

PRELIMINARY PLAN (RECOMMEND APPROVAL)

SCAUETTEPELZ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP229  
WATERVIEW EAST COMMERCIAL

WHEREAS, Waterview Commercial Investors, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for the proposed Waterview 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 this Commission on September 21, 2023; 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 were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. 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; and

6. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code (as amended):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Code;
3. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. 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 Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
5. 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 Code;
6. 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.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
9. 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 Code and the ECM;
10. 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 encourage 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 therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Waterview Commercial Investors, LLC, for the approval of a Preliminary Plan for the proposed Waterview East Commercial Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each Final Plat.
2. Applicable school and park fees shall be paid with each Final Plat.
3. 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.
4. 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.

5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 29, 2023, as provided by the County Attorney's Office.
6. 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 Waterview East Commercial Traffic Impact Study and Access Analysis, to be verified with an updated traffic impact analysis or memorandum as appropriate with the Final Plat.
7. All engineering reports and plans associated with this Preliminary Plan application shall be approved by the Department of Public Works prior to the Board of County Commissioners hearing.

#### 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.
4. The applicant shall coordinate with City of Colorado Springs to determine their fair share escrow amount for the installation cost of the traffic signal at the Bradley Road and Legacy Hills Drive intersection. This shall be completed with the Final Plat for this site.
5. The applicant will be required to obtain a CDOT Access Permit for offsite improvements to Powers Boulevard.

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.

TROWBRIDGE seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / <del>non-voting</del> / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent

Becky Fuller	<del>aye</del> / no / non-voting / recused / absent
Jeffrey Markewich	<del>aye</del> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <del>absent</del>
Eric Moraes	<del>aye</del> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <del>absent</del>
Bryce Schuettpelz	<del>aye</del> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <del>absent</del>
Tim Trowbridge	<del>aye</del> / no / non-voting / recused / absent
Christopher Whitney	<del>aye</del> / no / non-voting / recused / absent

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

DONE THIS 21<sup>st</sup> day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
 Thomas Bailey, Chair

## EXHIBIT A

A TRACT OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH PM, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID BRADLEY ROAD;

1) THENCE S89°30'29"W A DISTANCE OF 3.77 FEET TO A POINT OF CURVE TO THE LEFT;

2) THENCE ON SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, AN ARC LENGTH OF 730.29 FEET, A DELTA ANGLE OF 15°09'41" WHOSE LONG CHORD BEARS S81°55'38"W A DISTANCE OF 728.16 FEET;

3) THENCE S74°20'48"W A DISTANCE OF 930.15 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY S15°39'12"W A DISTANCE OF 394.68 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT WHOSE RADIAL BEARS N75°43'37"W;

THENCE ON SAID CURVE, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 56.94 FEET, A DELTA ANGLE OF 43°29'55" WHOSE LONG CHORD BEARS S36°01'21" W A DISTANCE OF 55.58 FEET;

THENCE S57°46'18"W A DISTANCE OF 68.47 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 280.72 FEET, A DELTA ANGLE OF 35°44'30" WHOSE LONG CHORD BEARS S39°54'03"W, A DISTANCE OF 267.19 FEET;

THENCE S67°58'24"E A DISTANCE OF 40.00 FEET;

THENCE S22°01'36"W A DISTANCE OF 538.15 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 61.46 FEET, A DELTA ANGLE OF 13°32'35", WHOSE LONG CHORD BEARS S28°47'53"W A DISTANCE OF 61.31 FEET;

THENCE S00°00'00"W A DISTANCE OF 148.75 FEET;

THENCE N90°00'00"W A DISTANCE OF 515.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT- OF-WAY LINE OF POWERS BOULEVARD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472 (NOW HIGHWAY 21);

THE FOLLOWING FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY:

1) THENCE N00°29'10"W A DISTANCE OF 1123.38 FEET TO A POINT OF CURVE TO THE RIGHT;

2) THENCE ON SAID CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 229.91 FEET, A DELTA ANGLE OF 87°49'03", WHOSE LONG CHORD BEARS N43°25'21"E A DISTANCE OF 208.05 FEET;

3) THENCE N87°19'53" E A DISTANCE OF 53.06 FEET TO A POINT OF CURVE TO THE LEFT;

4) THENCE ON SAID CURVE, HAVING A RADIUS OF 2,969.79 FEET, AN ARC LENGTH OF 673.03 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS N80°50'20"E A DISTANCE OF 671.59 FEET;

5) THENCE N47°20'48"E A DISTANCE OF 21.87 FEET TO THE POINT BEGINNING.

PARCEL CONTAINS 963,596 SQUARE FEET OR 22.121 ACRES MORE OR LESS.