

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP-19-007

Claremont Business Park 2

WHEREAS, Hammers Construction, Inc., Case L G, Lena Case, and Nancy Starr, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed High Plains Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on November 19, 2020; 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 were 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 and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code.

7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
8. Sufficiency: A conditional sufficient water supply has been acquired in terms of quantity, and dependability and water sufficient for water quality for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
13. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.

16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. That for the above-stated and other reasons, the proposed subdivision 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 approval of the application for a preliminary plan of Claremont Business Park 2.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notation(s) be placed upon this approval:

WAIVER(S):

1. The applicants have requested approval of a waiver of the standard drainage easement widths that are required for side lot lines for urban density lots as depicted on the preliminary plan for Lots 1-6. Section 8.4.5.G.4.b. of the Code specifies:

“Drainage Easements may be coincident with the required utility easements unless otherwise requested by the review engineer. The standard drainage easements for urban... lots shall be provided as follows:

- Side Lot Lines: 5 feet
- Rear Lot Lines: 7 feet”

For the lots specified above, the applicants have proposed 2-foot combined drainage and utility easements rather than providing the required 5-foot for one or both of the side property lines. The Planning and Community Development Department Engineering Division has approved the drainage report for the development confirming that the lots with the reduced drainage easements will maintain adequate and functional drainage through the site. The utility providers were sent a referral for the preliminary plan and did not object to the reduced easements as depicted on the plan.

2. The applicants have requested approval of a waiver to allow a private street where a public road would otherwise be required. Section 8.4.4.E.2 of the Code specifies:

“The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.”

The adjacent Claremont Business Park 1 Subdivision was approved with private internal streets connecting to Meadowbrook Parkway, which is a public street maintained by the County. The existing private streets within the Claremont Business Park 1 are maintained by the Claremont Owner’s Association. The applicants have provided a note on the preliminary plan stating that the proposed private streets for this development will also be maintained by the Claremont Owner’s Association. Staff recommends that a condition of approval be added to the final plat requiring that the proposed covenants state that private roads will be maintained by the Claremont Owner’s Association.

3. The applicants have requested approval of a waiver for the private street described. If approved, the waiver would allow the street to be constructed so as to not meet County standards. Section 8.4.4.E.3. of the Code specifies:

“Generally, private roads shall be constructed and maintained to ECM standards except as otherwise determined in the waiver.”

If built to the specifications of a County road, the street would need to include five-foot wide pedestrian sidewalk along both sides of the proposed private road. The applicants are proposing to provide a 4 foot wide sidewalk from Meadowbrook Parkway along the north side of Gary Watson Point that would terminate in the cul-de-sac rather than it being provided on both sides of the private street. The existing Claremont Business Park 1 Subdivision, adjacent to the subject property, did not provide any sidewalks along the internal private streets. The applicants are proposing the sidewalk along one side of the street as a compromise between meeting the County standards and matching the existing development pattern for Claremont Business Park.

CONDITIONS

1. Applicable drainage and bridge fees shall be paid with each final plat.
2. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of 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 species.

3. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the preliminary plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

BE IT FURTHER RESOLVED that the Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Fuller	aye
Commissioner Risley	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye
Commissioner Greer	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Bailey	aye

The Resolution was adopted by a vote of 8 to 1 by the El Paso County Planning Commission, State of Colorado.

DATED: November 19, 2020



Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

Parcel #54081-01- 054

Legal Description: THAT PT OF TRACT C CLAREMONT BUSINESS PARK FIL NO 2 DESC AS FOLS: COM AT NE COR OF SAID TR, TH S00-07-45W 501.71 FT TO POB, TH CONT S00-07-45E 48.44 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 604.30 FT, A C/A OF 25-04-40, AND AN ARC DIST OF 264.49 FT WHICH CHORD BEARS S12-24-35E A DIST OF 262.39 FT, TH S06-50-36E 142.31 FT, TH S14-53-45W 164.30 FT, TH S33-31-44W 192.29 FT, TH N56-05-59W 427.26 FT, TH N77-52-05W 113.74 FT, TH ALG ARC OF A NON-TANGENT CUR TO THE L HAVING A RAD OF 605.00 FT, A C/A OF 24-04-49, AND AN ARC DIST OF 254.27 FT WHICH CHORD BEARS N00-09-38W A DIST OF 252.40 FT, TH N12-12-01W 118.66 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 525.00 FT, A C/A OF 14-25-33, AND AN ARC DIST OF 132.18 FT WHICH CHORD BEARS N04-58-14W A DIST OF 131.84 FT, TH N89-41-23E 578.26 FT TO POB.

Parcel #54054-12- 001

Legal Description: TRACT OF LAND IN SE4SE4 SEC 5-14-65 BEING A PORT OF TRACT C CLAREMONT BUSINESS PARK FIL NO.2 DESC AS FOLS: COM AT NE COR OF TRACT C, TH S 89-38-10 W 58.28 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 525.00 FT, A C/A OF 38-19-21, & AN ARC DIST OF 321.15 FT, WHICH CHORD BEARS S 70-27-18 W A DIST OF 344.64 FT TO POB, TH S 56-27-11 E 52.74 FT, TH S 34-12-27 E 128.89 FT, TH S 07-29-04 W 37.24 FT, TH ALG ARC OF NONTAG CUR TO L HAVING A RAD OF 325.00 FT, A C/A OF 23-09-30, & AN ARC DIST OF 131.36 FT, WHICH CHORD BEARS S 35-23-35 W A DIST OF 130.47 FT, TH N 66-11-10 W 204.85 FT, TH ALG ARC OF NONTANG CUR TO R HAVING A RAD OF 525.00 FT, A C/A OF 27-19-23, & AN ARC DIST OF 250.36 FT, WHICH CHORD BEARS N 37-37-56 E A DIST OF 248.00 FT TO POB

Parcel #54054-12- 002

Legal Description: TRACT OF LAND IN SE4SE4 SEC 5-14-65 AND NE4NE4 OF SEC 8-14-65 BEING A PORT OF TRACT C CLAREMONT BUSINESS PARK FIL NO.2 DESC AS FOLS: COM AT NE COR OF TRACT C, TH S 00-07-45 W 390.43 FT, TH S 12-34-02 W 62.53 FT, TH N 89-52-15 W 106.11 FT TO POB, TH N 89-52-15 W 193.68 FT, TH ALG ARC OF NONTANG CUR TO R HAVING A RAD OF 275.00 FT, C/A OF 50-30-33, & AN ARC DIST OF 242.43 FT, WHICH CHORD BEARS N 41-08-01 E A DIST OF 234.65 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 37.00 FT, A C/A OF 26-56-16, & AN ARC DIST OF 17.40 FT, WHICH CHORD BEARS N 79-51-51 E A DIST OF 17.24 FT, TH S 07-04-16 E 181.59 FT TO POB

Parcel #54054-12- 003

Legal Description:
TRACT OF LAND IN SE4SE4 SEC 5-14-65 AND NE4NE4 OF SEC 8-14-65 BEING A PORT OF TRACT C CLAREMONT BUSINESS PARK FIL NO.2 DESC AS FOLS: COM AT NE COR OF TRACT C, TH S 00-07-45 W 230.44 FT TO POB, TH S 00-07-45 E 159.99 FT, TH S 12-34-02 W 62.53 FT, TH N 89-52-15 W 106.11 FT, TH N 07-04-16 W 181.59 FT, TH ALG ARC OF NONTANG CUR TO R HAVING A RAD OF 37.00 FT, A C/A OF 26-56-16, & AN ARC

DIST 17.40 FT, WHICH CHORD BEARS S 73-12-19 E A DIST OF 17.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 53.00 FT, A C/A OF 120-08-04, & AN ARC DIST OF 111.13 FT, WHICH CHORD BEARS N 60-11-47 E A DIST OF 91.86 FT, TH S 89-52-15 E 46.22 FT TO POB

Parcel #54054-12- 004

Legal Description: TR C CLAREMONT BUSINESS PARK FIL NO 2 EX THOSE PT CONV BY REC # 218046726 & EX THAT PT CONV BY REC # 219078479