

ORDINANCE NO. 23 - 23

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 35.727 ACRES LOCATED SOUTHEAST OF THE FUTURE MARKSHEFFEL ROAD AND BARNES ROAD INTERSECTION FROM PUD (PLANNED UNIT DEVELOPMENT: SINGLE-FAMILY RESIDENTIAL, 3.5 TO 7.99 DWELLING UNITS PER ACRE, 35' MAXIMUM BUILDING HEIGHT; MULTI-FAMILY RESIDENTIAL, 12-24.99 DU/AC, 45' MAXIMUM BUILDING HEIGHT; AND COMMERCIAL, 40,000 SQUARE FEET GROSS FLOOR AREA, 45' MAXIMUM BUILDING HEIGHT WITH AIRPORT OVERLAY) TO PUD/AO (PLANNED UNIT DEVELOPMENT: COMMERCIAL, 40,000 SQUARE FEET GROSS FLOOR AREA, 45 FEET MAXIMUM BUILDING HEIGHT; AND RESIDENTIAL, 24.99 DWELLING UNITS PER ACRE MAXIMUM DENSITY, 45' MAXIMUM BUILDING HEIGHT WITH AIRPORT OVERLAY)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, as described in Exhibit A and depicted in Exhibit B, both of which are attached hereto and made a part hereof, from PUD (Planned Unit Development: Single-Family Residential, 3.5 to 7.99 dwelling units per acre, 35' maximum building height; Multi-Family Residential, 12-24.99 du/ac, 45' maximum building height; and Commercial, 40,000 square feet gross floor area, 45' maximum building height with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet gross floor area, 45 feet maximum building height; and Residential, 24.99 dwelling units per acre maximum density,


45' maximum building height with Airport Overlay), pursuant to the Zoning Ordinance of the City of Colorado Springs.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading, and ordered published this 9<sup>th</sup> day of May 2023.

**Finally passed:** May 23, 2023

  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



**LEGAL OF RECORD**

A TRACT OF LAND LOCATED IN THE S1/2 OF THE S1/2 OF SECTION 21 AND IN THE N1/2 OF THE N1/2 OF SECTION 28, ALL IN T13C, R65W, OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, T13S, R65W OF THE 6TH P.M. , FROM WHICH THE NORTHEAST CORNER OF SECTION 34 BEARS N01°14'52"E (BASIS OF BEARING - TRUE MERIDIAN), 5298.00 FEET, THENCE S89°42'24"W, 2667.93 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SECTION 34 TO THE S1/4 CORNER OF SECTION 34; THENCE CONTINUING S89°42'24"W, 2667.93 FEET ALONG THE SOUTH LINE OF THE SW1/4 OF SECTION 34 TO THE SOUTHWEST CORNER THEREOF; THENCE N00°12'53"W, 2683.20 FEET ALONG THE WEST LINE OF THE SW1/4 OF SECTION 34 TO THE W1/4 CORNER OF SECTION 34; THENCE CONTINUING N00°12'53"W, 2683.20 FEET ALONG THE WEST LINE OF THE NW1/4 OF SECTION 34 TO THE NORTHWEST CORNER THEREOF; THENCE N00°14'22"E, 2648.24 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 28 TO THE E1/4 CORNER OF SECTION 28; THENCE CONTINUING N00°14'22"E , 1324.12 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 28 TO THE SOUTHWEST CORNER OF THE N1/2 OF THE NW1/4 OF SECTION 27, TL3S, R65W OF THE 6TH P.M.; THENCE S89°09'53"E, 1144.70 FEET ALONG THE SOUTH LINE OF THE N1/2 OF THE NW1/4 OF SAID SECTION 27 TO A POINT ON A LINE THAT IS 150.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES FROM, AND PARALLEL WITH THE EAST LINE OF THAT TRACT OF LAND CONVEYED TO NATIONWIDE RESOURCES CORPORATION AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 5074 AT PAGE 558 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE N00°14'25"E, 247.54 FEET PARALLEL WITH THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 5074 AT PAGE 558 TO A POINT OF CURVE TO THE LEFT ; THENCE NORTHWESTERLY, 1119.27 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 920.00 FEET , A CENTRAL ANGLE OF 69°42'21" AND BEING SUBTENDED BY A CHORD THAT BEARS N34°36'45"W, 1051.51 FEET; THENCE N69°27 '56"W, 338. 62 FEET; THENCE N88°58'07"W, 375.31 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE NORTHWESTERLY, 683.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT. SAID ARC HAVING A RADIUS OF 1605.00 FEET , A CENTRAL ANGLE OF 24°23'07" AND BEING SUBTENDED BY A CHORD THAT BEARS N76°46'33"W. 677.95 FEET; THENCE N64°35'00"W, 1958 46 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHWESTERLY, 1282.08 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 2970.00 FEET, A CENTRAL ANGLE OF 24°44'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N76°57'00"W, 1272. 15 FEET; THENCE N89°19'00"W, 162.90 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S00°02'53"E, 1320.12 FEET;  
THENCE N89°19'00"W, 1319.63 FEET TO THE EAST LINE OF THE WEST 30.00 FEET OF THE NW1/4 OF SAID SECTION 28;  
THENCE N00°14'59"W, 104.71 FEET ALONG THE EAST LINE OF THE WEST 30.00 FEET OF THE NW1/4 OF SAID SECTION 28 TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 28;  
THENCE N00°02'53"W, 1215.42 FEET ALONG THE EAST LINE OF THE WEST 30.00 FEET OF THE SW1/4 OF SAID SECTION 21 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS S89°19'00"E;  
THENCE S89°19'00"E 1320.00 FEET TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION GRANTED TO EL PASO COUNTY BY DEED RECORDED SEPTEMBER 28, 2010 UNDER RECEPTION NO. 210095656 AND LESS EXCEPT THAT PORTION GRANTED TO THE CITY OF COLORADO SPRINGS BY DEED RECORDED FEBRUARY 20, 1996 IN BOOK 6823 AT PAGE 605, ALL IN THE RECORDS OF EL PASO COUNTY, COLORADO.

**LEGAL AS SURVEYED**

A TRACT OF LAND LOCATED IN THE S1/2 OF THE SW1/4 OF SECTION 21 AND THE N1/2 OF THE NW 1/4 OF SECTION 28, T13S, R65W, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE RIGHT-OF-WAY OF GRAPHITE DRIVE AS SHOWN ON THE PLAT OF "ENCLAVES AT MOUNTAIN VISTA RANCH FILING NO. 1" UNDER RECEPTION NO. 218714147 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE N00°35'11"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD AS DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 210095656 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, 1,245.35 FEET TO THE SOUTHERLY LINE OF THAT PARCEL DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 96020361 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;  
THENCE S89°19'00"E ALONG SAID LINE, 1,255.66 FEET TO THE WESTERLY LINE OF "ENCLAVES AT MOUNTAIN VISTA RANCH FILING NO. 6" UNDER RECEPTION NO. 220714553 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;  
THENCE S00°03'31"E ALONG SAID LINE, 720.76 FEET TO THE NORTHWEST CORNER OF "ENCLAVES AT MOUNTAIN VISTA RANCH FILING NO. 5" UNDER RECEPTION NO. 220714464 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;  
THENCE S00°03'31"E ALONG THE WEST LINE THEREOF, 524.45 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF AFORESAID GRAPHITE DRIVE;  
THENCE N89°18'49"W ALONG SAID LINE, 1,244.19 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,556,247 SQUARE FEET (35.727 ACRES, MORE OR LESS).

BASIS OF BEARINGS: THE NORTHERLY RIGHT-OF-WAY LINE OF GRAPHITE DRIVE AS SHOWN ON THE PLAT OF "ENCLAVES AT MOUNTAIN VISTA RANCH FILING NO. 1" UNDER RECEPTION NO. 218714147 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND IS ASSUMED TO BEAR N89°18'49"W A DISTANCE OF 1,310.18 FEET.

**FALCON TRUCKING AT BLR - PUD ZONE CHANGE EXHIBIT A**

DATE: 11.15.22

ISSUED FOR: ENTITLEMENT

DRAWN BY: TK

SCALE: N/A

DWG. REF.:

CITY FILE NO. ZONE-22-0021



N.E.S. Inc.  
619 N. Cascade Ave.  
Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.nescolorado.com

PBC/AO  
PARCEL RECEPTION  
#204048326

R1-6, R5/AO  
PARCEL RECEPTION  
#214104176

R1-6, R5/AO

BARNES ROAD (PARCEL NO. 5300-00-629)

PUD/AO  
PARCEL RECEPTION  
#220029536

PIP2/AO PARCEL RECEPTION #96020361  
S89°19'00"E 1255.66'

35.727 AC  
PUD/AO

PUD/AO

\*ENCLAVES AT MOUNTAIN  
VISTA FILING NO. 5\*  
REC. NO. 219714360

MARKSHEFFEL ROAD (REC NO. 210095656)  
N00°35'11"W 1245.35'

P.O.B.

N89°18'49"W 1244.19'  
GRAPHITE DRIVE (REC NO. 218714147)

S00°03'31"E 52.500°03'31"E 720.76'

PUD/AO  
PARCEL RECEPTION  
#220029536

PBC/AO  
PARCEL  
#53000-00-686

\*ENCLAVES AT MOUNTAIN RANCH FILING NO. 2A\*  
REC. NO. 219714360

### PUD (PLANNED UNIT DEVELOPMENT) / AO (AIRPORT OVERLAY)

The mix of land use types and the intensity of the land uses established for this PUD are as follows:

RESIDENTIAL: MAX DENSITY: 24.99 DU/AC  
MAX BUILDING HEIGHT: 45FT

COMMERCIAL: MAX GROSS SQUARE FOOTAGE: 40,000SQFT  
MAX BUILDING HEIGHT: 45FT

## FALCON TRUCKING AT BLR - PUD ZONE CHANGE EXHIBIT B

DATE: 11.15.22

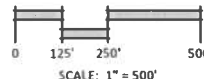
ISSUED FOR: ENTITLEMENT

DRAWN BY: TK

DWG. REF.:

SCALE: 1"=500'

CITY FILE NO. ZONE-22-0021



N.E.S. Inc.  
619 N. Cascade Ave.  
Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.nescolorado.com

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 35.727 ACRES LOCATED SOUTHEAST OF THE FUTURE MARKSHEFFEL ROAD AND BARNES ROAD INTERSECTION FROM PUD (PLANNED UNIT DEVELOPMENT: SINGLE-FAMILY RESIDENTIAL, 3.5 TO 7.99 DWELLING UNITS PER ACRE, 35’ MAXIMUM BUILDING HEIGHT; MULTI-FAMILY RESIDENTIAL, 12-24.99 DU/AC, 45’ MAXIMUM BUILDING HEIGHT; AND COMMERCIAL, 40,000 SQUARE FEET GROSS FLOOR AREA, 45’ MAXIMUM BUILDING HEIGHT WITH AIRPORT OVERLAY) TO PUD/AO (PLANNED UNIT DEVELOPMENT: COMMERCIAL, 40,000 SQUARE FEET GROSS FLOOR AREA, 45 FEET MAXIMUM BUILDING HEIGHT; AND RESIDENTIAL, 24.99 DWELLING UNITS PER ACRE MAXIMUM DENSITY, 45’ MAXIMUM BUILDING HEIGHT WITH AIRPORT OVERLAY)”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on May 9, 2023; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23<sup>rd</sup> day of May 2023, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 23<sup>rd</sup> day of May 2023.



1<sup>st</sup> Publication Date: May 12, 2023

2<sup>nd</sup> Publication Date: May 26, 2023

Effective Date: May 31, 2023

Initial: SBJ  
City Clerk