

PRELIMINARY PLAN (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP232  
THE COMMONS AT FALCON FIELD

WHEREAS, Falcon Field, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Preliminary Plan for the Commons at Falcon Field 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 August 15, 2024; 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. 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; and

6. For the above-stated and other reasons, the proposed Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability 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 Code (this finding may not be deferred to Final Plat if the applicant intends to seek Administrative Final Plat approval);
5. 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 Code;
6. 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.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development;
9. 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 Code and the ECM;
10. 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 encourage 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 therefore, reasonably related to the proposed Subdivision so the proposed Subdivision will not negatively impact the levels of service of County services and facilities;

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability 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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Falcon Field, LLC for approval of a Preliminary Plan for the Commons at Falcon Field Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 4/24/2024, as provided by the County Attorney's Office.

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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

TROWBRIDGE seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 15th day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 7, TOWNSHIP 13 SOUTH, AND RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202131510 OF THE RECORDS OF SAID COUNTY, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERED TO HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SAID LINE BEING MONUMENTED AT HE WEST END BY A 3" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17664, AND MONUMENTED AT THE EAST END BY A 2" ALUMINUM CAP STAMPED WITH COLORADO REGISTERED LAND SURVEYOR NO. 17665, SAID LINE IS ASSUMED TO BEAR N89°08'49"W)

BEGINNING AT THE NORTHWEST CORNER OF "ARROWHEAD ESTATES FILING NO.1" AS DESCRIBED IN PLAT BOOK Y-3, PAGE 39 OF THE RECORDS OF SAID COUNTY; SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 13, OF SAID "ARROWHEAD ESTATES FILING NO.1";

THE FOLLOWING (3) THREE COURSES ARE ON THE WESTERLY AND NORTHERLY LINES OF SAID "ARROWHEAD ESTATES FILING NO.1";

- 1) THENCE S00°46'12"W A DISTANCE OF 1,185.42 FEET;
- 2) THENCE S86°00'46"W A DISTANCE OF 327.52 FEET;
- 3) THENCE S00°25'05"W A DISTANCE OF 68.17 FEET TO THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 202090702 OF SAID RECORDS;

THENCE N89°59'43"W A DISTANCE OF 430.45 FEET ON SAID NORTHERLY LINE TO THE SOUTHWESTERLY CORNER OF "VERBURG SUBDIVISION WAIVER", A TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 201000639 OF SAID RECORDS;

THENCE N00°14'15"E A DISTANCE OF 1,475.39 FEET ON THE EASTERLY LINE OF SAID "VERBURG SUBDIVISION WAIVER" TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 24 AS DESCRIBED IN BOOK 840 PAGE 258 OF SAID RECORDS;

THE FOLLOWING THREE COURSES ARE ON SAID SOUTHEASTERLY RIGHT OF WAY LINE;

- 1) THENCE N50°05'41"E A DISTANCE OF 125.34 FEET TO A POINT OF CURVE TO THE LEFT;
- 2) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 5,800.00 FEET, A DELTA ANGLE OF 03°40'20", AN ARC LENGTH OF 371.73 FEET, WHOSE LONG CHORD BEARS N48°15'41"E A DISTANCE OF 371.67 FEET;
- 3) THENCE N46°25'11"E A DISTANCE OF 760.04 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE WITH THE WESTERLY RIGHT OF WAY LINE OF RIO ROAD, A 60 FOOT WIDE RIGHT OF WAY SHOWN ON "FALCON RANCH ESTATES SUBDIVISION" AS RECORDED IN PLAT BOOK T-2 AT PAGE 47 OF SAID RECORDS;

THE FOLLOWING (2) TWO COURSES ARE ON SAID WESTERLY RIGHT OF WAY LINE AND THE SOUTHERLY RIGHT OF WAY OF RIO ROAD;

- 1) THENCE S22°22'28"E A DISTANCE OF 219.81 FEET;
- 2) THENCE S89°10'21"E A DISTANCE OF 1,071.23 FEET TO THE NORTHWEST CORNER OF LOT 14, OF SAID "FALCON RANCH ESTATES SUBDIVISION";

THENCE S00°10'51"E A DISTANCE OF 705.04 FEET ON THE WESTERLY LINES OF SAID LOT 14 AND 13 OF SAID "FALCON RANCH ESTATES SUBDIVISION" TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID "ARROWHEAD ESTATES FILING NO.1", SAID CORNER ALSO BEING THE MOST NORTHERLY NORTHWEST CORNER OF LOT 10 OF SAID "ARROWHEAD ESTATES FILING NO.1";

THE FOLLOWING (2) TWO COURSES ARE ON THE WESTERLY AND NORTHERLY LINES OF SAID "ARROWHEAD ESTATES FILING NO.1"

- 1) THENCE S00°10'51"E A DISTANCE OF 151.74 FEET;
- 2) THENCE N88°55'44"W A DISTANCE OF 1,314.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 2,511,970 SQUARE FEET OR 57.667 ACRES, MORE OR LESS.