

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Brittain-Jack moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. PUDSP-21-011
COTTAGES AT MESA RIDGE PRELIMINARY PLAN**

WHEREAS, CSJ No. 1, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of the Cottages at Mesa Ridge Preliminary Plan 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 May 5, 2022; 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 Cottages at Mesa Ridge.

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

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. 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 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.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.

2. 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.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

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

Commissioner Merriam seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	nay
Commissioner Lucia-Treese	nay
Commissioner Brittain Jack	aye
Commissioner Trowbridge	nay
Commissioner Carlson	aye
Commissioner Merriam	aye

Commissioner Schuettpelz

nay

The Resolution was adopted by a vote of 5 to 4 by the El Paso County Planning Commission,
State of Colorado.

DATED: May 5, 2022

 (VICE CHAIR)
Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 27, SECTION 28 AND SECTION 33, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376 2006" AT THE NORTHEAST CORNER AND BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTHEAST CORNER, SAID LINE BEING ASSUMED TO BEAR S01°30'51"W.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, S89°29'10"W A DISTANCE OF 1,191.33 FEET, TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH LINE, THE FOLLOWING SIX (6) COURSES:

1. S19°42'21"W A DISTANCE OF 184.86 FEET;
2. S32°15'45"W A DISTANCE OF 71.66 FEET;
3. S41°47'19"W A DISTANCE OF 88.37 FEET;
4. S14°57'52"W A DISTANCE OF 155.36 FEET;
5. S03°04'57"E A DISTANCE OF 208.19 FEET;
6. S05°19'07"E A DISTANCE OF 22.87 FEET;

THENCE ON 15.00 FEET SOUTHERLY OF AND PARALLEL TO THE NORTHERLY LINE OF THE 160' ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO. 214100441 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, THE FOLLOWING THREE (3) COURSES:

1. S50°26'12"E A DISTANCE OF 725.53 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,935.00 FEET, A CENTRAL ANGLE OF 26°05'19" AND AN ARC LENGTH OF 881.07 FEET, TO A POINT OF TANGENT;

3. S76°31'31"E A DISTANCE OF 347.57 FEET, TO A POINT ON THE EASTERLY LINE OF THE 80' ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO 214100441 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON THE EASTERLY AND SOUTHERLY LINES OF SAID EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. S13°28'29"W A DISTANCE OF 1,333.84 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,540.00 FEET, A CENTRAL ANGLE OF 62°50'51" AND AN ARC LENGTH OF 1,689.22 FEET, TO A POINT OF;
3. S76°19'20"W A DISTANCE OF 2,208.31 FEET;

THENCE DEPARTING SAID SOUTHERLY EASEMENT LINE, N13°40'40"W A DISTANCE OF 80.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714151 AND A POINT ON THE NORTHERLY LINE OF SAID 80' ACCESS AND UTILITY EASEMENT;

THENCE ON THE NORTHERLY AND WESTERLY LINES OF SAID EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. N76°19'20"E A DISTANCE OF 2,208.31 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,460.00 FEET, A CENTRAL ANGLE OF 62°50'51" AND AN ARC LENGTH OF 1,601.47 FEET, TO A POINT OF TANGENT;
3. N13°28'29"E A DISTANCE OF 1,203.84 FEET;

THENCE ON A LINE 15.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTHERLY LINE OF SAID 160' ACCESS AND UTILITY EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. N76°31'31"W A DISTANCE OF 267.57 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,065.00 FEET, A CENTRAL ANGLE OF 26°05'19" AND AN ARC LENGTH OF 940.26 FEET, TO A POINT OF TANGENT;
3. N50°26'12"W A DISTANCE OF 1,355.04 FEET, TO THE SOUTHEASTERLY CORNER OF BRIARGATE PARKWAY AS SHOWN ON THE PLAT OF SAID STERLING RANCH FILING NO. 1;

THENCE ON THE EASTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF SAID BRIARGATE PARKWAY, THE FOLLOWING TWO (2) COURSES:

1. N39°33'48"E A DISTANCE OF 130.00 FEET;
2. N50°26'12"W A DISTANCE OF 770.00 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWENTY (20) COURSES:

1. N39°33'48"E A DISTANCE OF 1161.81 FEET, TO A POINT OF NON-TANGENT CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N51°21'08"W, HAVING A RADIUS OF 870.00 FEET, A CENTRAL ANGLE OF 14°22'05" AND AN ARC LENGTH OF 218.17 FEET, TO A POINT OF NON-TANGENT CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N65°16'19"W, HAVING A RADIUS OF 814.82 FEET, A CENTRAL ANGLE OF 12°28'32" AND AN ARC LENGTH OF 177.42 FEET, TO A POINT OF NON-TANGENT;
4. S76°13'25"E A DISTANCE OF 185.19 FEET;
5. S76°20'29"E A DISTANCE OF 50.05 FEET;
6. S11°07'11"W A DISTANCE OF 3.91 FEET;
7. S20°05'15"E A DISTANCE OF 68.42 FEET;
8. S51°17'41"E A DISTANCE OF 52.77 FEET;
9. N38°42'19"E A DISTANCE OF 130.03 FEET;
10. S51°16'53"E A DISTANCE OF 128.03 FEET;
11. S51°17'40"E A DISTANCE OF 80.48 FEET;
12. S51°18'16"E A DISTANCE OF 124.15 FEET;
13. S63°15'15"E A DISTANCE OF 10.26 FEET;
14. N39°48'59"E A DISTANCE OF 110.92 FEET;
15. N48°27'49"E A DISTANCE OF 87.13 FEET;
16. N55°58'31"E A DISTANCE OF 87.13 FEET;

17. N63°35'09"E A DISTANCE OF 87.13 FEET;

18. N71°09'48"E A DISTANCE OF 87.13 FEET;

19. N78°01'26"E A DISTANCE OF 79.85 FEET;

20. N79°18'16"E A DISTANCE OF 441.05 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON SAID WEST LINE, S00°53'15"E A DISTANCE OF 220.84 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, N87°34'53"E A DISTANCE OF 73.60 FEET;

THENCE DEPARTING SAID NORTH LINE, THE FOLLOWING TWENTY-ONE (21) COURSES:

1. S04°00'08"W A DISTANCE OF 38.86 FEET;

2. S23°30'33"W A DISTANCE OF 96.02 FEET;

3. S17°58'09"W A DISTANCE OF 105.84 FEET;

4. S07°20'33"W A DISTANCE OF 248.45 FEET;

5. S27°44'47"W A DISTANCE OF 82.16 FEET;

6. S51°16'10"W A DISTANCE OF 361.44 FEET;

7. S29°35'35"W A DISTANCE OF 198.68 FEET;

8. S56°06'51"W A DISTANCE OF 68.55 FEET;

9. S51°10'06"W A DISTANCE OF 86.23 FEET;

10. S82°29'37"W A DISTANCE OF 85.63 FEET;

11. N82°52'49"W A DISTANCE OF 82.74 FEET;

12. N63°10'02"W A DISTANCE OF 59.72 FEET, TO A POINT OF NON-TANGENT CURVE;

13. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S52°33'19"W, HAVING A RADIUS OF 43.53 FEET, A CENTRAL ANGLE OF 66°07'59" AND AN ARC LENGTH OF 50.25 FEET, TO A POINT OF REVERSE CURVE;
14. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 208.41 FEET, A CENTRAL ANGLE OF 21°27'48" AND AN ARC LENGTH OF 78.07 FEET, TO A POINT OF REVERSE CURVE;
15. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 85.46 FEET, A CENTRAL ANGLE OF 85°24'40" AND AN ARC LENGTH OF 127.39 FEET, TO A POINT OF TANGENT;
16. S12°28'27"W A DISTANCE OF 90.70 FEET;
17. S87°04'53"W A DISTANCE OF 91.55 FEET;
18. S01°04'54"W A DISTANCE OF 49.42 FEET;
19. S27°12'58"W A DISTANCE OF 75.48 FEET;
20. S12°38'34"W A DISTANCE OF 55.41 FEET;
21. S19°42'21"W A DISTANCE OF 0.70 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 3,385,206 SQUARE FEET OR 77.7136 ACRES.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PROPERTY DESCRIPTION STATEMENT

I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING, LLC

