A DISTANCE OF 64.33 FEET TO A POINT OF CURVE TO THE RIGHT;
- 4) THENCE ON SAID CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 216.56 FEET, A DELTA ANGLE OF 82°43'14", WHOSE LONG CHORD BEARS N 51°18'28" W A DISTANCE OF 198.24 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;
- 5) THENCE ON SAID CURVE, HAVING A RADIUS OF 2105.00 FEET; AN ARC LENGTH OF 485.69 FEET, A DELTA ANGLE OF 13°13'11", WHOSE LONG CHORD BEARS N16°33'28"W A DISTANCE OF 484.61 FEET;

THENCE N56°26'42"E DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 545.66 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 342.60 FEET, A DELTA ANGLE OF 33°33'18", WHOSE LONG CHORD BEARS N16°46'39"W A DISTANCE OF 337.73 FEET;

THENCE N00°00'00"E A DISTANCE OF 665.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 961,408 SQUARE FEET OR 22.071 ACRES MORE OR LESS