

Chuck Broerman

El Paso County, CO

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## RESOLUTION NO. 18-397

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADOAPPROVE PRELIMINARY PLAN REQUEST FOR THE RETREAT AT TIMBERRIDGE  
(SP-18-002)

WHEREAS, Arroya Investments, LLC; Jacob Decoto; and TimberRidge Estates, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for The Retreat at TimberRidge 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 October 2, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on October 23, 2018; 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 and 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 the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the El Paso County Land Development Code.

7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
8. 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 statutory water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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. 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.
13. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
14. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.

15. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
16. 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.
17. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
18. 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 that the El Paso County Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Arroya Investments, LLC; Jacob Decoto; and TimberRidge Estates, LLC, for a preliminary plan of the Retreat at TimberRidge for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

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

**CONDITIONS**

1. A legal challenge to the BoCC approval of The Retreat at TimberRidge Planned Unit Development zoning is currently pending. Approval of this Preliminary Plan is contingent upon a final court order upholding the PUD zoning. Amendments to the BoCC approval or to the PUD development plan (PUD-17-003) made as part of settlement of the litigation may require submission of an application to amend the Preliminary Plan. No final plats will be recorded unless and until a final court order upholding the PUD zoning is issued and all appeal periods have lapsed.
2. Applicable school(s) and park fees shall be paid with each final plat.
3. A finding of water sufficiency shall be made with each final plat.
4. 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, 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 species.

5. 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 16-454), 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.
6. Development of the property shall be in accordance with the recorded PUD development plan.  
The building setback along Vollmer Road for Lots 20 through 26 shall be 100 feet, as depicted on the PUD development plan.
7. Landscape plantings along Arroya Lane shall be planted by the developer at the ratio of one (1) tree per 30 feet, and a minimum of one-third (1/3) of those trees shall be evergreen trees.
8. Landscape plantings along Vollmer Road are to be planted by the developer at the ratio of one (1) tree per 25 feet, and a minimum of one-third (1/3) of those trees shall be evergreen trees.
9. The applicants shall be responsible for constructing or providing escrow toward offsite improvements to Vollmer Road in association with the appropriate final plat as identified in Table 3 of the Retreat at Timber Ridge Preliminary Plan Traffic Impact Analysis, dated April 12, 2018 (as amended).
10. The applicants shall be responsible for constructing the necessary improvements in the Sand Creek channel, as identified in the preliminary drainage reports and final drainage reports to be submitted, with the appropriate final plat(s).

#### **NOTATIONS**

1. Approval of the Preliminary Plan will expire after twelve (12) months unless a final plat has been approved and recorded or a time extension has been granted.

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 23<sup>rd</sup> day of October, 2018, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By:   
President

**EXHIBIT A**

**EXHIBIT A**

**LEGAL DESCRIPTION**

A PORTION OF SECTION 21, 22, 27 AND 28,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup>  
P.M., EL PASO COUNTY, COLORADO, AND BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** A LINE BETWEEN THE NORTHEAST CORNER  
OF THE

NORTHWEST ONE-QUARTER  
OF THE NORTHWEST ONE-  
QUARTER (NW1/4 NW1/4) OF  
SECTION 27 AND THE  
SOUTHEAST CORNER OF THE  
NORTHWEST ONE-QUARTER  
OF THE SOUTHWEST ONE-  
QUARTER (NW1/4 SW1/4) OF  
SAID SECTION 27, TOWNSHIP  
12 SOUTH, RANGE 65 WEST,  
MONUMENTED AT THE  
NORTHERLY END BY A 3-1/4"  
ALUMINUM CAP STAMPED "2006  
ESI PLS 10376" AND  
MONUMENTED AT THE  
SOUTHERLY END BY A 3-1/4"  
ALUMINUM CAP STAMPED  
"2006 ESI PLS 10376" AND IS  
ASSUMED TO BEAR  
S00°54'30"E, A DISTANCE OF  
3925.63 FEET;

**PARCEL 1**

**COMMENCING** AT THE NORTHEAST CORNER OF THE  
NORTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH,  
RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., SAID POINT ALSO  
BEING THE **POINT OF BEGINNING**;

THENCE S00°54'30"E ON THE EAST LINE OF THE  
WEST HALF OF THE WEST HALF OF SAID SECTION  
27, A DISTANCE OF 3925.63 FEET TO THE  
SOUTHEAST CORNER OF THE NORTHWEST

QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE S87°35'00"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.78 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE N00°53'18"W ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1316.78 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE S89°08'28"W ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, A DISTANCE OF 1326.68 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

THENCE N00°30'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1270.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD AS RECORDED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE N21°41'10"E ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1450.84 FEET TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SAID COUNTY RECORDS;

THENCE ON THE SOUTHERLY, EASTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF SAID DEED THE FOLLOWING FOUR COURSES:

1. N89°40'23"E, A DISTANCE OF 761.52 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28;
2. N00°52'58"W ON SAID EAST LINE, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 21;

3. N00°37'14"W ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 30.00 FEET;
4. S89°40'23"W, A DISTANCE OF 736.82 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SAID COUNTY RECORDS;

THENCE N21°41'10"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.82 FEET;

THENCE S68°18'50"E, A DISTANCE OF 145.93 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 22°00'47" FOR A LENGTH OF 215.15 FEET TO A POINT OF TANGENT;

THENCE N89°40'23"E ON A LINE THAT IS 40.00 NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 348.92 FEET;

THENCE N88°38'56"E ON A LINE THAT IS 40.00 NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 477.80 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF A WARRANTY DEED RECORDED UNDER RECEPTION NO. 217111767 OF SAID RECORDS;

THENCE ALONG THE BOUNDARY OF SAID WARRANTY DEED THE FOLLOWING SEVEN COURSES:

1. N47°35'42"E, A DISTANCE OF 44.33 FEET;
2. N36°59'01"E, A DISTANCE OF 517.38 FEET;
3. N56°32'31"E, A DISTANCE OF 489.24 FEET;
4. N38°17'19"E, A DISTANCE OF 182.67 FEET;
5. N89°41'56"E, A DISTANCE OF 1283.66 FEET;



6. S00°18'04"E, A DISTANCE OF 852.14 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21;
7. S88°38'37"W ON SAID SOUTH LINE, A DISTANCE OF 1300.52 FEET TO THE **POINT OF BEGINNING.**

CONTAINING A CALCULATED AREA OF 9,891,306 SQ. FEET, OR 227.07 ACRES.

TOGETHER WITH:

**PARCEL 2**

**BEGINNING** AT THE EAST 1/16<sup>TH</sup> CORNER OF SAID SECTION 21 AND 28;

THENCE N89°40'23" ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 499.73 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS RECORDED IN BOOK 2678 AT PAGE 30 OF SAID RECORDS;

THENCE S21°41'10"W ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1312.75 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28;

THENCE N00°41'17"W ON SAID WEST LINE, A DISTANCE OF 1217.12 FEET TO THE **POINT OF BEGINNING.**

CONTAINING A CALCULATED AREA OF 304,098 SQUARE FEET, OR 6.98 ACRES.