

EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Nina Ruiz, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: CS-18-003
Project Name: Springs East at Waterview Commercial Rezone 2
Parcel No.: 55000-00-413**

OWNER:	REPRESENTATIVE:
COLA, LLC 555 Middle Creek Parkway Suite 380 Colorado Springs, CO 80921	Dakota Springs Engineering, LLC 31 N Tejon, Suite 500 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	10/16/2018
Board of County Commissioners Hearing Date:	11/13/2018

EXECUTIVE SUMMARY

A request by COLA, LLC, for approval of a map amendment (rezoning) of 1.70 acres from RS-5000 (Residential Suburban) to CS (Commercial Service). The property is located east of Powers Boulevard, south of Bradley Road and is within Section 9, Township 15 South, Range 65 West of the 6th P.M. The property is not located within a small area plan.

The 1.70 acres that are the subject of the proposed map amendment are also included within a concurrent request for approval of a preliminary plan that includes a total of 190 acres. The preliminary plan proposes to create 713 residential lots and 8 commercial lots. In reviewing the preliminary plan, which has not yet been scheduled for hearing, staff identified that the proposed access for the commercial center would not meet the Engineering Criteria Manual (2016) requirements. This map amendment (rezoning) request will allow the access point to be moved further to the east, and meet the Engineering Criteria Manual (2016) requirements.



A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request for approval of a map amendment (rezone) of 1.70 acres from RS-5000 (Residential Suburban) to CS (Commercial Service).

Waiver(s)/Modification(s): There are no waivers or modifications associated with the request.

Authorization to Sign: Any document necessary to carry out the intent of the Board of County Commissioners.

B. Planning Commission Summary

Request Heard: As a Consent Item at the October 16, 2018 hearing.

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 0

Vote Rationale: N/A

Summary of Hearing: Applicant was represented at the hearing.

Legal Notice: Advertised in Shopper’s Press on October 24, 2018

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Board of County Commissioners shall find that the request meets the following criteria for approval as outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2018):

- 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;
- 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;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- 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.

D. LOCATION

North:	A-5 (Agricultural)	Vacant
South:	RS-5000 (Residential Suburban)	Vacant
East:	RS-5000 (Residential Suburban)	Vacant
West:	RS-5000 (Residential Suburban)	Vacant

E. BACKGROUND

The parcel was zoned A-2 (Agricultural) on May 11, 1942, when zoning was first initiated for this area of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-2 zoning district has been renamed to the A-5 (Agricultural) zoning district. The parcel was then rezoned from A-5 to RS-5000 (Residential Suburban) on May 22, 2018.

A concurrent application has been submitted for the subject property for a preliminary plan to create 713 residential lots. In reviewing the preliminary plan, which has not yet been scheduled for hearing, staff identified that the proposed access for the commercial center would not meet the Engineering Criteria Manual (ECM) (2016) requirements. This map amendment (rezoning) request will allow the access point to be moved further to the east, thus meeting the ECM requirements.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Board of County Commissioners made a finding of compatibility and conformity with the previously approved sketch plans (SKP-00-002 and SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002). The request for approval of a map amendment (rezone) from RS-5000 (Residential Suburban) to CS (Commercial Service) is in conformance with the approved sketch plan.

2. Zoning Compliance

The applicant is requesting to rezone 1.70 acres of the subject parcel from the RS-5000 (Residential Suburban) zoning district to the CS (Commercial Service) zoning district. The CS zoning district is intended to accommodate retail, wholesale, or service commercial uses that serve the general public. The density and dimensional standards for the CS zoning district are as follows:

- Minimum zoning district area – 2 acres
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet
- Maximum building height – 45 feet

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan.

Relevant policies are as follows:

Policy 6.1.1- Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

Policy 6.1.3- Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.5- Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:

- Maximize the economy and efficiency of land use
- Preserve open space or natural areas
- Integrate employment, shopping, housing, schools and other uses
- Accommodate multi-modal transportation linkages
- Allow for variations in design and character

Policy 6.1.10- Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Policy 6.1.11- Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 10.1.2- Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

Policy 13.1.2- Support the provision of land use availability to meet the housing needs of county residents.

Public water, sanitation, gas, and electric are all available for commercial development. A finding of consistency with the Policy Plan was made by the El Paso County Board of County Commissioners with the previously approved sketch plans (SKP-00-002, SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002). The request for approval of a map amendment (rezoning) from RS-5000 (Residential Suburban) to CS (Commercial Services) is in conformance with the approved sketch plan.

4. Small Area Plan Analysis

The subject parcel is not located within a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies that development of the property will have a high wildlife impact potential. A natural features report will be reviewed with the preliminary plan application. El Paso County Community Services Department, Environmental Division and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no potential deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the map amendment (rezone).

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies that development of the property will have a high wildlife impact potential.

3. Floodplain

The property is located within flood zone X in the FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0768F, which is an area of minimal flood hazard and determined to be outside the 500-year floodplain.

4. Drainage and Erosion

The property is located within the Jimmy Camp Creek drainage basin. The basin is included in the El Paso County drainage basin fee program and fees will be due at the time of final plat(s) recordation.

A preliminary drainage report is included with the concurrently reviewed preliminary plan request (SP-16-005). The preliminary drainage report provides hydrologic analysis to identify and mitigate drainage impacts to the surrounding properties.

5. Transportation

The approved sketch plan amendment defined the specific access locations for the development. One of those access locations bisects the current commercially zoned area of the overall development resulting in a smaller commercial area east of the main entrance roadway with no feasible access. The preliminary plan layout proposed widening the smaller commercial area to provide an access that has adequate separation between the commercial access and the adjacent roundabout.

The proposed preliminary layout, if approved, requires this map amendment (rezoning) request in order to establish the location of the separate zoning districts.

A deviation request has been submitted with the preliminary plan for an abbreviated eastbound left turn lane and storage into the commercial access point. The traffic impact study conducted queueing analysis and noted that the proposed storage is sufficient and will not adversely affect safety or operations.

H. SERVICES

1. Water

Water will be provided by Widefield Water and Sanitation District. Findings with regards to water sufficiency are not required with map amendment (rezoning) requests.

2. Sanitation

Sanitary sewer will be provided by Widefield Water and Sanitation District.

3. Emergency Services

The property is located within Security Fire Protection District. The District was provided an opportunity to comment on the rezoning request and has no outstanding comments.

4. Utilities

Colorado Springs Utilities will provide natural gas service and Mountain View Electric will provide electrical service to the property.

5. Metropolitan Districts

The property is located within Waterview II Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) applications or for commercial land uses.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) applications or for commercial land uses.

I. APPLICABLE RESOLUTIONS

See Attached Resolution

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

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 Services) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on September 26, 2018, for the Board of County Commissioners' hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

Approved Sketch Plan

Planning Commission Resolution

Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name:

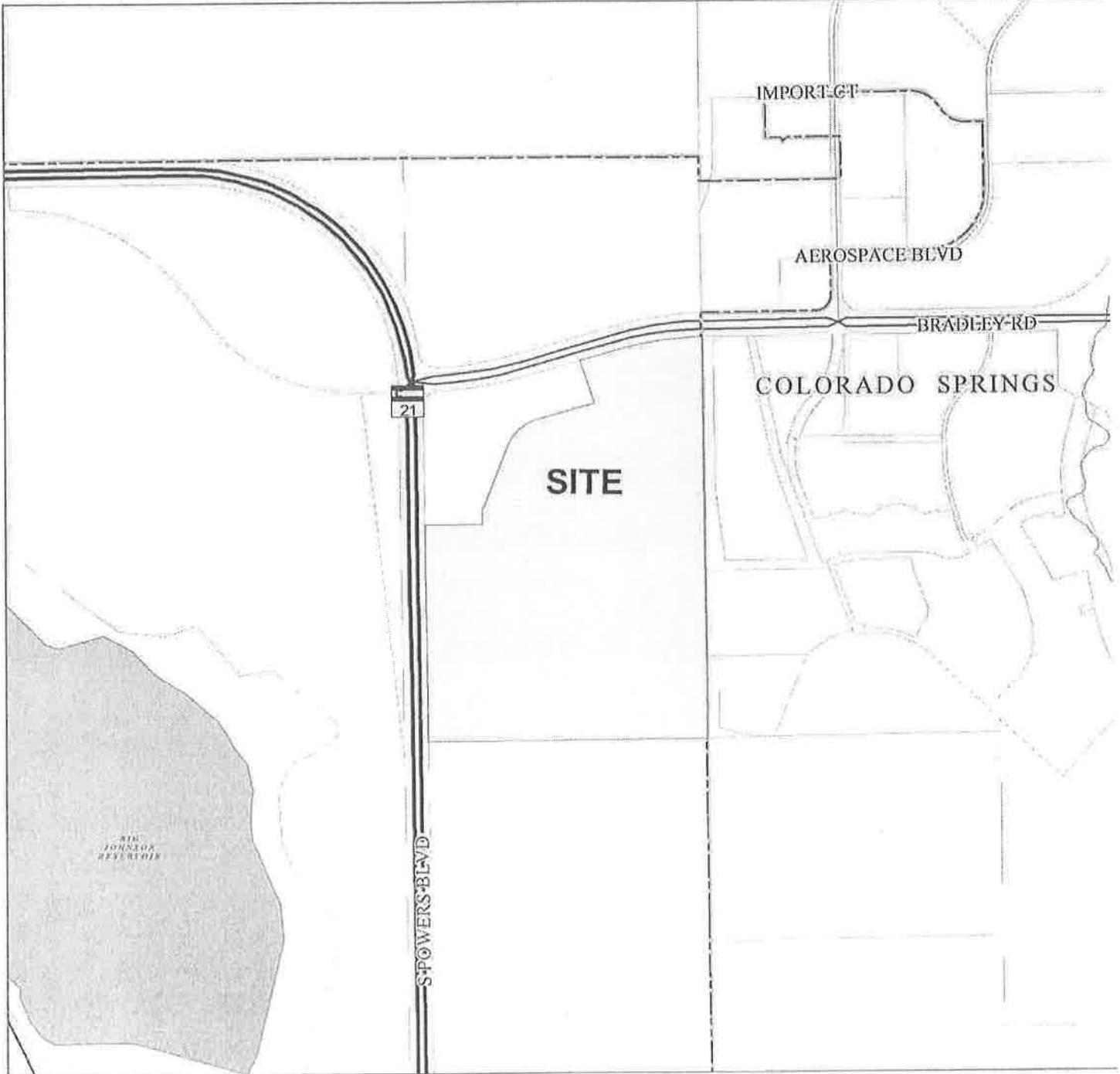
Zone Map No.:

PARCEL	NAME
5500000413	

Date:

ADDRESS	CITY	STATE

ZIP	ZIPLUS



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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Letter of Intent
Waterview East Zoning-Commercial Addition

06/18

Owners: Rankin Holdings LP
Eugenia M. & Basil E. Trust
Judy R. Timm
630 Southpointe Ct, Suite 200
Colorado Springs, CO 80903

Applicant: CPR Entitlement. LLC
31 North Tejon St., Suite 500
Colorado Springs, CO 80903 (719) 377-0244

Consultant: Dakota Springs Engineering
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 227-7388

Tax Schedule Nos.: 5500000135

Site Information:

Waterview East is a proposed mixed use development on 195.2 acres; including 713 single family lots on 168.61 acres currently Zoned RS-5000. And 26.64 acres of commercial (CS) development currently Zoned CS. This application is for rezoning 1.7 acres of the RS-5000 zone to CS Zoning. This would change the zoning acreage of the 195.2 acres to 166.91 acres of RS-5000 and 28.34 acres of CS.

The site lies in Section 9 of Township 15 South, Range 65 West. The proposed commercial development is south and east of Bradley Road and Powers Boulevard adjacent to Bradley Road.

The property is presently zoned RS-5000 and is part of the Waterview Sketch Plan. And part of the Waterview East Preliminary Plan currently under review.

The proposed Zoning area legal description is as follows:

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH 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 NONTANGENT CURVE TO THE LEFT;

THE FOLLOWING 3 COURSES ARE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD.

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

2. THENCE S74°20'48"W A DISTANCE OF 385.54 FEET ALONG THE SAID SOUTHERLY R.O.W. LINE;

TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

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

2. THENCE S74°20'48"W A DISTANCE OF 159.60 FEET;

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

4. THENCE N74°20'48"E A DISTANCE OF 159.60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 1.7 ACRES, MORE OR LESS.

Request and Reason:

To approve a Zone change for 1.7 acres of commercial (CS) development. This letter serves as a request to receive El Paso County approval of Zoning for this site.

The reason for the request is to comply with Traffic Access spacing to the commercial property by adding property to the east side of the existing CS zoned property.

The proposed Zoning is in conformance with the County Policy Plan based on the following Policy analysis:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

This application meets this policy by maintaining land use in accordance with the Waterview Sketch Plan and within the parameters of the adjacent proposed residential properties to the east; both in Waterview and Bradley Heights approved in the City of Colorado Springs. Access will be from Bradley Road in accordance with the approved Sketch Plan. Capacity of these roads is addressed in the accompanying TIS.

Policy 6.1.6: Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

This application meets this policy by taking advantage of existing urban supporting facilities provided by Widefield Water and Sanitation District. Service will be provided based on a recently approved inclusion agreement with this District. Water and Sewer service will be provided by extending water and sewer lines from Fontaine Boulevard north to the property. Easements are being acquired from the State Land Board for installation.

Policy 10.1.2: Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

The Widefield Water and Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The proposed project is within the service boundary of the Widefield Water and Sanitation District; an inclusion agreement has recently been approved.

Policy 10.2.2: Carefully consider the availability of water and wastewater services prior to approving new development.

The Widefield Water and Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The proposed project is within the service boundary of the Widefield Water and Sanitation District; an inclusion agreement has recently been approved. Water and Sewer service will be provided by extending water and sewer lines from Fontaine Boulevard north to the property. Easements are being acquired from the State Land Board for installation.

This request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code by the following:

- The application is in general conformance with the County Master Plan and previous county approvals; in this case the Waterview Sketch Plan with associated residential and commercial land uses.
- The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area.
- The site is suitable for the intended use.

This request meets the criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code by the following:

- The application for Zoning is in conformance with the County Master Plan.
- The subdivision is in conformance with the accompanying Zoning application and the application to amend the Sketch Plan.
- The proposed subdivision is consistent with the adjacent subdivision design.
- The proposed water supply is adequate and will be provided by the Widefield Water and Sanitation District.

- The proposed sewage disposal is to be provided by the Widefield Water and Sanitation District.
- Adequate drainage solutions are provided and follow MDDP and DBPS recommendations.
- Necessary services (fire protection, police, recreation, utilities) have been provided and will continue to be provided by the Widefield Water and Sanitation District, Security Fire Protection District, El Paso County, the City of Colorado Springs (gas) and Mountain View Electric (electric).
- Fire Protection will be provided by the Security Fire Protection District.
- Offsite impacts are minimal and will be mitigated as part of construction.
- Adequate public facilities and infrastructure are provided.
- The subdivision meets all other El Paso County criteria or waivers have been requested in this document.
- No mineral extraction is planned for this site.

Existing and Proposed Facilities:

The site currently is vacant. Proposed services in the development include the following:

- Water-Widefield Water and Sanitation District
- Sewer- Widefield Water and Sanitation District
- Electric Service – Mountain View Electric
- Natural Gas Service – City of Colorado Springs
- Telephone Service – Qwest
- Fire Protection – Security Fire Protection District

Offsite Improvements

- Widefield Water and Sanitation District sewer and water extensions from Fontaine Boulevard north across the State Land Board property to Waterview East.
- Construction of a Potable Water Pump Station in the northerly portion of the property to provide adequate pressure for the northern portion of the site and additional Waterview Sketch Plan property to the north.

Traffic Impact Fees:

The applicant requests that platted lots within Waterview East be included in the county wide Public Improvements District (PID) being formed and implemented as part of the Traffic Impact Fee resolution.

The calculated Traffic Impact Fee for the commercial development will depend on actual uses based on future platting and development.

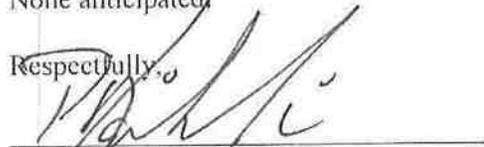
Impact Identification:

Included with the accompanying Preliminary Plan submittal is a Wildlife Impact report for Parcels P-17 and P-18. This report indicates a potential for minor wildlife impact to the burrowing owl and recommended mitigation.

Waiver Requests:

None anticipated.

Respectfully,



P.A. Koscielski
CPR Entitlements, LLC

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-18-003

WHEREAS, COLA, LLC, 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 RS-5000 (Residential Suburban) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on October 16, 2018; 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:

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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing;

4. The proposed map amendment (rezoning) is not in general conformance with the El Paso County Master Plan including applicable Small Area Plans.
5. The proposed land use or zone district is not 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 not 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 COLA, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RS-5000 (Residential Suburban) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners:

See Exhibit A

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 CS (Commercial Services) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

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 Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Creely	aye
Commissioner Friedman	aye
Commissioner Risley	aye
Commissioner Aurich	aye
Commissioner Lucia-Treese	aye
Commissioner Risley	aye
Commissioner Bailey	aye

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

EXHIBIT A

LEGAL DESCRIPTION

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

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4. THENCE N74°20'48"E ALONG SAID SOUTHERLY R.O.W. OF BRADLEY ROAD A DISTANCE OF 159.60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 1.7 ACRES, MORE OR LESS.

RESOLUTION NO. 18-

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

**APPROVAL OF THE SPRINGS EAST AT WATERVIEW COMMERCIAL 2 MAP
AMENDMENT (REZONING) (CS-18-003)**

WHEREAS COLA, 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 RS-5000 (Residential Suburban) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 16, 2018, 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 November 13, 2018; 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. Changing conditions clearly require amendment to the Zoning Resolutions.
8. 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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of COLA, 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 RS-5000 (Residential Suburban) 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 Services) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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 13th day of November, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
President

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH 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 NONTANGENT CURVE TO THE LEFT;

THE FOLLOWING 3 COURSES ARE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD.

1. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 2759.79', A DELTA ANGLE OF 15°09'41", 730.29' FEET ALONG THE SAID SOUTHERLY R.O.W. LINE;
2. THENCE S74°20'48"W A DISTANCE OF 385.54 FEET ALONG THE SAID SOUTHERLY R.O.W. LINE;

TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

1. THENCE S15°39'12"E A DISTANCE OF 470.00 FEET;
2. THENCE S74°20'48"W A DISTANCE OF 159.60 FEET;
3. THENCE N15°39'12"W A DISTANCE OF 470 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
4. THENCE N74°20'48"E ALONG SAID SOUTHERLY R.O.W. OF BRADLEY ROAD A DISTANCE OF 159.60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 1.7 ACRES, MORE OR LESS.