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RESOLUTION NO. 20-314

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE URBAN COLLECTION AT PALMER VILLAGE MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-19-011)

WHEREAS Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from an overall 23.1 acre development area from a conceptual PUD (Planned Unit Development) , CAD-O (Commercial Airport District Overlay) zoning district to a site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 23, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on August 25, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Board of County Commissioners.**
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.**
- 3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters**

and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.

14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
15. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.
17. 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.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. Sufficiency: 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 Land Development Code.
20. 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.
21. 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)].
22. 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.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

25. 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.

26. 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.

27. 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 El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from an overall 23.1 acre development area from a conceptual PUD (Planned Unit Development) , CAD-O (Commercial Airport District Overlay) zoning district to a site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED the following modifications, conditions, and notations shall be placed upon this approval:

MODIFICATIONS

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code;

or

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the LDC:

1. The applicant is requesting a PUD modification to Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are not proposed to be built to public road standards.

- Section 8.4.4.C, *Public Roads Required*, of the Code states: “Divisions of land, lots and tracts shall be served by public roads.”
- Section and 8.4.4.E.3, *Private Road Allowances*, of the Code states: “Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths; and
 - Maximum grade.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roads. The applicant has depicted a sidewalk design and layout that accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the adjacent existing sidewalks.

As summarized in the applicant’s letter of intent, reducing the requirement of constructing private roads to public road standards to a lesser standard is proposed to provide for a more livable environment and provision of more efficient pedestrian spaces. The applicant has obtained written endorsement from Falcon Fire Protection District and the applicant is proposing the

maintenance for the private roads to be provided by a homeowners' association.

The applicant is requesting the following modification(s) of the ECM:

1. The applicant is requesting a PUD modification to Section 2.3.2 .A, Table 2-7, which specifies the 300 ADT criterion for Local (low volume) roads of the ECM to allow for a lower road classification cross section and associated design attributes for Fountain Grass Grove where the Local (low volume) design average daily traffic (ADT) is 300 and the proposed private road is anticipated to have 395 ADT on the west side of Hannah Ridge Drive and 337 ADT on the east side.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because Fountain Grass Grove, as a proposed private road, in essence provides direct lot access as prescribed in the ECM, Section 2.2.4.B.7, which states that "Local (low volume) roadways provide direct lot access and deliver lot-generated trips to collector roadways.", and the anticipated traffic volumes are not excessive.

2. The applicant is requesting a PUD modification to Section 2.3.3. E, Table 2-7, which specifies the 100-foot centerline radius criterion for Local (low volume) roads of the ECM to allow for reduced centerline radii of 37 feet where 100 feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design.

3. The applicant is requesting a PUD modification to 2.3.7.F.1, Table 2-31, which specifies the 20-foot curb return radii criterion for local-to-local road intersections of the ECM to allow for reduced intersection curb return radii of 10 feet where 20 feet is required. This deviation is requested so that the

private roads have space to provide parking areas and only applies to the internal alley/road intersections.

ECM Administrator Recommendation:

The **ECM** Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design. Urban local roadways allow on-street parking within the clear zone.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval. Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

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. The 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, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of recording the final plat(s).
7. The developer shall participate in a fair and equitable manner in the design and future construction of Akers Drive south of Constitution Avenue. The fair share attributed to Urban Collection at Palmer Village, shall be identified in the applicant's traffic study for the final plat(s) of the residential development east of Hannah Ridge Drive. The corresponding escrow shall be determined and deposited at the time of recording the final plat(s).
8. The extension of Akers Drive from Constitution Avenue to the south property boundary shall be depicted on the future preliminary plan for the areas identified as Tracts M and N located east of the proposed residential development within this PUD/Preliminary Plan. The Akers Drive extension shall be constructed with the first final plat that includes land within Tract M and/or N as depicted on the face of the preliminary plan (PUDSP-19-11).

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
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

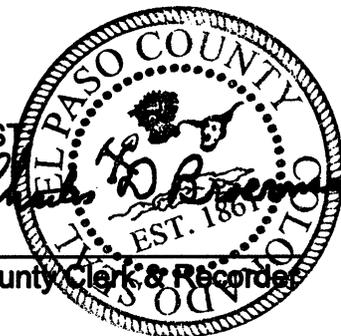
denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners 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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 25th day of August, 2020, at Colorado Springs, Colorado.

ATTEST
By: 
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair

EXHIBIT A

West Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Beginning at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following three (3) courses are along said southerly line.);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 364.67 feet to the westerly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County;

Thence S00°20'42"W, 370.62 feet along said westerly Right-of-way line to the northeast corner of Lot 26 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 609.42 feet along the northerly lines of said Lot 26 and Lots 25, 24, 15, 14, and 13 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 13, said corner also being on the west line of said Northeast Quarter of Section 5;

Thence N00°20'42"E, 413.81 feet along said west line to the Point of Beginning. For a total of 243,396 SF, or 5.588 acres, more or less.

County of El Paso

State of Colorado

East Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Commencing at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following six (6) courses are along said southerly line);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 396.82;
- 4.) Thence along the arc of a curve to the left, said curve having a central angle of 1°55'47", a radius of 1,430.93 feet, for an arc distance of 48.19 feet to a point on the easterly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County, said point also being the Point of Beginning of the Tract of land herein described;
- 5.) Thence continuing along the arc of a curve to the left, said curve having a central angle of 4°19'59", a radius of 1,430.93 feet, for an arc distance of 108.22 feet to a line 60 feet south of and parallel to said north line of the Northeast Quarter of Section 5;
- 6.) Thence N89°32'50"E, 524.11 feet along said parallel line to its intersection with the west line of the northeast corner of said Northeast Quarter of Section 5;

Thence S00°17'12"W, 364.14 feet along said west line to the northeast corner of Lot 85 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 632.60 feet along the northerly lines of said Lot 85 and Lots 86, 87, 96, 97, and 98 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 98, said corner also being on the said easterly Right-of-way line of Hannah Ridge Drive;

Thence N00°20'42"E, 363.29 feet along said easterly Right-of-way line to the Point of Beginning.

For a total of 228,886 SF, or 5.254 acres, more or less.

County of El Paso

State of Colorado