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RESOLUTION NO. 21-425

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

**APPROVE PRELIMINARY PLAN FOR BENT GRASS EAST COMMERCIAL
(SP-20-010)**

WHEREAS, Land First, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Bent Grass East Commercial 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 the El Paso County Planning Commission on November 2, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 9, 2021; 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 Planning Commission.**
- 2. 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.**
- 3. 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 persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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. (Phase 1 Only)
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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the preliminary plan application for the Bent Grass East Commercial Subdivision;

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

CONDITIONS

1. Applicable drainage and bridge fees shall be paid with each final plat.
2. 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.

3. 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.
4. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
5. Any remaining unresolved engineering comments shall be resolved to the satisfaction of the ECM Administrator, and approved engineering documents shall be required, prior to the Board of County Commissioner hearing.
6. The Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 4 of the Falcon Meadows at Bent Grass Transportation Impact Analysis and as identified below:
 - a. Lengthening of the current eastbound single left-turn deceleration lane on Woodmen Road approaching Golden Sage Road.
 - b. Southbound exclusive right-turn lane on Golden Sage Road approaching Woodmen Road.
 - c. Signalization of Golden Sage Road/Woodmen Frontage Road or reconstruction as a modern roundabout
 - d. Construction, paving, and associated repairs to Bent Grass Meadows Drive southwest of the site, including design and construction of an eastbound left turn lane on Woodmen Frontage Road at Bent Grass Meadows Drive, if not constructed or covered by financial assurances of others. These road improvements may be eligible for cost recovery from adjacent developers.

The improvements and fair shares are to be verified with an updated traffic memorandum with the final plat for Bent Grass East Commercial Filing No. 3. An escrow agreement, including a financial assurance

estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed and escrow deposited with the subsequent final plat(s) if these improvements have not been constructed or covered by financial assurances provided by others.

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.

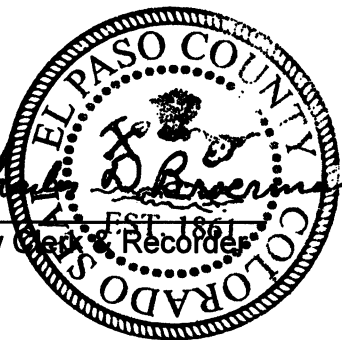
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of November, 2021, at Colorado Springs, Colorado.

ATTEST:

By: _____

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____

Chair

Stuart VandeDyke

EXHIBIT A

LEGAL DESCRIPTION: BENT GRASS EAST COMMERCIAL FILING NO. 3

**TRACT BB AS PLATTED IN BENT GRASS EAST COMMERCIAL FILING NO. 2B
RECORDED UNDER RECEPTION NO. 218714172, RECORDS OF EL PASO
COUNTY, COLORADO.**

CONTAINING A CALCULATED AREA OF 219,877 SF, 5.048 ACRES

LEGAL DESCRIPTION STATEMENT:

**I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN
THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL
DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON
THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE
CORRECT.**