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El Paso County, CO



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RESOLUTION NO. 20-211

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE ESTATES AT ROLLING HILLS MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-19-007)

WHEREAS Meridian Ranch Investments, Inc., did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 19, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on June 9, 2020; 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 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 Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and 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. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. 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.
7. 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.
8. 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.
9. 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.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. 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.
13. 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.
14. 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.

15. 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.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. 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.
20. 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.
21. 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)].
22. 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.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
25. 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.

26. 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.

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 the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

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

MODIFICATIONS

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code;
or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the LDC:

A PUD Modification of Section 8.4.3.B.2 of the LDC is requested in relation to the requirement to provide midblock pedestrian crossings at specific locations.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roadway. The applicant has depicted a sidewalk design and layout that accommodates pedestrians throughout the Proposed PUD/Preliminary plan.

The applicants are requesting the following modification(s) of the ECM:

1. The applicant has submitted a modification requesting a cul-de-sac length of 1,432 feet for Palmer Peak Lane which is 682 feet longer than the ECM standard.

Section 2.3.8.A of the ECM states: "Cul-de-sacs shall have a minimum radius of 45 feet and a maximum length of 750 feet for urban conditions..."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification since the Falcon Fire Protection District has provided a letter of support for the proposed design.

2. The applicant has submitted a modification requesting to maintain the standard street cross section with no vehicle pullout.

Section 4.4.5.E of the ECM states: "Type 3 mailboxes and the pullout for the mailbox shall be located within the right-of-way dedication but outside the roadway clear zone."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification. Urban local roadways allow on-street parking within the clear zone. The deviation will not adversely affect safety or operations since the mailbox kiosks will be located outside the clear zone.

3. The applicant is requesting a PUD modification to Section 2.5.2.C.4 of the ECM to omit midblock pedestrian crossings on Palmer Peak Lane.

Section 2.5.2.C.4 states: "Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacing that minimize travel distances between access ramps."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD Modification. Per the PUD/Preliminary Plan, adequate pedestrian accessibility is provided by access ramps at all intersections. Additionally, the Federal Americans with Disabilities Act (ADA) has no requirements for maximum distance between pedestrian crossings that would necessitate mid-block pedestrian ramps.

4. The applicant is requesting a PUD modification to construct the segment of Rex Road between Pyramid Peak Drive and Sunrise Ridge Drive as an urban residential collector in lieu of the urban minor arterial as identified in the current 2040 Major Transportation Corridor Plan.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD Modification. This segment of Rex Road was anticipated to be an urban residential collector when Estates at Meridian Ranch Filing No. 2 and Meridian Ranch Filing No. 9 were platted leaving enough corridor to be dedicate as a 60 feet of right-of-way consistent with an urban residential collector.

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, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

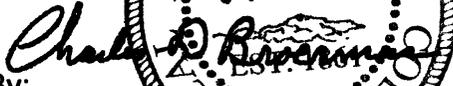
1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year 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. Per the Board of County Commissioners Resolution 13-41, property within the Woodmen Road Metropolitan District is currently exempt from participation within the El Paso County Road Impact Fee.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 9th day of June, 2020, at Colorado Springs, Colorado.

ATTEST:

By: 
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 

Chair

EXHIBIT A

KNOW ALL MEN BY THESE PRESENTS:

THAT GTL, INC. DBA GTL DEVELOPMENT, INC., THEODORE TCHANG, PRESIDENT AND MERIDIAN SERVICE METROPOLITAN DISTRICT BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

A PARCEL OF LAND LOCATED IN A PORTIONS OF SECTION 19 AND 20, IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST CORNER OF TRACT C OF MERIDIAN RANCH ESTATES FILING NO. 2, RECORDED WITH RECEPTION NO. 213713406 IN THE RECORDS OF EL PASO COUNTY;

THE FOLLOWING EIGHT (8) COURSES ARE ALONG SAID LINE OF TRACT C AND BOUNDARY OF SAID MERIDIAN RANCH ESTATES FILING NO. 2:

1. THENCE N72°25'54"E A DISTANCE OF 442.10 FEET TO A CURVE TO THE RIGHT;
2. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 3300.00 FEET, A DELTA ANGLE OF 14°24'45", AN ARC LENGTH OF 830.10 FEET, WHOSE LONG CHORD BEARS N79°38'16"E A DISTANCE OF 827.92 FEET;
3. THENCE N42°55'36"E A DISTANCE OF 31.60 FEET;
4. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 33°20'58", AN ARC LENGTH OF 151.33 FEET, WHOSE LONG CHORD BEARS N14°36'05"E A DISTANCE OF 149.21 FEET;
5. THENCE N57°09'47"W A DISTANCE OF 17.27 FEET;
6. THENCE N64°40'14"W A DISTANCE OF 392.46 FEET;
7. THENCE N11°10'28"W A DISTANCE OF 81.37 FEET TO A POINT ON THE SOUTHEAST CORNER OF TRACT A OF MERIDIAN RANCH ESTATES FILING NO. 3, RECORDED WITH RECEPTION NO. 216713852 IN THE RECORDS OF EL PASO COUNTY;

THE FOLLOWING SIX (6) COURSES ARE ALONG SAID TRACT A AND THE BOUNDARY OF SAID MERIDIAN RANCH ESTATES FILING NO. 3.

8. THENCE N11°10'28"W A DISTANCE OF 163.41 FEET;
9. THENCE N22°25'07"W A DISTANCE OF 421.43 FEET;
10. THENCE N39°04'57"W A DISTANCE OF 244.00 FEET;
11. THENCE N34°57'33"W A DISTANCE OF 239.34 FEET;
12. THENCE N06°29'52"W A DISTANCE OF 236.42 FEET;

13. THENCE N00°00'00"E A DISTANCE OF 552.46 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 19;
14. THENCE S89°18'07"E ON SAID NORTH SECTION LINE A DISTANCE OF 603.18 FEET;
15. THENCE S00°00'00"E A DISTANCE OF 672.92 FEET;
16. THENCE S35°00'00"E A DISTANCE OF 540.00 FEET;
17. THENCE S30°02'34"E A DISTANCE OF 180.68 FEET;
18. THENCE S00°00'00"E A DISTANCE OF 254.85 FEET;
19. THENCE S38°41'44"W A DISTANCE OF 150.00 FEET;
20. THENCE S51°18'16"E A DISTANCE OF 170.23 FEET;
21. THENCE N83°41'44"E A DISTANCE OF 31.11 FEET;
22. THENCE S51°18'16"E A DISTANCE OF 30.00 FEET;
23. THENCE S38°41'44"W A DISTANCE OF 231.44 FEET TO A POINT OR CURVE TO THE LEFT;
24. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 220.00 FEET, A DELTA ANGLE OF 40°46'08", AN ARC LENGTH OF 156.54 FEET, WHOSE LONG CHORD BEARS S18°18'40"W A DISTANCE OF 153.261 FEET;
25. THENCE S02°04'24"E A DISTANCE OF 45.00 FEET;
26. THENCE S47°04'24"E A DISTANCE OF 100.00 FEET;
27. THENCE S42°56'08"W A DISTANCE OF 31.12 FEET TO A NON-TANGENT POINT OF CURVE TO THE RIGHT;
28. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 630.00 FEET, A DELTA ANGLE OF 22°38'05", AN ARC LENGTH OF 248.88 FEET, WHOSE LONG CHORD BEARS S09°30'41"W A DISTANCE OF 247.27 FEET;
29. THENCE S20°49'43"E A DISTANCE OF 52.81 FEET;
30. THENCE S22°23'52"E A DISTANCE OF 32.06 FEET;
31. THENCE S24°30'35"W A DISTANCE OF 60.00 FEET;
32. THENCE S72°56'20"W A DISTANCE OF 32.99 FEET TO A NON-TANGENT POINT OF CURVE TO THE RIGHT;
33. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 330.00 FEET, A DELTA ANGLE OF 04°41'46", AN ARC LENGTH OF 27.05 FEET, WHOSE LONG CHORD BEARS S35°45'37"W A DISTANCE OF 27.04 FEET TO A POINT ON THE EASTERLY BOUNDARY OF MERIDIAN RANCH FILING NO. 9, RECORDED WITH RECEPTION NO. 216713763 IN THE RECORDS OF EL PASO COUNTY;

THE FOLLOWING EIGHT (8) COURSES ARE ON SAID BOUNDARY LINE:

34. THENCE N51°53'30"W A DISTANCE OF 60.00 FEET TO A NON-TANGENT CURVE TO THE LEFT;
35. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 17°16'47", AN ARC LENGTH OF 81.43 FEET, WHOSE LONG CHORD BEARS N29°28'07"E A DISTANCE OF 81.12 FEET;

36. THENCE N20°49'43"E A DISTANCE OF 84.41 FEET TO A CURVE TO THE LEFT;
37. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 570.00 FEET, A DELTA ANGLE OF 22°54'07", AN ARC LENGTH OF 227.84 FEET, WHOSE LONG CHORD BEARS N09°22'40"E A DISTANCE OF 226.32 FEET;
38. THENCE N02°04'24"W A DISTANCE OF 3.92 FEET;
39. THENCE N47°26'09"W A DISTANCE OF 30.92 FEET TO A NON-TANGENT CURVE TO THE LEFT;
40. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 3240.00 FEET, A DELTA ANGLE OF 14°34'32", AN ARC LENGTH OF 824.23 FEET, WHOSE LONG CHORD BEARS S79°43'10"W A DISTANCE OF 822.01 FEET;
41. THENCE S72°25'54"W A DISTANCE OF 442.10 FEET TO A POINT ON THE BOUNDARY LINE OF SAID MERIDIAN RANCH ESTATES FILING NO. 2;
42. THENCE N17°34'06"W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL OF LAND CONTAINS 28.907 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW ¼ OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., ASSUMED TO BEAR S89°25'42"E FROM THE SOUTHWEST CORNER OF SAID SECTION 29 (A STONE W/SCRIBED "X") TO THE SOUTH QUARTER CORNER OF SAID SECTION 29 (3.25" ALUM. CAP LS #30087).