

SPECIAL DISTRICT SERVICE PLAN (Recommend Approval)

SCHUETTPELZ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID-23-002

4-WAY COMMERCIAL METROPOLITAN DISTRICT

WHEREAS, KO1515, LLC, did file an application with the Planning and Community Development Department of El Paso County, pursuant to § 32-1-204 (2), Colorado Revised Statutes (C.R.S.), for the review of a draft service plan for 4-Way Commercial Metropolitan District for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference; and

WHEREAS, a public hearing was held by this Commission on June 15, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the proposed service plan for 4-Way Commercial Metropolitan District, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, and comments from all interested persons, and comments by the El Paso County Planning Commission during the hearing, this Commission finds as follows:

1. That the application for the draft service plan for the Special District was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. That all exhibits were received into evidence.

5. That there is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
6. That existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. That the proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
8. That the area to be included in the proposed Special District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
9. That adequate service is not, or will not be, available to the area through the County, other existing municipal or quasi-municipal corporations, including existing Special Districts, within a reasonable time and on a comparable basis.
10. That the facility and service standards of the proposed Special District are compatible with the facility and service standards of each County within which the proposed Special District is to be located and each municipality which is an interested party as defined in C.R.S. § 32-1-204 and the El Paso County Land Development Code.
11. That the proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. § 30-28-106.
12. That the proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
13. That the creation of the proposed Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends the service plan for 4-Way Commercial Metropolitan District be approved for the following, subject to the following:

CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 65 mills for any property within the 4-Way Commercial Metropolitan District, with no more than 50 mills devoted to commercial debt service, no more than 10 mills devoted to operations and maintenance, no more than 5 mills for special purpose, all subject to Assessment Rate

Adjustment, unless the District receives Board of County Commissioner approval to increase the maximum mill levy.

2. As stated in the attached service plan, the maximum authorized debt for the 4-Way Commercial Metropolitan District shall be limited to \$36,685,000.00 until and unless the District receives Board of County Commissioner approval to increase the maximum authorized debt.
3. Approval of the service plan for the 4-Way Commercial Metropolitan District includes the ability of the District to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the District or another public or non-profit entity and is for the material use or benefit of the general public. The District may not use the power of eminent domain without prior approval by the Board of County Commissioners at a publicly noticed hearing after a showing that the use of eminent domain is necessary in order for the District to continue to provide service(s) within the District's boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. The 4-Way Commercial Metropolitan District shall provide a disclosure form to future purchasers and or lessors of property in a manner consistent with the approved Special District Annual Report form. The developer(s) shall provide written notation on each subsequent final plat associated with the development of the annually filed public notice. County staff is authorized to administratively approve updates to the disclosure form to reflect current contact information and calculations.
5. The 4-Way Commercial Metropolitan District is expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners' right to declare such creation to be a material modification of the service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(l).
6. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvement agreements or development agreements and collateral of the developer to guarantee the construction of improvements.
7. Any future proposed development of right-of-way that creates a division of land less than 35 acres within the subject parcels will require approval of final plat(s), and such final plat(s) must be recorded prior to undertaking land disturbing activities, excluding pre-subdivision site grading stand-alone request.

NOTATIONS

1. Approval of this service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the District.
2. Any expansions, extensions, or construction of new facilities by the 4 Way Commercial Metropolitan District will require prior review by the Planning and Community Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations").

AND BE IT FURTHER RESOLVED that this Resolution and Recommendations be forwarded to the Board of County Commissioners of El Paso County for its consideration.

BRITTAIN - JACK seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / <u>no</u> / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Joshua Patterson	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 1 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 15th day of June 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Jay Carlson, Vice-Chair

EXHIBIT A

LEGAL DESCRIPTION: 4 WAY COMMERCIAL METROPOLITAN DISTRICT

OVERALL INITIAL INCLUSION AREA:

For the portion of the property located north of Stapleton Drive

Description:

A tract of land in the Southwest Quarter of Section 28 and the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at the Northeast Corner of the Northwest Quarter of said Section 33; thence S 00°32'40" E 531.35 feet along the East Line of the Northwest Quarter of said Section 33; thence S 45°52'34" W 18.02 feet to the North right of way line of Stapleton Drive; thence along the North right of way line of Stapleton Drive the following 2 courses,

Course 1: N 43°41'10" W 344.15,

Course 2: On a curve to the left with a radius of 1405.00 feet, an arc distance of 1127.25 feet, chord being N 66°37'01" W 1097.26 feet; thence N 00°02'16" E 472.31 feet; thence S 33°06'23" W 38.23 feet; thence S 47°20'54" E 86.31 feet; thence S 64°11'25" E 94.79 feet; thence S 80°44'44" E 101.96 feet; thence S 61°15'34" E 141.09 feet; thence N 82°37'58" E 108.63 feet; thence S 88°02'18" E 52.46 feet; thence S 80°29'21" E 62.10 feet; thence S 64°44'27" E 28.07 feet; thence S 72°25'24" E 39.10 feet; thence N 80°32'12" E 53.40 feet; thence N 62°41'35" E 59.14 feet; thence N 68°54'08" E 67.16 feet; thence N 81°40'20" E 79.00 feet; thence N 89°54'58" E 64.36 feet; thence S 50°43'58" E 50.43 feet; thence N 38°28'19" E 283.60 feet; thence on a curve to the right with a radius of 640.00 feet, an arc distance of 65.22 feet, chord being N 41°25'43" E 65.19 feet to the East Line of the Southwest Quarter of said Section 28; thence S 00°26'34" E 685.50 feet to the point of beginning, **containing 15.5 acres.**

Subject to easements and restrictions of record

For the portion of the property located south of Stapleton Drive

Description:

A tract of land in the Northwest Quarter of Section 33 Township 12 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at a point that is S 00°32'40" E 1248.74 feet and S 89°27'20" W 756.12 feet from the Northeast Corner of the Northwest Quarter of said Section 33; thence S 89°21'54" W 518.84 feet to a capped PLS 38254 rebar; thence S 89°05'22" W 196.52 feet to a capped PLS 38254 rebar; thence S 89°24'38" W 346.20 feet to a capped PLS 38254 rebar; thence S 00°17'22" E 39.41 feet to capped PLS 38254 rebar; thence N 89°52'17" W 237.85 feet to the Southwest Corner of Lot 13, 4 Way Ranch Filing No. 1 as platted in the El Paso County Records under Reception No. 206712416; thence along the Easterly Line of said Lots 13 and 14, 4 Way Ranch Filing No. 1, the following 13 courses,

Course 1: N 02°32'27" E 104.58 feet,
Course 2: N 17°20'56" W 90.67 feet,
Course 3: N 33°10'19" W 117.65 feet,
Course 4: N 46°32'54" W 111.92 feet,

Course 5: N 45°38'56" W 135.29 feet,
Course 6: N 37°49'00" W 77.43 feet,
Course 7: N 69°33'24" W 63.38 feet,
Course 8: N 81°58'46" W 73.71 feet,
Course 9: N 64°01'48" W 66.05 feet,
Course 10: N 40°22'05" W 60.18 feet,
Course 11: N 27°05'02" W 46.89 feet,
Course 12: N 03°48'16" E 78.58 feet,
Course 13: N 09°33'20" E 72.86 feet to the South right of way line of Stapleton Drive; thence along the Southerly Line of Stapleton Drive the following 9 courses,

Course 1: N 64°28'13" E 855.66 feet,
Course 2: On a curve to the right with a radius of 1275.00 feet, an arc distance of 1198.14 feet, chord being S 88°55'14" E 1154.54 feet,
Course 3: On a curve to the right with a radius of 20.00 feet, an arc distance of 33.70 feet, chord being S 13°43'29" E 29.85 feet,
Course 4: S 34°33'01" W 79.10 feet,
Course 5: S 55°26'59" E 100.11 feet,
Course 6: N 34°33'01" E 87.29 feet,
Course 7: On a curve to the right with a radius of 20.00 feet, an arc distance of 31.37 feet, chord being N 79°29'01" E 28.25 feet,
Course 8: On a curve to the right with a radius of 1275.00 feet, an arc distance of 266.18 feet, chord being S 49°36'31" E 265.70 feet,
Course 9: S 43°41'10" E 345.14 feet; thence
S 45°58'32" W 894.27 feet to the point of beginning, containing **51.6 acres**.

Subject to easements and restrictions of record.