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RESOLUTION NO. 21- 29

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE HIGHWAY 94 AND CURTIS ROAD MAP AMENDMENT (REZONING) (CS-20-003)

WHEREAS Land View, 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 RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 17, 2020, 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 January 26, 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 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 Land View, 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 RR-5 (Residential Rural) zoning district to the CS (Commercial Service) 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. 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 has offered to designate and provide to El Paso County a 25-foot trail easement along the north side of the subject property that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail. The alignment

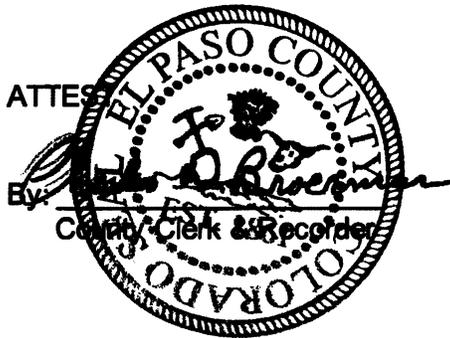
of the easement will need to be depicted on all applicable subsequent development applications and plans, including, but not limited to, site development plans.

NOTATION

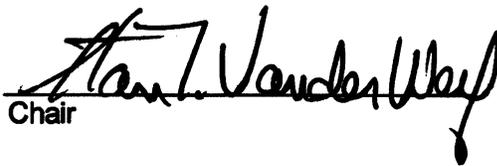
1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied.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

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 26th day of January, 2021 at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 

Chair

EXHIBIT A

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 15, Township 14 South, Range 64 West of the 6TH.P.M., lying South and East of the intersection of the Curtis Road and U.S. Highway No. 94, described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THOSE PORTIONS CONVEYED BY DEEDS RECORDED DECEMBER 27, 1937 IN BOOK 941 AT PAGE 173 AND APRIL 23, 2003 UNDER RECEPTION NO. 203085161 AND SEPTEMBER 21, 2006 UNDER RECEPTION NO. 206140472.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15 (ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE NORTH LINE OF SAID SECTION, WHICH BEARS S89°55'05"E "ASSUMED"), THENCE S00°08'22"W, 86.64 FEET ALONG THE WEST LINE OF SECTION 15, THENCE S89°51'38"E, 60.00 FEET TO THE POINT OF BEGINNING;

THENCE N45°04'02"E ALONG THE SOUTHERLY R.O.W. LINE OF SAID HIGHWAY 94 AS DESCRIBED IN RECEPTION NO. 206140472, 40.0 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY R.O.W. LINE N89°40'55"E, 975.00 FEET; THENCE S0°08'22"W, 1513.60 FEET; THENCE N89°51'38"W, 1023.72 FEET TO THE EAST R.O.W. LINE OF CURTIS ROAD; THENCE N00°08'22"E, 729.15 FEET ALONG SAID EAST R.O.W. LINE OF CURTIS ROAD (REC. NO. 203108692); THENCE CONTINUE ALONG SAID EAST R.O.W. LINE (REC. NO. 203085161), S89°51'38"E, 20.00 FEET; THENCE N0°08'22"E ALONG EAST R.O.W. LINE (REC. NO. 203085161) 748.31 FEET TO THE POINT OF BEGINNING;

CONTAINS 35.110 ACRES, MORE OR LESS.