

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

Commissioner Moraes moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-21-002

Skyline at Lorson Ranch

WHEREAS, Saint Aubyn Homes, LLC, Lorson LLC Nominee for Murray Fountain LLC, and Lorson LLC Nominee for Lorson Conservation Invest 2 LLP, 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 January 20, 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 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 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 and notations and modifications be placed upon this approval:

MODIFICATION

1. The applicant is requesting a PUD modification to Section 6.2.2.D.2 of the LDC to remove the 15-foot landscape buffer from the eastern tract line of the pumpstation site, to reduce the required 15-foot landscape buffer to 10 feet wide along the northern (rear) tract line, and to reduce the total required tree plantings within the southern landscape buffer of the pump station Tract D from 15 to 12.

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, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.

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.
6. The license agreement for this project will require review and may require adjustments to the landscaping plan at the final plat stage; if minor revisions are necessary the PUD/SP plan will not require revision.
7. The developer has already met obligations to provide escrow for the anticipated traffic signal improvements at Marksheffel Road and Lorson Boulevard and will be required to construct that signal when warrants are met.

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 Brittain Jack seconded the adoption of the foregoing Resolution.

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

| | |
|----------------------------|-----|
| Commissioner Risley | aye |
| Commissioner Bailey | aye |
| Commissioner Brittain Jack | aye |
| Commissioner Fuller | aye |
| Commissioner Trowbridge | aye |
| Commissioner Carlson | aye |
| Commissioner Schuettpelz | aye |

Commissioner Moraes
Commissioner Whitney

aye
aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission,
State of Colorado.

DATED: January 20, 2022



Brian Risley, Chair

EXHIBIT A

PROPOSED SKYLINE AT LORSON RANCH BOUNDARY NE 1/4 SW 1/4 AND NW 1/4 SE 1/4 SECTION 13 (15.764 ACRES)

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW 1/4 SE 1/4) OF SECTION 13, T15S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO, BEING ALL OF TRACT B, "LORSON RANCH EAST FILING NO. 3" AS RECORDED UNDER RECEPTION NO. 220714474 IN THE EL PASO COUNTY RECORDS AND A PORTION OF THE PARCEL DESCRIBED IN A BARGAIN AND SALE DEED RECORDED UNDER RECEPTION NO. 204201653 IN THE EL PASO COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE CENTER QUARTER CORNER OF SECTION 13, SAID POINT BEING ON THE NORTH LINE OF "LORSON RANCH EAST FILING NO. 3";
THENCE N89°31'43"E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 A DISTANCE OF 32.00 FEET TO THE NORTHEAST CORNER OF "LORSON RANCH EAST FILING NO. 3";
THENCE N89°31'43"E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 A DISTANCE OF 1,206.87 FEET TO THE WESTERLY LINE OF THE 225 FOOT WIDE EASEMENT AS RECORDED IN BOOK 2030 AT PAGE 238 OF THE EL PASO COUNTY RECORDS;
THENCE S38°22'41"W ALONG SAID WESTERLY LINE 1,158.91 FEET;
THENCE N52°01'21"W A DISTANCE OF 100.00 FEET TO THE WESTERLY LINE OF THE 100 FOOT WIDE "TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION INC. EASEMENT" AS RECORDED IN BOOK 2665 AT PAGE 715 AND IN BOOK 2846 AT PAGE 719 OF THE EL PASO COUNTY RECORDS;
THENCE N38°22'41"E ALONG SAID LINE, 2.00 FEET;
THENCE N52°01'21"W A DISTANCE OF 254.47 FEET TO A POINT OF CURVE;
THENCE 213.93 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 533.00 FEET, A CENTRAL ANGLE OF 22°59'49", THE CHORD OF 212.50 FEET BEARS N40°31'27"W;
THENCE N07°28'57"E, NON-TANGENT TO THE PREVIOUS COURSE, 33.43 FEET; THENCE N22°54'14"W A DISTANCE OF 56.00 FEET;
THENCE N57°31'41"W A DISTANCE OF 30.77 FEET TO THE EAST LINE TRACT B, "LORSON RANCH EAST FILING NO. 3";
THENCE S17°09'24"E A DISTANCE OF 0.15 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B;
THENCE S72°50'06"W ALONG THE SOUTH LINE THEREOF 77.00 FEET TO THE EAST LINE OF TRACT A, "LORSON RANCH EAST FILING NO. 3"
THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES;
1. THENCE 141.92 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 610.00 FEET, A CENTRAL ANGLE OF 13°19'48", AND A CHORD OF 141.60 FEET WHICH BEARS N10°29'59"W;
2. THENCE N08°18'15"E A DISTANCE OF 76.43 FEET;
3. THENCE N00°52'02"W A DISTANCE OF 223.62 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13;
THENCE N89°32'23"E ALONG SAID SOUTH LINE 32.00 FEET TO THE POINT OF BEGINNING. SAID

PARCEL CONTAINS 686,691 S.F. (15.764 ACRES MORE OR LESS).

BASIS OF BEARINGS:

THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, T15S, R65W OF THE 6th P.M. AS MONUMENTED AT THE CENTER QUARTER OF SAID SECTION 13 WITH A NO. 6 REBAR AND 3.25" ALUMINUM CAP STAMPED "NOLTE, T15S R65W, CI/4 S13, 2005, PLS 23044" AND AT THE QUARTER CORNER COMMON TO SECTION 13 AND SECTION 18, T15S, R64W WITH A NO. 6 REBAR AND 3.25" ALUMINUM CAP STAMPED "JR ENG LTD, T15S, R65W R64W, 1/4, S13 \ S18, 2002, RLS 31161", SAID LINE BEARS N89°31'43"E A DISTANCE OF 2663.24 FEET.