

RESOLUTION NO. 05-26

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

**REZONE 512.16 ACRES FROM THE RR-3 DISTRICT TO THE PUD DISTRICT
FOR SANTA FE SPRINGS (PUD-04-004) -REALTY DEVELOPMENT
SERVICES**

Commissioner Huffman moved adoption of the following Resolution:

WHEREAS, Realty Development Services did file a petition with the Planning Department of El Paso County to Rezone the herein described property in El Paso County from the RR-3 (Rural Residential) Zone District to the PUD (Planned Unit Development) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 23, 2004, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with conditions and notation; and

WHEREAS, a public hearing was held by this Board on January 6, 2005; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado, or the applicable comprehensive plan or any amendments thereto.
4. The proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area.

ROBERT C. "BOB" BALINK	El Paso County, CO
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5. 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.
6. A need for development has been demonstrated.
7. The proposed development will not have a negative effect upon the existing and future development of the surrounding area.
8. The proposed PUD (Planned Unit Development) District zoning will achieve and advance the stated purposes set forth in Section 16 of the El Paso County Land Development Code.
9. The existing and proposed public services and facilities are adequate for the proposed development, and the proposed public services and facilities will be timely provided.
10. The existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and the proposed transportation network improvements will be timely provided.
11. For the above-stated and other reasons, the proposed Zoning 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 Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Realty Development Services for a Zone change from the RR-3 (Rural Residential) Zone District to the PUD (Planned Unit Development) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions shall be placed upon this approval:

CONDITIONS:

1. Development of the property shall be in accordance with the approved Development Plan and Development Guide. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q of the El Paso County Land Development Code.

2. Maximum dwelling units within the Santa Fe Springs PUD-3 shall be 970 dwelling units, unless a density transfer is requested by the applicant and approved by the Board of County Commissioners as outlined below.
3. Should the "Active Adult" component be reduced and or relocated within any Santa Fe Springs PUD, an administrative modification of the applicable Development Plan shall be allowed subject to the following:
 - a. The School District(s) shall be consulted to determine if an additional school site or an expansion of an existing school site is needed and if such a site(s) and/or land shall be provided.
 - b. The number of units off-set by the inclusion of a school site may be transferred to another PUD area within the boundary of the Santa Fe Springs Sketch Plan, except that area shown on the Sketch Plan to be single-family residential – low density (35-acre parcels) in the Peyton Highway area (now shown as PUD-7, Phase 6).
 - c. Density transfer to the Santa Fe Springs PUD-3 shall be limited to 10% (97 units) of the total dwelling units approved (970 dwelling units) within PUD-3.
 - d. Preservation Easements shall not be converted for development through a density transfer.
 - e. Open Space conversion shall be limited to ten percent (10%) within any given PUD.
 - f. In no case shall the transfer of density or dwelling units be allowed to exceed the 5,370 dwelling unit cap as approved on the Santa Fe Springs Sketch Plan.
 - g. In no case shall the overall "Active Adult" component (as defined by the applicant) within the overall Santa Fe Springs Sketch Plan boundary fall below thirty percent (30%) of the overall residential dwelling unit

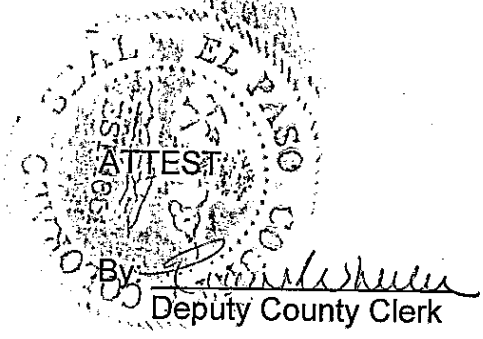
composition. This ratio does not apply as a minimum requirement within any particular PUD.

- h. "Active Adult" shall be defined as that development limited to households containing at least one person older than 55, however those younger than 55 but older than 19 can also live in the home. Persons younger than 19 are allowed to visit but no more than 60 days in a year. The Active Adult restrictions shall be specified in the Codes, Covenants and Restrictions for the associated development.
4. Landscaping shall be required by the developer and/or builder for all areas on the Development Plan indicated by a landscape easement along the roadways. Landscape Plans shall be submitted within the Preliminary Plan documents. Landscaping shall be collateralized as part of the Estimate of Guaranteed Funds.
5. The applicant shall be required to participate in a fair and equitable manner in off-site road improvements. The applicant is hereby put on notice that an off-site road study and plan shall be prepared and adopted in accordance with Section 49.6 of the Land Development Code with the intent of being in place prior to approval of any Final Plats for this development.
6. A letter of Map Revision, converting the Zone A floodplain to a Zone AE Floodplain, shall be submitted to and approved by FEMA before any final plat containing floodplain is scheduled for hearing by the Board of County Commissioners, unless otherwise authorized by the Floodplain Administrator.
7. Any preliminary plan(s) filed adjacent to an arterial or above classified roadway shall require a noise analysis with finding and recommended mitigation that is acceptable to El Paso County.
8. No lot shall be split between a school or fire district on any preliminary plan or final plat. If possible, subdivision design shall minimize jurisdictional impacts to this regard.

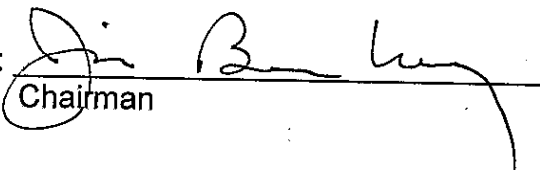
9. The Development Plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any Preliminary Plan for hearing by the Planning Commission.
10. All owners of record must sign the Development Plan.
11. A full plot plan review will be required for all non-residential developments within this PUD. Prior to approval of any Plot Plan the land use(s), densities, setbacks, height limits, landscaping, buffering, screening and access locations as depicted on the Plot Plan shall be found to be in conformance with the Development Plan as approved by the Board of County Commissioners and applicable regulations within the Land Development Code.
12. Applicable Park and School fees shall be paid with any Final Plats reflecting, if appropriate, the credits for dedication of a school site and any park credits received.
13. Prior to scheduling this request for a hearing by the Board of County Commissioners:
 - a. All technical review issues of the Planning and Engineering Division shall be resolved and changes, as applicable, to the Development Plan and Development Guide shall be completed.
 - b. Applicant shall provide verification that communication between the applicant and the School District(s), Fire District(s) and MVEA are continuing regarding the proposed final locations of the requested sites.
14. In the event urban services have not been extended to some part of the overall Santa Fe Springs property within five (5) years of Board of County Commissioners' approval of this request, the Board may consider rezoning back to the original RR-3 (Rural Residential) classification.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE! THIS 6th day of January 2005, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chairman

Commissioner Williams seconded the adoption of the foregoing Resolution. The roll having been called, all five Commissioners voted "aye," and the Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

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EXHIBIT A

A TRACT OF LAND LOCATED IN SECTION 35 AND IN THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00° 08' 51" E ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 1318.44 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 35; THENCE S 89° 30' 28" E ALONG THE NORTH LINE OF SAID SW ¼ SW ¼, A DISTANCE OF 1312.36 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N 00° 11' 54" E ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 35, A DISTANCE OF 1465.84 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S 32° 56' 19" E, A DISTANCE OF 624.56 FEET; THENCE S 37° 18' 58" E, A DISTANCE OF 403.54 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 30° 11' 19" (THE LONG CHORD OF WHICH BEARS S 52° 24' 38" E, A LONG CHORD DISTANCE OF 182.29 FEET), AN ARC LENGTH OF 184.41 FEET; THENCE S 67° 30' 18" E, A DISTANCE OF 496.69 FEET; THENCE S 80° 01' 30" E, A DISTANCE OF 521.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 1468.06 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 38° 31' 04" (THE LONG CHORD OF WHICH BEARS S 60° 45' 58" E, A LONG CHORD DISTANCE OF 968.44 FEET), AN ARC LENGTH OF 986.92 FEET; THENCE S 58° 00' 23" E, A DISTANCE OF 321.02 FEET; THENCE S 59° 38' 05" E, A DISTANCE OF 395.51 FEET; THENCE S 60° 15' 36" E, A DISTANCE OF 322.26 FEET; THENCE S 57° 44' 58" E, A DISTANCE OF 269.09 FEET; THENCE S 49° 15' 07" E, A DISTANCE OF 187.00 FEET; THENCE S 33° 43' 46" E, A DISTANCE OF 251.74 FEET; THENCE S 00° 46' 31" E, A DISTANCE OF 106.47 FEET TO A POINT ON THE SOUTH LINE OF SAID SW ¼ OF SECTION 36; THENCE S 89° 17' 01" E ALONG SAID SOUTH LINE, A DISTANCE OF 2596.66 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER; THENCE N 00° 12' 40" E ALONG THE EAST LINE OF SAID SW ¼, A DISTANCE OF 2637.98 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N 89° 11' 50" W ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 2616.09 TO THE NORTHWEST CORNER THEREOF; THENCE N 00° 21' 00" E ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 2641.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 35; THENCE N 89° 35' 24" W ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 3947.56 FEET TO THE

NORTHEAST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF SECTION 35; THENCE S 00° 11' 54" W ALONG THE WEST LINE OF SAID E ½ W ½, A DISTANCE OF 2491.35 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 512.4 ACRES, MORE OR LESS.