

MAP AMENDMENT (REZONING) – PLANNED UNIT DEVELOPMENT (PUD)
(RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-16-004
Northbay at Lake Woodmoor

WHEREAS, Lake Woodmoor Holdings, did file an application with the El Paso County Planning and Community Development Department to amend the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference to the PUD (Planned Unit Development) zoning district; and

WHEREAS, a public hearing was held by this Commission on May 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 was provided as required by law for the hearing before the Planning Commission of El Paso County.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters, and issues were submitted and reviewed, and all interested persons were heard at that hearing.
4. That all exhibits were received into evidence; and
5. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
6. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

7. There has been a substantial change in the character of the area since the land was last zoned.
8. 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.
9. 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.
10. 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.
11. 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.
12. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
13. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
14. 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.
15. 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.
16. 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.
17. 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.
18. The owner has authorized the application.

19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. 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.
21. 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.
22. 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)].
23. 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.
24. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
25. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
26. 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.
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 that the Planning Commission recommends approval of the application to amend the EL Paso County Zoning Map to rezone property to the PUD (Planned Unit Development) zoning district.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions, notations, and modifications 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.
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. Approval of the preliminary plan portion of this application authorizes future final plat filings to be approved administratively.
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.

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 is requesting approval of 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 proposed to not 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 modification. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roadway. The applicant has depicted a sidewalk design and layout that accommodates pedestrian movement throughout the proposed PUD/preliminary plan. 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 efficient and livable environment and provision of more efficient pedestrian spaces.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification.

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

1. The applicant requests a PUD modification of Section 2.2.4.B.7 to allow a narrower road cross-section with 21 feet 8 inches of pavement width where 24 feet for a typical urban local (low volume) cross-section is required.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the modification request due to the physical constraint of the site. The revised cross-section is a private road which will be owned and maintained by the homeowner's association.

2. The applicant requests a PUD modification of Section 2.2.3 to allow 40 feet center line radius on Red Bridge Point where 100 feet is required and a K-sag value of 8 where 17 is required for a vertical curve.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the modification request since the reduced centerline curve radius and vertical curve in conjunction with the narrow roadway design is expected to reduce the speed. The revised roadway is a private road which will be owned and maintained by the homeowner's association.

3. The applicant requests a PUD modification of Section 2.3.8 to allow for a roadway termination design as a hammerhead instead of a typical cul-de-sac bulb.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the modification request since this is a private road and the Tri-Lakes Monument Fire Protection District has approved the hammerhead turnaround for emergency access.

4. The applicant requests a PUD modification of Section 2.2.5.E for the proposed Shoreditch Heights access location which will result in intersection spacing of less than 330 feet. The proposed intersection will be located approximately 226 feet east of Burning Oak Way and approximately 236 feet west of Burnt Leaf Way.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the modification request. The first access point for the subdivision is located at the Burning Oak and Deer Creek Road intersection. Since Burnt Leaf Way and Deer Creek Road intersection is not located along the property frontage the proposed Shore Ditch Heights access is located midway between Burning Oak Way and Burnt Leaf Way to maximize the intersection spacing.

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.

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

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

Commissioner Risley	aye
Commissioner Creely	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye
Commissioner Brittain Jack	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: May 19, 2020

Brian Risley, Chair

EXHIBIT A

NORTHBAY AT LAKE WOODMOOR

THOSE PORTIONS OF THE COVE AT WOODMOOR RECORDED JUNE 20, 1972 IN PLAT BOOK V2 AT PAGE 59 AND OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY COLORADO, DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE FOLLOWING DESCRIBED PROPERTY, MONUMENTED AT ITS NORTHERLY END WITH A REBAR & CAP, PLS 2682 AND AT ITS SOUTH END WITH A #4 REBAR. SAID LINE BEARS SOUTH 04 DEGREES 31 MINUTES 13 SECONDS EAST.

BEGINNING AT THE NORTHWEST CORNER OF LAKE WOODMOOR RECORDED NOVEMBER 22, 1968 IN PLAT BOOK K2 AT PAGE 83;
THENCE SOUTH 04 DEGREES 31 MINUTES 13 SECONDS EAST ALONG THE WESTERLY LINE OF SAID SUBDIVISION 805.58 FEET TO AN ANGLE POINT IN SAID LINE;

THENCE SOUTH 76 DEGREES 52 MINUTES 00 SECONDS WEST CONTINUING ALONG SAID LINE 270.50 FEET TO AN ANGLE POINT IN THE EASTERLY LINE OF THE PARCEL DESCRIBED IN WARRANTY DEED RECORDED JUNE 26, 2001 AT RECEPTION NO. 201088802;

THENCE NORTH 33 DEGREES 16 MINUTES 26 SECONDS EAST ALONG SAID EASTERLY LINE 198.00 FEET TO THE SOUTHEAST CORNER OF SAID COVE AT WOODMOOR;

THENCE SOUTH 78 DEGREES 28 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF SAID COVE AT WOODMOOR AND ALONG THE NORTHERLY LINE OF SAID PARCEL DESCRIBED IN WARRANTY DEED RECORDED JUNE 26, 2001 AT RECEPTION NO. 201088802 A DISTANCE OF 381.79 FEET TO THE SOUTHEAST CORNER OF THE COVE AT WOODMOOR CONDOMINIUMS RECORDED DECEMBER 19, 1974 IN PLAT BOOK 1 AT PAGE 79 (THE FOLLOWING FOUR COURSES ARE ALONG THE EASTERLY LINE OF SAID COVE AT WOODMOOR CONDOMINIUMS);

1) NORTH 09 DEGREES 11 MINUTES 13 SECONDS WEST, 201.02 FEET;

2) NORTH 00 DEGREES 23 MINUTES 42 SECONDS EAST, 50.00 FEET;

3) NORTH 89 DEGREES 36 MINUTES 18 SECONDS WEST, 8.32 FEET;

4) NORTH 07 DEGREES 40 MINUTES 16 SECONDS WEST, 133.33 FEET TO THE SOUTHERLY LINE OF DEER CREEK ROAD, THE SAME BEING THE NORTHERLY LINE OF SAID THE COVE AT WOODMOOR:

THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE, ALONG A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 29 DEGREES 10 MINUTES 40 SECONDS, A RADIUS OF 742.00 FEET, FOR AN ARC LENGTH OF 377.86 FEET (THE CENTER OF SAID CURVE BEARS NORTH 23 DEGREES 04 MINUTES 14 SECONDS WEST) TO A POINT OF REVERSE CURVE;

THENCE NORTHEASTERLY ALONG A TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 35 DEGREES 08 MINUTES 38 SECONDS, A RADIUS OF 508.69 FEET, FOR AN ARC LENGTH OF 285.38 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 7.23 ACRES OF LAND, MORE OR LESS.